ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxxxviii.

An Act for the Adjustment of the Debts of the Commissioners of the *Holme* Reservoirs, and of the Interest due thereon, and for enabling them to restore and repair their Reservoirs; and for other Purposes. [4th *August* 1853.]

WHEREAS an Act was passed in the Seventh Year of the 7 W. 4. &
Reign of His late Majesty King *William* the Fourth, 1 Vict. c. liv.
intituled *An Act for making and maintaining certain Reservoirs in the several Townships of* Holme, Cartworth, Austonley, Upperthong, Wooldale, *and* Hepworth, *in the several Parishes of* Kirkburton *and* Almondbury *in the West Riding of the County of* York: And whereas the Commissioners by the said Act incorporated under the Name of "The Commissioners of the *Holme* Reservoirs" proceeded to put the same into execution, and constructed in pursuance thereof a Reservoir and Embankment at or near *Bilberry* Mill in the Township of *Austonley* and Parish of *Almondbury*, another Reservoir and Embankment near to and above *Holme Styes* Mill in

the Townships of *Cartworth* and *Wooldale* and Parish of *Kirkburton*, and another Reservoir and Embankment at *Boshaw Whams* in the Township of *Cartworth* and Parish of *Kirkburton*: And whereas the said Commissioners were empowered by the said recited Act to borrow on the Credit of the Rates thereby authorized to be made and levied the Sum of Forty thousand Pounds, of which they have so borrowed the Sum of Thirty-four thousand and twenty-nine Pounds Eleven Shillings and One Penny, or thereabouts, which still remains owing, together with Arrears of Interest thereon, and divers other Sums of Money subscribed for the Purposes of the said Act, amounting to the Sum of Five thousand three hundred and eighty-six Pounds, or thereabouts, still remain unpaid, together with Arrears of Interest thereon: And whereas the said Commissioners have duly applied the whole of the Monies raised, borrowed, and received by them under or by virtue of the said Act in the Construction of the Three several Reservoirs and Embankments herein-before mentioned, and otherwise in the Execution of the said Act: And whereas the said Reservoir at *Bilberry* Mill has become useless, by reason of the recent bursting of the Embankment thereof, and the said Two other Reservoirs and Embankments herein-before mentioned require repairing: And whereas the said Commissioners have no Means, and are unable to raise the requisite Funds for such Purposes and for the Payment of their Simple Contract Debts and Liabilities: And whereas the Association intituled "The Subscription for the Relief of Sufferers in the Valley of the *Holme*," formed for the Purpose of aiding the Sufferers for the Damages done by the bursting of the said Reservoir at *Bilberry* Mill, have agreed to pay to the said Commissioners a certain Sum of Money for or towards the Restoration thereof, but subject nevertheless to a Condition that the said Commissioners and the Owners and Occupiers of Mills, Factories, or other Works or Premises liable to be rated under the said Act, should amicably arrange all the Differences and Disputes theretofore and now existing between them and the Mortgagees and Subscribers herein-before respectively mentioned, and subject also to a Condition that the said Commissioners should not only restore the said Reservoir and Embankment at *Bilberry* Mill aforesaid, and repair the said Two other Reservoirs and Embankments, but should also hereafter keep and maintain the whole of such Three several Reservoirs and Embankments in an efficient and safe State: And whereas a very large Proportion of the said Mortgagees and Subscribers are willing that all Principal Monies now due and owing to them the said Mortgagees and Subscribers respectively shall from and after the Day of the Date of the passing of this Act bear Interest after the Rate of Two Pounds and Ten Shillings *per Centum per Annum*, neither more or less, and that the said Mortgagees and Subscribers respectively shall abandon all Arrears of Interest due to them respectively up to the last-mentioned Day, but subject to a Condition

of

of receiving a Share of any Income which may hereafter arise to the said Commissioners from any other Source than the Rates or Assessments to be levied under this Act: And whereas Rates or Assessments have been duly made, under the Authority of the said recited Act; but the Amount which, on the Principle and according to the Mode of Rating actually applied, is or can be derived therefrom, is found to be insufficient for the maintaining of the said Works, and the Payment of the Interest heretofore chargeable on the said Rates or Assessments: And whereas, for the several Purposes herein-before mentioned, and other the Purposes of the said recited Act, it is expedient that the said Commissioners and their Successors should be authorized to raise a further Sum of Money, and to take other Rates or Assessments, and that for these and other Purposes certain of the Provisions of the said Act should be altered and amended: And whereas the Purposes aforesaid would be more conveniently attained if the said recited Act were repealed, and if other Provisions were made in lieu thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Act repealed.

I. That, subject to the Provisions herein-after contained, the said recited Act shall be and is hereby repealed.

Short Titles.

II. That in citing or referring to the said recited Act or this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Holme* Reservoirs Act, 1837," or "The *Holme* Reservoirs Act, 1853," as the Case may require.

10 & 11 Vict. c. 16. incorporated with this Act.

III. That "The Commissioners Clauses Act, 1847," shall be incorporated with this Act.

Commencement of Act.

IV. That this Act shall commence and have Effect on and from the Third *Wednesday* next after the passing thereof.

Limits of Act.

V. That this Act shall be put in force within the Limits following; *viz.* the several Parishes of *Kirkburton*, *Almondbury*, *Huddersfield*, and *Kirkheaton*, all in the West Riding of the County of *York*.

Interpretation of Terms.

VI. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The

The Expression "the existing Commissioners" shall mean the Persons who at the Time of the Commencement of this Act are the Commissioners for executing the first-recited Act:

The Expression "the Directors" shall mean the Directors of the *Holme* Reservoirs, being the Persons constituted a Body Corporate by this Act for executing the same.

Existing Commissioners not to enter into Contracts.

VII. That the existing Commissioners shall continue in Office until the Expiration of One Month from the passing of this Act, but without Power to enter into any Contracts or execute any Works which shall not have been entered into or commenced before the First Day of *June* One thousand eight hundred and fifty-three.

Directors incorporated.

VIII. That the Directors to be elected in manner herein-after mentioned, and their Successors, shall be One Body Corporate for carrying this Act into execution, with perpetual Succession and a Common Seal, by Name of "The Directors of the *Holme* Reservoirs," and by that Name may sue and be sued, and take and hold and dispose of Lands, Goods, and Chattels for the Purposes and within the Intentions and subject to the Provisions of this Act.

Property of existing Commissioners vested in the Directors.

IX. That all Reservoirs, Embankments, Lands, Estates, Money, Choses in Action, Property, Effects, Claims, and Demands whatsoever of or to which the existing Commissioners are by virtue of the said first-recited Act or by any other Means whatsoever, immediately before the Commencement of this Act, seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances thereof, are by this Act effectually vested, according to the Nature, Tenure, and Quality thereof respectively, in the Directors, as Part of their Estate and Effects, and may be holden, enjoyed, and disposed of accordingly.

Contracts, &c. under repealed Act to remain valid.

X. Provided always, That the Repeal of the first-recited Act, or the Incorporation by this Act of the Directors, or such vesting in them, shall not annul or in anywise prejudicially affect any Purchase, Sale, Conveyance, Grant, Lease, Mortgage, Bond, Contract, Covenant, Agreement, Security, or other Act, Matter, or Thing whatsoever made, done, entered into, covenanted, or instituted under or by virtue or in pursuance of the first-recited Act, or with reference to the Purposes of the same, but, on the contrary, except in such Cases where Provision is otherwise specially made in this Act, all such Acts, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes, for, against, and with reference to the Directors in their Corporate Capacity, as if the same had been made, done, entered into, executed, or instituted by, to, or with reference to them, instead of the existing Commissioners, and may be proceeded

proceeded on and enforced in the same Manner, to all Intents and Purposes whatsoever, as if the Directors, instead of the existing Commissioners, had been party or privy thereto, and the Name of the Directors, instead of the Name of the existing Commissioners, had been used or referred to therein or with reference thereto.

Persons owing Debts to the existing Commissioners to be liable under this Act.

XI. That all Corporations and Persons who immediately before the Commencement of this Act owed any Money to the existing Commissioners, or to any Person on their Behalf, shall pay the same, with all Interest (if any due and to accrue due thereon), to the Directors; and all Debts and Monies which immediately before such Commencement are due, owing, or recoverable by or from the existing Commissioners, or for the Payment of which they are or (but for this Act) would be liable, shall, according to the Provisions of this Act, be paid, with all Interest (if any due or to become due thereon), by or be recoverable from the Directors.

Arrears of Rates under repealed Act to be recoverable.

XII. That after the Commencement of this Act the Directors and their Collectors and other Officers may proceed for the Recovery of and receive any Rates or Assessments made under the Authority of the said first-recited Act, or any Part thereof then remaining unpaid, in the same Manner as the existing Commissioners might have done if this Act had not been passed, and the Monies so recovered shall be applicable to the Purposes of this Act.

Books, &c. made Evidence.

XIII. That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books and Proceedings whatsoever, by the said first-recited Act directed to be kept, and thereby declared and made Evidence, or which at the Time of the Commencement of this Act might have been received as Evidence, shall continue to be Evidence, and shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Actions not to abate.

XIV. That no Action, Suit, Prosecution, or other Proceeding commenced either by or against the existing Commissioners shall abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect, both in favour of and against the Directors, in like Manner in all respects as the same would have continued and taken effect against the existing Commissioners; and all Offences committed against the Provisions of the said first-recited Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner and in all respects as if this Act had not passed, the Directors being in reference to all such Matters in all respects substituted for the existing Commissioners.

Existing Byelaws to remain in Force.

XV. That all Byelaws duly made in pursuance of the Powers of the said first-recited Act, and in force at the passing of this Act, shall continue to be in force until others be made in their Stead, under the Provisions of this Act or the Act incorporated therewith.

Officers under repealed Act to hold their Situations until removed.

XVI. That all Officers, Servants, and other Persons appointed by the existing Commissioners shall respectively hold and enjoy their several Offices and Employments, and respective Gratuities, Salaries, and Allowances thereto annexed, until he or they shall be respectively removed therefrom by the Directors; and every such Officer, Servant, and Person shall, while he continues in Office or Employment, be subject to the like Powers and Penalties, and Powers of Removal, and to the like Rules and Regulations, and have the same Powers and Authorities, as if he had been appointed under the Provisions of this Act.

Persons who have acted to account and deliver up Books.

XVII. That all Persons acting or who have acted under the said first-recited Act, who shall have in their Custody, Power, or Possession any Money collected by virtue of the said first-recited Act, or any Money, Securities for Money, Goods, or Effects belonging to the existing Commissioners, or any Books, Papers, or Writings relating to the Execution of the said first-recited Act, shall forthwith immediately after the Commencement of this Act pay and deliver up the same to the Directors, or to such Person as they shall appoint to receive the same; and in case of Neglect or Refusal the Person so neglecting or refusing shall forfeit and pay to the Directors any Sum not exceeding Five Pounds, and shall also be liable to such Actions or other Proceedings as the Directors may legally commence and prosecute for the Recovery of such Money, Securities, Goods, Effects, Books, Papers, or Writings so refused or neglected to be paid or delivered up as aforesaid.

Map and Book of Reference to remain in Custody of Clerk of Peace, &c.

XVIII. That the Map or Plan and Book of Reference deposited at the Office of the Clerk of the Peace for the West Riding of the County of *York*, referred to as being so deposited in the said first-recited Act, shall remain in the Custody of the said Clerk of the Peace for the Purposes of this Act, and all Persons shall have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and also after the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or true Copies thereof respectively, or so much thereof respectively as shall relate to any Matter in question, shall be good Evidence, and shall be admitted as such by all Judges, Justices, and others, in all Courts of Law or elsewhere.

XIX. That

Qualification of Directors to be elected, and of Electors.

XIX. That the Qualification for the Office of a Director under this Act, and of every Person to vote in the Election of the Directors, shall be, his being an Owner in his own Right, or in right of his Wife, and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits or Part of the Rents and Profits, or being an Occupier or joint Occupier of a Fall of Water, and of the Mill or other Works or Premises occupied therewith, liable to be rated or assessed by virtue of this Act, of the annual Value of One hundred Pounds or upwards, or his being a Mortgagee of the Rates and Assessments by this Act authorized to be made and levied to the Amount of Five hundred Pounds or upwards; provided that no Person shall be eligible to be elected as any such Director, or be entitled to vote for any such Director, unless he be of the full Age of Twenty-one Years, nor shall any Occupier be entitled to vote at any Election of Directors, or be capable of being elected or become a Director, who shall be in arrear in the Payment of the Rates or Assessments (if any) which shall for the Time being have been made or assessed upon him under or by virtue of this Act, for Four Calendar Months after Demand made upon him in manner as herein-after prescribed; provided also, that in case any Person entitled to vote in the Election of the Directors shall be a Minor or Lunatic or Idiot, such Minor, Lunatic, or Idiot shall or may vote at any such Election by his Guardian, Committee, or by any One of his Guardians or Committee, as the Case may be, and such Guardian or Committee may also vote in his own Right, if he shall have such Right, as well as in the Character of Guardian or Committee of any Minor, Lunatic, or Idiot, on the same Occasion.

Scale of Votes.

XX. That every Person qualified to vote as an Owner or Mortgagee shall be entitled to give One Vote for the Election of each such Director; and every Person qualified to vote as an Occupier shall be entitled to vote for the Election of each such Director the Number and Proportion of Votes according to the Scale following; (that is to say,) if the Property in respect of which he is entitled to vote be rated at less than Twenty-five Pounds, he shall have One Vote; if such Rate amount to Twenty-five Pounds and be less than Fifty Pounds, Two Votes; if it amount to Fifty Pounds and be less than Seventy-five Pounds, Three Votes; and if it amount to or exceed Seventy-five Pounds, Four Votes; but no such Owner or Mortgagee shall be entitled to have or give more than One Vote each, nor shall any such Occupier have or give more than Four Votes; and in all Cases where any such Person shall be both Owner and Occupier such Person shall be entitled to vote as an Occupier only, and shall not be entitled to any Vote as such Owner; and in all Cases where any such Person shall be qualified to vote, not only as Mortgagee, but also as an Owner or Occupier, such Person shall be entitled to vote as an Owner or Occupier

Occupier only, and shall not be entitled to any Vote as such Mortgagee; provided that in all Cases where any of such Falls and Mills or other Works or Premises liable to be rated as aforesaid shall be the Property of several Persons as joint Owners, and shall not be of the annual Value of One hundred Pounds to each such joint Owners, or where several Persons shall be jointly entitled to any such Mortgage of the Rates and Assessments by this Act authorized to be made and levied as aforesaid, or when any of such Falls and Mills or other Works or Premises liable to be rated as aforesaid shall be in the joint Occupation of several Persons, then and in any or either of the said Cases One only of such several joint Owners, or joint Mortgagees, or joint Occupiers shall be entitled to vote for the Election of each such Director; and in case of any Difference between the several Persons interested as aforesaid, as to which of them shall exercise such sole and exclusive Right and Privilege of voting, then the Person whose Name stands first in the Rate Book for the current Year and in the Register of Mortgages (as the Case may be) shall, for the Purpose of voting at any such Election, be deemed the sole Owner, Mortgagee, or Occupier of any such last-mentioned Falls and Mills, or other Works or Premises and Mortgage as aforesaid, without Proof of the Concurrence of the other joint Owners, Mortgagees, or Occupiers as aforesaid.

Election of Directors under this Act.

XXI. That an Election of Directors shall take place by the Persons qualified to elect under this Act in accordance with the Provisions of this Act and of "The Commissioners Clauses Act, 1847," and immediately after such Election the existing Commissioners shall retire from Office.

Number of Directors.

XXII. That the Number of the Directors shall be Twelve.

Time and Place of Meeting for Election of Directors.

XXIII. That the Meeting for the First Election of Directors shall be held on the Twenty-eighth Day after the passing of this Act, at Twelve o'clock at Noon, at the Office of the Clerk to the existing Commissioners within the Borough of *Huddersfield*; and the yearly Meetings for the Election of Directors in future Years shall be held at such convenient Place within the Limits of this Act as the Directors shall appoint.

How Notice of Election of Directors to be given.

XXIV. That for the Purpose of giving Notice of the Meetings for the Election of Directors under this Act, and of the Time and Place of holding the same, it shall be sufficient that public Notice thereof be given by the Clerk by Advertisement only in the Manner prescribed in "The Commissioners Clauses Act, 1847."

Returning Officer, &c.

XXV. That at and for the First Election of Directors the Clerk to the existing Commissioners shall be the Returning Officer, and for the Purposes

at First Election.

Purposes of conducting and holding such First Election, where anything is directed or prescribed by "The Commissioners Clauses Act, 1847," to be done by Commissioners, the same may be done and performed by the existing Commissioners, but for such First Election only; and all the Expenses attending such First Election shall be paid by the Directors.

Rotation and Election of Directors.

XXVI. That the Rotation and Election of Directors, after such First Election thereof as aforesaid, shall be in accordance with the Provisions of "The Commissioners Clauses Act, 1847," and the next Election of Directors shall be on the First *Thursday* in *September* One thousand eight hundred and fifty-four.

Time for annual and other Meetings of Directors.

XXVII. That the annual Meeting of the Directors shall be on the last *Wednesday* in *January* in each Year, and the Directors shall also hold Quarterly Meetings for the Transaction of general Business, and not Monthly Meetings, as prescribed in "The Commissioners Clauses Act, 1847;" and the said Quarterly Meetings shall be held, and Notice thereof be given, in the Manner and Way prescribed in the said last-mentioned Act with reference to the Monthly Meetings therein mentioned, and shall be in lieu of such Monthly Meetings.

Mortgagees to abandon all Arrears of Interest due to them up to the Date of this Act, and after that Day Mortgages to bear Interest at the Rate of 2*l.* 10*s.* per Centum per Annum.

XXVIII. That the several Mortgagees herein-before mentioned or referred to shall abandon and release all Arrears of Interest and Claims to Arrears of Interest due to them respectively up to the Day of the Date of the passing of this Act; and that all Interest which shall accrue due to the said several Mortgagees from and after the said last-mentioned Day shall be calculated after the Rate of Two Pounds and Ten Shillings *per Centum per Annum*, and not after the Rate at which the several Mortgages were respectively stipulated to bear Interest (unless as herein-after specially provided for), and such Interest shall be payable by equal half-yearly Payments, the First of such Payments to be made at the Expiration of Six Months from the Day of the Date of the passing of this Act.

Mortgages to be brought in for Indorsement.

XXIX. That as soon as may be after the passing of this Act, the Directors shall cause to be transmitted a Circular Letter through the Post Office to the several Holders of Mortgages granted under the Authority of the said first-recited Act, according to their respective Addresses as they appear on the Register of Mortgages appointed to be kept by the said Act, in and by which Circular all Holders of such Mortgages shall be required to bring or send the same into the Office of the Directors within a certain Period to be named in such Circular, for the Purpose of being indorsed, as herein-after mentioned; and all such Mortgages not brought or sent in to be indorsed within the Period so prescribed shall from and after the Expiration of such

Period cease to be enforceable in any way until so brought or sent in to be indorsed; provided, however, that every such Mortgage may be brought or sent in for Indorsement notwithstanding the Expiration of the Period so prescribed, and that it shall be obligatory on the Directors to make such Indorsement on any such Mortgage, on the same being so brought or sent in, and to deliver such Mortgage so indorsed to the Party entitled thereto, on Demand; and upon every such Mortgage so brought or sent in as aforesaid there shall be printed or lithographed or written, or partly printed or lithographed and partly written, a Memorandum in the Form or to the Effect in the Schedule hereto annexed.

Subscribers to abandon arrears of Interest due at the Date of this Act, and thereafter to have Interest at *2l.* 10*s.* per Centum per Annum.

XXX. That the said respective Subscribers herein-before mentioned and referred to shall abandon and release all Arrears of Interest and Claims to Arrears of Interest due to them respectively up to the Day of the Date of the passing of this Act, and that the Amount of each and every Subscription which has been advanced for the Purposes of the said first-recited Act by the several Subscribers herein-before mentioned shall entitle the Subscriber thereof, his Executors, Administrators, and Assigns, to Interest thereon from the said last-mentioned Day after the Rate of Two Pounds and Ten Shillings *per Centum per Annum*, neither more or less (unless as herein-after specially provided for), to be payable by equal half-yearly Payments, the first of such Payments to be made at the Expiration of Six Calendar Months from the Day of the Date of the passing of this Act; and the Directors shall, at their own Costs and Charges, grant Mortgages, to be secured upon the Rates or Assessments by this Act authorized to be raised for the said several Subscriptions and Interest to accrue due thereon as herein mentioned; and such Mortgages shall rank *pari passu* with the Mortgages made by the existing Commissioners prior to the Date of the passing of this Act, and with any Renewals thereof.

Notice to be given of the Issue of Mortgages to Subscribers.

XXXI. That so soon as may be requisite after the passing of this Act the Directors shall cause a Circular to be transmitted to each Creditor in respect of such Subscriptions, notifying that the Directors are ready to issue such Mortgages as aforesaid in satisfaction of such Subscriptions, and requiring the said Creditors to apply for and take up such Mortgages at the Office of the Directors within a certain Period to be specified in such Circular; and upon the Issue of such Mortgages as aforesaid, or at the Expiration of the Period so limited by such Notice, the said Subscriptions respectively, and all Claims and Demands thereon against the Directors, shall be absolutely extinguished; provided that it shall be lawful for any such Creditor to apply for and take up such Mortgages at any Time within Twelve Months after the Period so limited; and every Creditor to whom any such

such Mortgage as aforesaid shall be issued shall forthwith thereafter be registered as the Holder thereof in the Register of Mortgages appointed to be kept by "The Commissioners Clauses Act, 1847."

Power to borrow an additional Sum not exceeding 7,000*l.* on Mortgage, &c.

XXXII. That it shall be lawful for the Directors, from Time to Time, to borrow and take up at Interest on Mortgage upon the Credit of the Rates or Assessments to be raised and levied by them by virtue of this Act, at and after any Rate not exceeding the Rate of Five Pounds *per Centum per Annum*, any Sum of Money which they may think necessary, not exceeding in the whole the Sum of Seven thousand Pounds, in addition to and exclusive of the Sum of Forty thousand Pounds by the said first-recited Act authorized to be borrowed: Provided always, and it is hereby declared, that all Monies to be borrowed under this Power shall have a Priority over all Mortgages made by the existing Commissioners prior to the passing of this Act, or any Renewals thereof, to be granted to existing Mortgagees or to Subscribers, or any Renewals thereof, in pursuance of the Powers herein-before contained.

Directors to make and levy Rates.

XXXIII. That it shall be lawful for the Directors and they are hereby required from Time to Time to make, assess, and levy such annual Rates or Assessments as are herein-after mentioned, and payable at such yearly or half-yearly Periods as the Directors shall think proper, upon the Occupiers of all Mills, Factories, or other Works or Premises now erected or hereafter to be erected upon or across or along or near the Line or Course of any of the Rivulets or Brooks, Rivers or Streams, herein-after mentioned, who shall hold, occupy, or employ any Fall of Water now taken up or hereafter to be taken up giving Motion to any Water-wheel or other hydraulic propelling Machine of any such Mills, Factories, or other Works or Premises as are or may be situate between the respective Sites of the Three several Reservoirs and Embankments herein-before described and hereby authorized to be respectively restored or repaired and maintained, and the Point of Junction of the River *Colne* with the River *Calder* at or near *Colne Bridge* Mill; and the said Rates or Assessments shall, subject to the Provisions herein-after contained, be imposed upon all such Occupiers as aforesaid in proportion to the Admeasurement or Depth of Fall of Water occupied by them respectively for the Purpose of giving Motion to any Water-wheel or other hydraulic propelling Machine; and such Admeasurement shall be taken from the Surface of the Water at the highest Point to which it can be impounded in the Dam or Forebay to the Surface of the Water at the lowest Level at which it leaves the Wheel when the Wheel is standing, and in all Cases where there shall be any fractional Part of an Inch the same fractional Part shall notwithstanding be reckoned to be as an entire Inch: Provided always, that the

Rates to be proportioned to the Extent of Fall occupied.

total

total Amount which may be assessed and levied by the Directors for or in respect of any One Year shall not, except as herein specially provided for, exceed the Sum of One thousand six hundred Pounds, and that the Time in respect of which such annual Rates and Assessments shall be made shall be for the Year commencing on the First Day of *August* in each Year after the passing of this Act.

Directors to appoint a Person to survey and ascertain the Height of the Falls, &c.

XXXIV. That the Directors shall at their First Meeting after the passing of this Act, and from Time to Time thereafter, so often as Circumstances may render it necessary, and they are hereby authorized and required, to appoint some Person, not being an Owner or Occupier of any Mill, Factory, or other Works or Premises liable to be rated or assessed by virtue of this Act, as Surveyor, to measure the whole or any Part of the said Rivulets or Brooks, Rivers or Streams, and to measure and ascertain in the Manner herein-before prescribed the Height of the several Falls existing thereon respectively, and to determine the Levels of the said Rivulets or Brooks, Rivers or Streams, and Falls respectively; and such Surveyor shall make his Report in Writing under his Hand of the Result of such several Admeasurements, and of the several other Matters and Things herein mentioned to be ascertained or decided or determined by him, to the end that the Directors may from such Report be the better enabled fairly and properly to make and assess the said Rates or Assessments; and for those Purposes it shall be lawful for such Surveyor and his Assistants from Time to Time to enter into and upon the Lands, Mills, Factories, or other Works or Premises, and Hereditaments or Tenements, adjoining or near the said Rivulets or Brooks, Rivers or Streams.

Directors to make and levy Rates in the Proportions herein mentioned.

XXXV. That such Rates or Assessments shall be rated or assessed and levied upon all such Occupiers in the Manner or Proportions following; (that is to say,)

First, upon all Occupiers of Mills, Factories, or other Works or Premises who shall hold, occupy, or employ any Fall of Water situate below the Site of the Reservoir and Embankment by the said first-recited Act authorized to be made across the Rivulet or Brook called *Diglee* at or near *Bilberry* Mill, and which Mills and Factories or other Works or Premises shall be supplied with Water from any Part of the said Rivulet or Brook called *Diglee* between the Site of the said last-mentioned Reservoir and Embankment and the Point of Junction of the said last-mentioned Rivulet or Brook with the River *Holme*, or which shall be supplied with Water from any Part of the River *Holme* situate between the said Rivulet or Brook called *Diglee* and the Point of Junction of the River *Holme* with the Stream, Rivulet, or Brook called *Ribbleden* otherwise *Rivleden* Rivulet

or

or Brook, a Rate or Assessment not exceeding in any One Year for every Foot of Fall so held, occupied, or employed the Sum of Thirty-three Shillings *per* Foot, and so in proportion for any less Measure than a Foot:

Secondly, upon all Occupiers of Mills, Factories, or other Works or Premises who shall hold, occupy, or employ any Fall of Water situate below the Site of the Reservoir and Embankment by the said recited Act authorized to be made across the Stream, Rivulet, or Brook called *Ribbleden* otherwise *Rivleden* Rivulet or Brook, near to and above *Holme Styes* Mill, and which Mills, Factories, or other Works or Premises shall be supplied with Water from any Part of the said last-mentioned Rivulet or Brook situate between the Site of the said last-mentioned Reservoir and Embankment and the Point of Junction of the said last-mentioned Rivulet or Brook with the River *Holme*, a Rate or Assessment not exceeding in any One Year for every Foot of Fall so held, occupied, or employed the Sum of Twenty-five Shillings *per* Foot, and so in proportion for any less Measure than a Foot:

Thirdly, upon all Occupiers of Mills, Factories, or other Works or Premises who shall hold, occupy, or employ any Fall of Water situate below the Site of the Reservoir and Embankment by the said recited Act authorized to be made across the Stream called *Upper House Dyke* at *Boshaw Whams*, and which Mills, Factories, or other Works or Premises shall be supplied with Water from any Part of the said last-mentioned Stream below the Site of the said last-mentioned Reservoir and Embankment and the Point of Junction of the said last-mentioned Stream with the New Mill Rivulet or Brook at *Jackson Bridge*, or which shall be supplied with Water from any Part of the said New Mill Rivulet or Brook between the Points of Junction thereof with the said Stream called *Upper House Dyke* and with the said River *Holme*, a Rate or Assessment not exceeding in any One Year for every Foot of Fall so held, occupied, or employed the Sum of Eighteen Shillings *per* Foot, and so in proportion for any less Measure than a Foot:

Fourthly, upon all Occupiers of Mills, Factories, or other Works or Premises who shall hold, occupy, or employ any Fall of Water situate below the Sites of the aforesaid Two several Reservoirs and Embankments at or near *Bilberry* Mill aforesaid, and near to and above *Holme Styes* Mill aforesaid, and which Mills, Factories, or other Works or Premises shall be supplied with Water from any Part of the River *Holme* situate between the Points of Junction of the said River *Holme* with the Stream, Rivulet, or Brook called *Ribbleden* otherwise *Rivleden* Rivulet or Brook, and with the said New Mill Rivulet or Brook, a

Rate or Assessment not exceeding in any One Year for every Foot of Fall so held, occupied, or employed the Sum of Forty-five Shillings *per* Foot, and so in proportion for any less Measure than a Foot:

Fifthly, upon all Occupiers of Mills, Factories, or other Works or Premises who shall hold, occupy, or employ any Fall of Water situate below the Sites of the aforesaid Three several Reservoirs and Embankments at or near *Bilberry* Mill aforesaid, and near to and above *Holme Styes* Mill aforesaid, and at *Boshaw Whams* aforesaid, and which Mills, Factories, or other Works or Premises shall be supplied with Water from any Part of the said River *Holme* situate between the Points of Junction of the said River *Holme* with the said New Mill Rivulet or Brook and with the River *Colne*, a Rate or Assessment not exceeding in any One Year for every Foot of Fall so held, occupied, or enjoyed the Sum of Sixty Shillings *per* Foot, and so in proportion for any less Measure than a Foot: Provided always, that the total Amount of Rates or Assessments which may be rated or assessed and levied under or by virtue of the Authority of this Act, upon the respective Occupiers of certain Mills belonging to the Earl of *Dartmouth*, situate on the said River *Holme*, called *Honley* Mill and *Step's* Mill, shall not exceed in any One Year the Sums following, *viz.* the Sum of Thirty Pounds Ten Shillings in respect of *Honley* Mill, and the Sum of Seventy-two Pounds in respect of *Step's* Mill, anything in this Act contained to the contrary notwithstanding:

Sixthly, upon the Occupiers of the several Mills, Factories, or other Works or Premises herein-after mentioned situate between the Point of Junction of the said River *Holme* with the said River *Colne* and the Point of Junction of the said River *Colne* with the River *Calder* at or near *Colne Bridge*, the Rates or Assessments following; (that is to say,) upon certain Mills and Works known by the Names of *Bradley* Mills and *Woodhouse* Mills a Rate or Assessment not exceeding the Sum of Forty Shillings *per* Foot in any One Year for every Foot of Fall held, occupied, or employed by the Occupiers of the said Mills or Works, and so in proportion for any less Measure than a Foot; upon the Occupiers of certain Mills and Works known by the Names of *Aspley* Mill and Dye-house, *Shorefoot* Mill, and *King's* Mill, a Rate or Assessment not exceeding the Sum of Thirty Shillings *per* Foot in any One Year for every Foot of Fall held, occupied, or employed by the Occupiers of the said Mills and Works, and so in proportion for any less Measure than a Foot; and upon the Occupier or Occupiers of certain Mills and Works situate at and near the Junction of the said River *Colne* with the said River

River *Calder*, called or known by the Name of the *Colne Bridge* Mills, a Rate or Assessment not exceeding in any One Year the Sum of Twelve Pounds and Ten Shillings in the whole for the whole of the Fall held, occupied, or employed by the Occupier or Occupiers of the said Mills.

No Rate to be charged in respect of Aspley Mill and Dyehouses, unless Wheels increased.

XXXVI. That nothing in this Act contained shall authorize or empower the Directors to charge any Rate or Assessment for the Purposes of this Act upon and in respect of the *Aspley* Mill or Dyehouse: Provided nevertheless, that in case the Owner of such Mill or Dyehouse, or his Heirs or Assigns, may have, subsequent to the passing of the said first-recited Act, increased or shall at any Time after the passing of this Act increase the Powers of the Wheels at the said Mill and Dyehouse, or either of them, so as to require in dry Seasons the Use of the Water to be supplied by the said Reservoirs and Embankments, then and in such Case the Rates or Assessments herein-before authorized shall be laid and imposed on and in respect of the said Mill and Dyehouse, or such of them of which the Power of the said Wheels shall be so increased as aforesaid.

Provision for concurrent Occupiers of Mills, &c.

XXXVII. That where any Two or more Persons shall be concurrent Occupiers of any Mills, Factories, or other Works or Premises, or of any Fall of Water, liable to be rated under or by virtue of this Act, the Proportion in which such Persons shall be liable to be rated or assessed to the Rates or Assessments hereby authorized to be imposed shall (in case of any Difference of opinion on the Subject) be determined by the Surveyor of the Directors to be appointed as herein-before mentioned; and the Expenses of such Surveyor shall be paid and defrayed by such concurrent Occupiers in equal Proportions: Provided always, that in the meantime and until such Proportion shall be either agreed upon by the Parties or determined in the Manner aforesaid, and shall have been actually notified in Writing to the Directors, the Directors shall be at liberty to rate or assess the whole of the Rates or Assessments in respect of the Part of the said Mills, Factories, or other Works or Premises, or the Fall, so concurrently occupied, upon any of the Persons so occupying the same, or upon all of them, in such Proportions as the Directors may judge proper: Provided always, that in all Cases in which any Part of the said Rivulets or Brooks, Streams or Rivers, or the Fall thereof, shall be concurrently occupied by any Mill, Factory, or other Works or Premises which shall be exempted from being rated or assessed under this Act, and by any Mill, Factory, or other Works or Premises which shall be so liable to be rated or assessed, the Proportion at which the Occupier of such last-mentioned Mill, Factory, or other Works or Persons shall be rated or assessed shall be ascertained

In case of concurrent Occupier.

tained by such last-mentioned Surveyor, and at the Expense of the Directors.

Occupiers removing or coming in to pay a Portion of the Rates.

XXXVIII. That in all Cases where any Person shall remove from or quit any Fall and Mill or Factory, or other Works or Premises, which shall be rated by virtue of this Act, such Person shall be liable only to pay a Portion of such Rate in proportion to the Time for which he occupied the same; and in all Cases where any Person shall come into or occupy any such Fall, and Mill or Factory, or other Works or Premises as aforesaid, out of or from which any other Person rated as aforesaid shall have removed, or which at the Time of making any such Rate were unoccupied, or were not rated under the Authority of this Act, he shall for and in respect of his Occupation thereof be liable only to a Portion of such Rate in proportion to the Time that he shall occupy the same, in the same Manner and Mode as if he had been originally rated for such Fall and Mill or Factory, or other Works or Premises, which said respective Portions, in case of Dispute, shall be determined by the Directors; and no Fall, and Mill or Factory, or other Works or Premises, shall be rated under this Act in any Year or in respect of any Portion of a Year during which the same shall be unoccupied: Provided always, that if there shall be a fractional Part of Half a Year beyond or less than a full Half Year in respect of which any Person shall be rated under this Act, the Directors may make, demand, and levy the Rates hereby granted as a full Half Year in respect of such fractional Part.

Directors may grant partial Exemption from Rates.

XXXIX. That in such Cases, if any, in which it would be reasonable to exempt partially from the Rates or Assessments to be imposed or levied under this Act, the Occupier of any Mills or Factories or other Works or Premises situate upon the said Rivulets or Brooks, Rivers or Streams, or which may be hereafter erected thereon, it shall be lawful for the Directors, if it shall appear to them to be fair and reasonable, to exempt partially from the Payment of such Rates or Assessments the Occupier of any such Mill or Factory, or other Works or Premises, or of any Fall of Water upon which any such Mill or Factory or other Works or Premises are or may be erected.

Falls unoccupied when taken up, &c. to be assessed for Portion of the Rate already made.

XL. That as to any Falls on any of the said Rivulets, Brooks, Rivers, or Streams which at the Date of making any Rates or Assessments under the Authority of this Act shall have been either wholly unoccupied or only partially occupied, and which shall, during the Period in respect of which such Rates or Assessments shall have been made, become partially or wholly occupied or more fully occupied, as the Case may be, it shall be lawful for the Directors, from Time to Time

Time as may be requisite, to make, assess, and levy a Rate upon the Occupiers of such Falls, and the Mills or Factories or other Works or Premises occupied therewith, not exceeding the Rates herein-before authorized, but in proportion only to the unexpired Period in respect of which such Rates or Assessments shall have been made as aforesaid during which such Falls shall have been so partially or wholly or more fully occupied as aforesaid.

Persons discontinuing their Water-wheels to be exempt from Rates.

XLI. That in such Cases, if any, where any Persons now or hereafter occupying any of the said Falls and Mills or Factories, or other Works or Premises, and using the Waters of the said Rivulets or Brooks, Rivers or Streams, and the Falls thereof, for the Purpose of giving Motion to any Water-wheel or other hydraulic propelling Machine of any such Mills or Factories, or other Works or Premises, shall hereafter think proper to discontinue the Use of any such Water-wheel or other Machine, such respective Occupiers shall be exempt from any Rates or Assessments to be thereafter imposed under this Act in respect of such Part of the said Rivulets or Brooks, Rivers or Streams, and the Falls thereof respectively, occupied by them, on account whereof such Exemption may extend to and be justly claimed, but so long only as every such Water-wheel or other hydraulic propelling Machine shall continue in Disuse: Provided always, that no such Claim for Exemption shall be allowed, unless Two Months Notice thereof in Writing, signed by the Persons respectively making the same, be given to the Directors previously to such proposed Disuse, and also that every such Water-wheel or other hydraulic propelling Machine be removed or otherwise disconnected, to the Satisfaction of the Surveyor for the Time being of the Directors, on the Day to be named in such Notice, or within Twenty-one Days thereafter.

Power to affix Gauges, &c.

XLII. That for ascertaining the present and future Supply of Water used by the Persons claiming such Exemptions, or using the Waters of the said Reservoirs, as herein-before mentioned, it shall be lawful for the Directors and they are hereby empowered, if they think fit, to cause Gauges to be fixed and maintained in proper Situations at or near the Place or Places respectively where the Water of the Rivulets or Brooks, Rivers or Streams, shall be diverted, taken, or used by the Persons claiming such Exemption or using such Waters as aforesaid; and for the Purpose of fixing, keeping in repair, and examining such Gauges respectively, the Directors, their Engineers, Servants, and Workmen, are hereby authorized and empowered from Time to Time to enter upon the Lands and Works of the Persons claiming such Exemption or using such Waters as aforesaid, doing as little Damage as may be, and making Compen-

sation for all Damage, if any, done thereby; and all such Gauges shall be fixed and maintained at the Expense of the Directors.

Power of Distress and Action on Nonpayment of Rates.

XLIII. That if any Person liable to pay any Rate or Assessment in pursuance of this Act shall, for the Space of Twenty-one Days after Demand made in Writing on him by the Collector of the Directors or Receiver of Rates, to be appointed by the Mortgagees as herein-after mentioned, as the Case may be, either in Person, or left at the Mill, Factory, or other Works or Premises in respect of which such Demand shall be made, refuse or neglect to pay any Sum of Money which shall be rated, assessed, or imposed on him under the Provisions in this Act contained, it shall be lawful for the Directors or their Collector, or for the said Mortgagees or their Receiver, or any Person acting by or under their Authority, by Warrant under the Hand and Seal of any Justice (and which Warrant such Justice is hereby empowered and required from Time to Time to grant as Occasion shall require) to levy such Sum of Money so rated, assessed, or imposed, and all Arrears thereof, together with all Costs and Expenses, by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting to pay the same, returning the Overplus (if any) to the Owner of such Goods and Chattels, after the necessary Charges of making such Distress and Sale shall have been first deducted; and in case sufficient Goods and Chattels belonging to such Person to make Payment of such Rates or Assessments and such Costs and Charges as aforesaid cannot be found, and the same or any Part thereof shall remain unpaid, then and in every such Case it shall be lawful for the Directors or for the Mortgagees, as the Case may be, to recover of or from such defaulting Occupier, his Executors or Administrators, any such Rates or Assessments, or the Sum remaining due in respect thereof, by Action in any Court of competent Jurisdiction.

Power of Appeal.

XLIV. That any Person thinking himself aggrieved by any Rate or Assessment made by the Directors or by the said Mortgagees, or their Receiver, or by any Decision of the Directors with reference to any Rate or Assessment, or Exemption from any Rate or Assessment, as the Case may be, upon any Mill, Factory, or other Works or Premises occupied by him, may, within Four Months after the Rate or Assessment, or Decision, shall be made or given, appeal to the Justices at the General or Quarter Sessions for the said West Riding, the Person appealing first giving at least Ten Days clear Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Clerk of the Directors or to the Receiver of the Mortgagees, as the Case may be, and within Five Days after such Notice entering into a Recognizance, with Two sufficient Sureties, before a Justice, conditioned to try such Appeal, and to abide the

the Order and Award of the Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof until the next General or Quarter Sessions; and if they see Cause may alter or altogether disallow the Amount of such Rate or Assessment made upon such Person in respect of the Mill, Factory, or other Works or Premises so occupied by him, and may order any Money to be returned which shall have been levied in pursuance of such Rate or Assessment, and shall and may also award such Costs to either of the Parties as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Application of Monies due to the existing Commissioners.

XLV. That all Rates and Monies owing to the existing Commissioners, and coming to the Hands of the Directors, shall be applied exclusively, and so far as the same will extend, in paying off the floating or Simple Contract Debts of the existing Commissioners, not being Debts in respect of Monies advanced to or owing by them by way of Mortgage or Subscription.

Application of Monies to be borrowed.

XLVI. That all the Money which shall be raised under the Authority of this Act on the Credit of the Rates or Assessments hereby authorized to be made and levied shall be applied, in the first place, in paying the Expenses of or Advances made for obtaining and passing this Act or incidental thereto (including the reasonable Costs, Charges, and Expenses incurred by the said several Mortgagees and Subscribers, or any of them, in procuring and giving their Assent to this Act); next, in paying the floating or Simple Contract Debts of the existing Commissioners, not being Monies advanced to or owing by them by way of Mortgage or of Subscription, to any Extent not exceeding Five hundred Pounds; and afterwards in restoring, reinstating, and repairing the Reservoirs and Works by this Act authorized to be restored, reinstated, and repaired, and in such other permanent Objects as are hereby authorized, and as the Directors shall direct.

Application of Rates.

XLVII. That the Monies to be raised by the Directors from Rates or Assessments under or by virtue of this Act shall be applied by them in the Manner and Order following; (that is to say,)

First, towards the Payment of the current and ordinary yearly Expenses of the Works and Undertakings of the Directors, not exceeding One hundred Pounds *per Annum*;

Secondly, in keeping and maintaining the aforesaid several Reservoirs and Embankments and Works in good and sufficient ordinary State of Repair;

Thirdly,

Thirdly, in paying the Interest according to the Rate and in the Manner herein-before prescribed of the Sum of Seven thousand Pounds authorized to be borrowed under the Provisions of this Act;

Fourthly, in paying the Interest, without any Priority, according to the Rate and in the Manner herein-before prescribed, on the Mortgages made by the existing Commissioners under the Provisions of the said first-recited Act, and remaining due and owing at the Time of the passing of this Act, and on the Mortgages to be issued to the said Subscribers in Terms of this Act, and on any Renewals of such Mortgages respectively;

Fifthly, in deducting and setting apart and appropriating a Sum of One hundred Pounds *per Annum* for and towards the Reserved Fund and the Sinking Fund for the several Purposes herein-after mentioned and expressed;

Sixthly, in paying the Monies necessarily expended by the Directors in the Employment of Engineers, Surveyors, or other Officers for the due Execution of this Act, or in prosecuting or defending any Indictment, or any Suit at Law or in Equity, or other Proceedings, or any other incidental current Expenses, as such Sum of One hundred Pounds *per Annum* so firstly herein-before prescribed to be appropriated and applied for those several Purposes shall or may at any Time hereafter prove insufficient or deficient to perform or pay; and,

Seventhly, the Residue of such Rates and Assessments (if any) shall from Time to Time be appropriated and added to the aforesaid Sinking Fund.

Costs of Mortgagees and Subscribers not payable by the Directors to be a Charge on Monies payable by the Directors to them.

XLVIII. That all Costs, Charges, and Expenses which the said several Mortgagees and Subscribers, or any of them, shall have incurred or been put to in or about any Negotiations, or otherwise in reference to the preparing, applying for, obtaining, and passing of this Act, (the same not to exceed Two hundred Pounds in the whole,) and which shall not be payable by the Directors, shall be a Charge upon the Monies in the Hands of the Directors payable to the Mortgagees and Subscribers in respect of Interest as aforesaid, and shall be paid thereout, in the first place, as soon as the same shall have been ascertained, to the Persons entitled thereto, rateably in proportion to the Amounts due to all the said Mortgagees and Subscribers; and the Amount of such Costs, Charges, and Expenses, in case of any Dispute or Difference, shall be determined by Arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845."

Reserved Fund and

XLIX. That the Sum of One hundred Pounds *per Annum* herein-before prescribed and directed to be deducted, set apart, and appropriated

priated for or towards the Two several Funds called "The Reserved Fund" and "The Sinking Fund," herein-before mentioned, or any other Monies from Time to Time applicable in pursuance of the Provisions herein-before contained to or in aid of those Two Funds or of either of them, with the Interest and Dividends thereof, shall from Time to Time be invested as the Directors shall think fit in Exchequer Bills or in the Public Funds, or on the Security of Mortgages of Real Estate, or of Mortgages or Bonds of any Company incorporated by Act of Parliament or Royal Charter, or deposited with any public Banking Company, and allowed to accumulate as herein-after mentioned.

Sinking Fund to be invested at Interest.

L. That the Monies first set apart and invested as last aforesaid shall form a Fund, to be called "The Reserved Fund," for the Purposes herein-after mentioned, and when the same shall have amounted to the Sum of One thousand Pounds Sterling the future Interest and Dividends thereof shall be received by the Directors, and by them applied in addition to and augmentation of the Sinking Fund herein-after also mentioned.

Amount of Reserved Fund.

LI. That such Reserved Fund shall be for the Purpose of meeting any extraordinary Claims or Demands which may at any Time arise against the Directors for the Repairs of their several Reservoirs and Works, or otherwise in relation thereto; and that in the event of any such extraordinary Claim or Demand arising it shall be lawful for them to sell or otherwise convert into Money the said Stocks, Funds, or Securities wherein such Reserved Fund shall have been invested, or such Part thereof as shall be necessary, and this notwithstanding the total Amount thereof may be less than One thousand Pounds, and to apply the same for or towards any such Demand or Claim; and when and so often as the said Reserved Fund so set apart shall by means of any Payments be reduced below the Sum of One thousand Pounds Sterling it shall and may be again restored in the Manner and Way and by the same annual Payments herein-before prescribed to the said Sum of One thousand Pounds Sterling, and so from Time to Time as often as such Reduction shall take place, it being intended that such Reserved Fund, and the making and Maintenance thereof to the said Amount of One thousand Pounds Sterling, shall be a primary Claim and Charge upon the Sum of One hundred Pounds *per Annum* herein-before directed to be appropriated for or towards such Two several Reserved and Sinking Funds as aforesaid.

Purposes of Reserved Fund.

LII. That such Sinking Fund shall be formed from and consist of the Residue of the said Sum of One hundred Pounds *per Annum* and of the Accumulations thereof not necessary to be applied in

Purposes of Sinking Fund.

in making or maintaining such primary Charge of the said Reserved Fund, and of such other Monies as are herein-before directed to be applied thereto, and such Sinking Fund shall be for the Purpose of paying off, in the first place, all or any Part of the Principal Monies advanced or to be from Time to Time advanced to the Directors for the Purposes of this Act, and in the next place in paying off all or any Part of the Principal Monies subscribed or advanced to or borrowed by the existing Commissioners under the Powers or Authorities of the said first-recited Act, and remaining due and owing to the said several Mortgagees and Subscribers respectively at the Time of the passing of this Act.

Power to raise an additional limited Rate in certain Events.

LIII. That if at any Time or Times hereafter the Monies which can be raised by Rates or Assessments to be made and assessed in the Manner herein-before prescribed should in any Year be insufficient, after such Appropriation of One hundred Pounds *per Annum* to the said Reserved and Sinking Funds as herein-before mentioned, to pay the Monies necessarily expended by the Directors in the Employment of Surveyors or other Officers for the due Execution of this Act, or in the ordinary annual Expenses of keeping up and maintaining the aforesaid Reservoirs, Embankments, and other Works by this Act authorized to be restored, repaired, and maintained, or in the prosecuting or defending any Indictment, or any Suit at Law or in Equity, or other Proceedings, or any other incidental Expenses, and also to pay the Interest for any Monies advanced or borrowed for the Purposes of the said first-recited Act or of this Act, according to the Rates and in the Manner herein-before prescribed, then and whenever any such Insufficiency may happen, it shall be lawful for the Directors and they are hereby required, in making or assessing Rates or Assessments, to make, assess, and levy upon the respective Occupiers of all Mills, Factories, or other Works or Premises then liable to be rated under or by virtue of this Act (excepting the respective Occupiers of the said Two Mills called *Honley* Mill and *Step's* Mill) additional Rates or Assessments of such an Amount as may be necessary to provide for and pay any such Insufficiency: Provided always, that such additional Rates or Assessments shall be made rateably upon all such Occupiers, and in the Proportion to the other Rates and Assessments paid by them under the Provisions of this Act, and that the total Amount to be raised by such additional Rates or Assessments shall not in any One Year exceed the Sum of One hundred Pounds.

Mode of paying off Mortgages.

LIV. That when and so often as the Sum applicable under the Provisions aforesaid to the Discharge of the Principal Monies for the Time being owing on Mortgage of the said Rates or Assessments as aforesaid shall amount to the Sum of Two hundred Pounds, the Directors

Directors shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to Mortgagees entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice by Advertisement, in the Manner prescribed in the said "Commissioners Clauses Act, 1847," to be given of such Meeting and of the Purposes thereof, so far as the same shall relate to the Application of such Sum; and at such Meeting the Directors shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Mortgages of the said Rates or Assessments to the Mortgagee who shall by Proposal in Writing transmitted to their Clerk before such Meeting have offered to accept the lowest Composition in respect of such Monies; and after Payment to such Mortgagees as aforesaid the Directors shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Monies owing on the Mortgage of the said Rates or Assessments to the Mortgagee who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if when Two or more Mortgagees by such Proposal as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Directors to determine by Lot the Preference between or amongst such Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, as the Directors shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payment after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Directors may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Mortgagees of the said Rates or Assessments, or may apply the same to such of them as may be determined by Lot, as the Directors think fit.

While Interest, &c. duly paid to Mortgagees and Subscribers, Principal Monies not to be called up.

LV. That so long as the Directors shall pay the Interest to accrue due after the passing of this Act, according to the Rate and in the Manner herein-before prescribed, upon the Amount of all and every the Principal Monies now owing to the several Mortgagees and Subscribers, as herein-before mentioned, they the said several Mortgagees and Subscribers respectively, and their respective Executors, Administrators, and Assigns, shall not call in or require Payment of the said several Principal Monies or any of them or any Part thereof, nor avail themselves or himself of all or any of the Powers, Remedies, or Authorities given or contained in the said "Commissioners Clauses Act, 1847," for obtaining or enforcing Payment thereof.

LVI. That

Arrears may be enforced by Appointment of Receiver.

LVI. That, should the Interest as herein-before prescribed to accrue due after the passing of this Act to the several Mortgagees last named, or to any Mortgagees to be created pursuant to the Provisions in this Act contained, not be duly paid, it shall be lawful for such several Mortgagees, either present or future, holding Mortgages for Sums amounting to not less than Five thousand Pounds, to enforce the Payment of the Arrears of such accruing Interest on any such Mortgage by the Appointment of a Receiver; but such Appointment shall be subject and without Prejudice to the Priority hereinbefore reserved to Persons advancing Money to the Directors pursuant to the Powers by this Act granted over the existing Mortgagees and Subscribers: Provided always, that in case at any Time or Times hereafter the Directors shall for Three Months next after the First Day of *August* in any Year refuse or neglect to make and assess the several Rates or Assessments hereinbefore authorized, then and in either of the said Cases, and so often as the same may happen, it shall and may be lawful to and for such Receiver so to be appointed as aforesaid to make, assess, and levy such several Rates or Assessments and in the Manner as are herein-before authorized for the Year or Years in respect of which no such Rates or Assessments shall have been made by the Directors; and for the Purpose of enabling such Receiver to make such Rates or Assessments the Report of the Surveyor of the Directors for the last and preceding Year shall continue in force and be adopted as the Report on which such Rates or Assessments shall be made by such Receiver; and the Directors, or their Clerk or other Officers having the Custody of the same, shall produce such Report, and all Books containing the Rates or Assessments made thereupon, at all seasonable Times, to such Receiver, and on all other necessary Occasions.

Form of Mortgages and of Transfers of Mortgages.

LVII. That every Mortgage on Security of Rates or Assessments to be made or granted under the Provisions of this Act, and every Transfer thereof, shall be by Deed duly stamped, and executed in the Manner prescribed by the said "Commissioners Clauses Act, 1847;" and each of such Deeds of Mortgage or Transfer shall be according to the Forms in the Schedules (B.) and (C.) to the said last-mentioned Act annexed, or to the like Effect; save and excepting that in the several Mortgages so to be made or granted for the additional Sum not exceeding Seven thousand Pounds, authorized by this Act to be borrowed upon the Credit of the Rates or Assessments to be raised and levied by virtue of this Act, the Priority herein-before granted over the several existing Mortgagees and Subscribers respectively shall be reserved; and, subject to such Priority, the respective Mortgagees advancing the said last-mentioned Sum of Seven thousand Pounds shall be entitled, one with another, to their respective Portions of

of the Rates or Assessments comprised in such Mortgages, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively as aforesaid, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of the Priority of advancing such Monies, or of the Dates of any such Mortgages; and, subject to such Priority in favour of such last-mentioned Mortgagees, the respective existing Mortgagees and Subscribers shall be entitled, one with another, to their respective Portions of the Residue and Remainder of such the Rates or Assessments according to the respective Sums advanced by such Mortgagees or Subscribers respectively, and to be repaid the Sums so advanced, with the herein-before stipulated reduced Rate of Interest, without any Preference one above another by reason of the Priority of advancing such Monies, or of the Dates of any such Mortgages respectively.

Power to receive Grant, and to restore Bilberry Reservoir.

LVIII. That it shall be lawful to and for the Trustees appointed for the Management and Distribution of the herein-before mentioned Subscription called "The Subscription for the Relief of the Sufferers in the Valley of the *Holme*" to pay unto, and for the Directors to take and receive of and from, the said Trustees the Grant of Six thousand Pounds, or such Sum as the said Trustees may think proper to bestow, and for the Directors to apply the same Money in or towards the Restoration, Amendment, and Reparation of the said Reservoir and Embankment at or across the Rivulet or Brook called *Diglee* at or near *Bilberry* Mill aforesaid, such Restoration, Amendment, and Reparation to be under the Control and Directions of Mr. *John Frederick Bateman* of the City of *Manchester*, Civil Engineer, or of such other Hydraulic Civil Engineer as may be mutually agreed upon between the Directors and the said Trustees: Provided always, that all the Works for such Purposes shall be upon the Lands acquired by the existing Commissioners under the said first-recited Act.

Power to repair the Holme Styes and Boshaw Whams Reservoirs.

LIX. That it shall be lawful to and for the Directors, with the Monies to be raised by them pursuant to the Power herein-before contained upon the Credit of the Rates or Assessments hereby authorized to be made or assessed and levied, to complete the Restoration, Amendment, and Reparation of the said last-mentioned Reservoir and Embankment, in case the said Sum of Six thousand Pounds shall prove insufficient for those Purposes, and with the said Monies so to be raised by them, or the Residue thereof not applied for the Purposes last aforesaid, to amend and repair the said Reservoir and Embankment at or across the *Ribbleden* or *Rivleden* Rivulet or Brook near to and above *Holme Styes* Mill aforesaid, and also the said Reservoir and Embankment at or across the Stream called *Upper House Dyke* at *Boshaw Whams* aforesaid: Provided always, that all the

the Works for such Purposes shall be upon the Lands acquired by the existing Commissioners for that Purpose.

Power of entering on adjoining Lands and getting Materials for the Repairs of the Reservoirs.

LX. That for the present restoring and repairing of the aforesaid several Reservoirs and Embankments or Works, and also in case it shall at any Time hereafter happen from Floods, or impending Floods, or from any unforeseen Accident, that any of the Embankments of the said several and respective Reservoirs shall give way or break down, or be in immediate Danger of giving way or breaking down, whereby the adjacent Lands and Property might be subjected to Danger of great Damage or Injury, unless the same should be immediately restored or repaired, it shall be lawful for the Directors, and they are hereby authorized and empowered, forthwith, and also from Time to Time hereafter as Circumstances may render it necessary, by their Officers, Engineers, Surveyors, Agents, Contractors, or Workmen, without any Delay or Interruption from any Person whomsoever, to enter into any Lands or other Property adjoining or near to any of the said several Reservoirs and Embankments, or Works, or the several Rivulets or Brooks, Rivers or Streams herein-before mentioned or any of them (not being at a greater Distance than Five hundred Yards from the Site of each of the said several Reservoirs and Embankments, or Works, and not being Ground whereon any House stands, or being an Orchard, Yard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House,) and to dig for, work, get, and carry away and use all such Stones, Gravel, Clay, or other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Occupier or other Person interested in such Lands or other Property, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompense for such Damages as may be done to the Owners or Occupiers of or other Persons interested in such Lands and other Property, by means of the digging for, getting, working, taking and carrying away and using such Stones, Gravel, Clay, and Materials; and which Damages, if the Parties cannot agree, shall be ascertained in the Manner provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement.

Power to sell superfluous Land.

LXI. That it shall be lawful for the Directors and they are hereby authorized and empowered to sell and dispose of any Lands vested in them, and which may not be required for the Purposes of the said several Reservoirs and Embankments or Works, or of this Undertaking, in the Manner provided by the said last-mentioned Act with respect to the Sale of superfluous Land.

Directors to appoint Drawers.

LXII. That for the Purpose of regulating and better insuring the Supply of Water from the said several Reservoirs, for the Use of the Mills,

Mills, Factories, Dyehouses and other Works and Premises liable to be rated by virtue of this Act, and also for the Protection of the said Reservoirs and the Works connected therewith, the Directors shall from Time to Time appoint a proper Person as Drawer and Keeper of each of the said Reservoirs and Works, for the Management and Protection thereof, who shall constantly reside in a Dwelling House near the Reservoir and Works in respect of which he shall be so appointed, and they shall, by their Byelaws to be made in the Manner provided by the said "Commissioners Clauses Act, 1847," and under the Penalties therein to be contained, direct and order that the Supply of Water to be supplied from Time to Time by each Drawer of and from the said several and respective Reservoirs shall be so regulated as best to insure at all Times a constant and regular Supply of Water in the said several and respective Rivulets or Brooks, Rivers or Streams, for the Use of the said Mills, Factories, Dyehouses, and other Works and Premises.

Mortgagees and Subscribers to participate in certain future Income.

LXIII. That in case the Directors shall at any Time or Times hereafter, either by Amalgamation or Agreement with any existing or projected Waterworks or other Corporation or Company, become possessed or be in the Receipt of or entitled to receive any Income or Share of Income from such last-mentioned Waterworks or other Corporation or Company, or from any other Source than that arising from the Rates and Assessments to be made and levied upon the Occupiers of the several Mills, Factories, or other Works or Premises liable to be rated and assessed under or by virtue of this Act, then that the several Mortgagees and Subscribers who have consented to abandon all Arrears of Interest due to them up to the Day of the passing of this Act, as herein-before mentioned, their respective Executors, Administrators, or Assigns, shall be entitled to have and receive One Moiety or equal Half Part of such Income or Share of Income, but to the Extent only of making up out of such Moiety, with the herein-before mentioned Interest of Two Pounds and Ten Shillings *per Centum per Annum*, the full Interest of Five Pounds *per Centum per Annum* upon the Principal Monies due to the said Mortgagees and Subscribers respectively at the passing of this Act, as herein-before mentioned, or of so much thereof as may remain unpaid; but such last-mentioned Interest shall commence and be calculated only from the Time of such Income or Share of Income arising or becoming payable to the Directors as aforesaid.

Engineer to make annual Inspection and Report of the State of Reservoirs.

LXIV. That in order that the Public may be satisfied from Time to Time of the Safety of the several Reservoirs and Embankments or Works herein-before mentioned, the Directors shall and they are hereby required to cause their Engineer, at least Once in each Year, personally to inspect and examine the State and Condition of the said several

several Reservoirs and Embankments or Works, and to make his Report in Writing whether, in his Opinion, such several Reservoirs and Embankments or Works are in an effective and safe State, or require any and what Alterations, Additions, or Repairs; and the Directors shall produce the said Report to and cause the same to be read at the then next annual Meeting of the Directors, and to be printed with their annual Accounts, and also published in One or more of the Newspapers circulating within the Limits of this Act, and also that a daily Entry of the Height of the Water in each Reservoir shall be kept by the respective Drawers thereof, in a Book to be kept for that Purpose, and an average monthly Return be made by them respectively to the Clerk for the Inspection of any Person applying to see the same; and such average monthly Return shall be published along with the Report of the said Engineer.

Power for Justices to order Repair of Reservoirs, and in certain Cases to direct the Water therein to be lowered.

LXV. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be restored or repaired under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices acting for the West Riding of the County of *York* by the Owners or Occupiers of any Dwelling House, Mill, or Factory or Premises situate below any such Reservoir as aforesaid, and so as to be in danger of being destroyed or injured by the Water of such Reservoir, in case it should escape therefrom, that the Embankment by which the Water is retained in such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied that such Embankment is in a dangerous State, they shall by Writing under their Hands order and require the Directors, within a Time to be specified in such Writing, to put such Embankment into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Directors shall not within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any Two other Justices acting for the said West Riding, have repaired the said Embankment or constructed the said Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands order and direct the Officer of the Directors in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Directors, and also upon the Premises of such Officer, in case of immediate Urgency, for the Purpose of obtaining the Key of the Shuttle or other the Machinery connected therewith, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger, and to keep the Water in such Reservoir

servoir at the reduced Level, until the said Embankment shall have been repaired, or such Work as aforesaid shall have been constructed to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices as aforesaid, and who shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; (that is to say,)

To *A. B.*

'WE, the undersigned, Two of Her Majesty's Justices of the Peace
' acting for the West Riding of the County of York, do hereby
' order and direct you, and such Person or Persons as you may re-
' quire to aid and assist you therein, forthwith to do all such Acts
' as may be necessary to lower the Water in a certain Reservoir
' known as the Reservoir by the Space of
' Feet or thereabouts, and to keep the
' same at that Level until you shall be further instructed by us or
' by Two other Justices of the Peace acting for the said Riding; and
' you shall do as little Injury as possible to the Property of the
' Directors; and in acting in obedience to the Premises this shall be
' your sufficient Warrant.

' Given under our Hands, this Day of
' in the Year of our Lord

' (Signed) *C. D.*
' *E. F.*'

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any such Officer who shall disobey such Order, and any Person who shall obstruct or prevent such Officer or Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except where the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Embankment, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Directors, and shall hear and consider any Evidence that may be tendered on behalf of the Directors against the making of such Order; provided also, that if the Directors shall consider themselves aggrieved by any such Order, they may appeal against the same to any Quarter Sessions, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal; and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices as they may think proper, but until such Order shall be superseded it shall continue in full Force; and all the Costs, Charges, and Expenses

of applying for, obtaining, and enforcing such Order shall be borne by the Directors, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do, and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court of Quarter Sessions.

Reserving certain Rights under the recited Act.

LXVI. And whereas certain Clauses and Provisions are contained in the said first-recited Act for the Protection of the Owners of certain Lands, and which Clauses and Provisions are herein-after set forth:

Seventh *William* the Fourth, Chapter Fifty-four, Section Thirty-two:

Provided always, and be it further enacted, That all Copyhold or Customary Lands to be purchased by the said Commissioners for the Purposes of this Act shall continue to be held as Copyhold or Customary Lands by the Rents, Fines, and Services due and accustomed, unless the Lord of the Manor within which such Copyhold or Customary Lands shall be situate shall consent to enfranchise the same; and that such Copyhold or Customary Lands shall be conveyed and pass by Surrender to the Use of Eight Trustees only, and their Heirs and Assigns, in trust for the said Commissioners, for the Purposes of this Act, and from Time to Time be granted unto Eight Trustees, their Heirs and Assigns, in trust as aforesaid, unless the Lord of the said Manor within which the same Lands and Tenements shall lie shall consent to authorize the same to be granted otherwise, anything herein contained to the contrary in anywise notwithstanding:

Seventh *William* the Fourth, Chapter Fifty-four, Section Thirty-three:

Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed or deemed or taken to extend to affect, extinguish, defeat, abridge, interrupt, impeach, annul, prejudice, or destroy the Right, Title, or Interest of the Most Noble *George William Frederick* Duke of *Leeds*, his Heirs or Assigns, of, in, or to all Mines, Coal, Ironstone, and Minerals, of what Nature or Kind soever, lying and being within and under the Commons, Encroachments, and Waste Grounds divided, allotted, and inclosed, or directed to be divided, allotted, and inclosed, under and by virtue of an Act of Parliament passed in the Ninth Year of His late Majesty King *George* the Fourth, intituled *An Act for inclosing Lands within the Graveship of* Holme *in the several Parishes of* Kirkburton *and* Almondbury *in the West Riding of the County of* York, and the Powers of searching for, winning, working, loading, and carrying away the same Mines and Minerals, and of making, laying, and repairing Waggon Ways and other Ways, and of doing all

Works,

Works, Acts, and Things granted or reserved in and by the said Act for the full and complete Enjoyment of the said Mines and Minerals, nor the Right, Title, or Interest of the said *George William Frederick* Duke of *Leeds*, Lord of the Manor of *Wakefield*, or the Lord of the said Manor for the Time being, of, in, or to the Seigniories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Privileges, Powers, and Authorities appendant, appurtenant, incident, or belonging to the said Manor of *Wakefield*, but that the said Duke of *Leeds*, his Heirs and Assigns, shall have, hold, use, exercise, take, and enjoy all the said Mines and Minerals, and all the Powers in and by the said Act granted and reserved for the full and complete Enjoyment thereof, and also that the said *George William Frederick* Duke of *Leeds*, Lord of the said Manor, and the Lord of the said Manor for the Time being, shall have, hold, use, exercise, take, and enjoy all and every the Seigniories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever to the said Manor belonging, or incident, appendant, appurtenant, or usually exercised, holden, or enjoyed therewith, in such and the like Manner, and as fully and beneficially, to all Intents and Purposes, as if this Act had not been passed:

Seventh *William* the Fourth, Chapter Fifty-four, Section Thirty-four:

And be it further enacted, That nothing in this Act contained shall extend to give to the said Commissioners any Coal, Ironstone, or other Mines or Minerals under any Lands purchased, taken, or in anywise used or occupied by the said Commissioners under the Provisions of this Act, except only so much of such Coal, Ironstone, or other Mines or Minerals, where the same shall be the Property of the Owner of the Land so purchased, as may be necessary to be dug or carried away or used for the Purposes of this Act (unless the said Mines shall have been expressly purchased and conveyed by the Owner thereof to the said Commissioners), but all such Coal, Ironstone, and other Mines and Minerals not necessary to be so dug, carried away, or used as aforesaid shall (unless the contrary be expressed) be deemed to be accepted out of the Purchase and Conveyance of such Lands, and may, subject to the Restrictions herein-after contained for the Purchase thereof by the said Commissioners, be won and worked by the respective Owners or Lessees thereof under the said Lands or the Reservoirs or other Works of the said Commissioners, as if this Act had not been passed; provided that in working such Mines and Minerals no Damage be wilfully done to the said Reservoirs or other Works, and that the said Mines and Minerals be not worked in an unusual Manner:

Seventh *William* the Fourth, Chapter Fifty-four, Section Thirty-six:

Provided always, and be it further enacted, That when and so often

often as the Proprietor or Lessee or Tenant of any Mines of Coal, Ironstone, or other Mines or Minerals lying under the said Reservoirs and other Works, or any of them, or any Part thereof, or within the Distance of Fifty Yards from such Reservoirs or any of them, or any Part thereof, shall be desirous of working the same in conjunction or connexion with any other Mines or Minerals adjoining thereto, then and in every such Case such Proprietor, Lessee, or Tenant shall give Notice in Writing to the said Commissioners under his Hand of such Intention, Twenty-one Days at least before he shall begin to work such Mines; and upon Receipt of such Notice it shall be lawful for the said Commissioners to inspect or cause to be inspected such Mines, and to contract and agree with any such Proprietor, Lessee, or Tenant for the Purchase of and to purchase any such Mines or Minerals, or any Part thereof, the getting or working of which may appear to the said Commissioners likely to prejudice or damage the said Reservoirs or other Works; and in case the said Commissioners and such Proprietor, Lessee, or Tenant do not agree as to the Amount or Value of such Mines or Minerals, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed with respect to the Lands which shall or may be taken for the Purposes of this Act; provided that in case the said Commissioners do not before the Expiration of Twenty-one Days declare their Desire to purchase the said Mines, and do not treat with such Proprietor, Lessee, or Tenant for the same, or in case, without any Default of such Proprietor, Lessee, or Tenant, the Purchase Money for the same shall not be paid within Three Calendar Months after the giving of such Notice, then it shall be lawful for the Proprietor, Lessee, or Tenant of such Mines and he is hereby authorized to work and get such Part of the said Mines as lie under the said Reservoirs and Works or any of them within the Distance aforesaid, without being liable to the said Commissioners for any Damage that may be done thereby, unless such Damage be wilfully done, or be caused by the working of the said Mines in an unusual Manner: Provided also, that in case at any Time or Times after such Notice, Refusal to treat, or Nonpayment of Purchase Money within the Times respectively above specified, any Damage, by the bursting, breaking down, or Leakage of any of the Reservoirs or Works of the said Commissioners, or otherwise by any Overflow of Water therefrom, be done to the said Mines, or the Water Gates, Air Gates, Pits, or other Workings thereof, then that the said Commissioners shall from Time to Time pay or cause to be paid to the Proprietor, Lessee, or Tenant of the said Mines all such Damages, Costs, Charges, Losses, and Expenses as shall fall upon or be sustained by such Proprietor, Lessee, or Tenant by means of such bursting, breaking down, Leakage, or Overflow; and if any Dispute or Question shall arise between the said Commissioners and such Proprietor, Lessee, or Tenant as aforesaid, touching the Amount of

such Damages, Costs, Charges, Losses, and Expenses, the same shall be settled and determined by Two indifferent Persons skilful in the working of Mines and Minerals, the one to be chosen by the said Commissioners, and the other by such Proprietor, Lessee, or Tenant, and in case of Disagreement of such Referees so chosen as aforesaid by an Umpire so skilful as aforesaid, to be appointed by them before they proceed to such Reference, whose Decision shall be final and conclusive:

Seventh *William* the Fourth, Chapter Fifty-four, Section Thirty-seven:

Provided also, and be it further enacted, That in case the said Commissioners shall purchase any such Minerals under the said Reservoirs or other Works, or within the Distance of Fifty Yards thereof, it shall be lawful for the respective Proprietors, Lessees, or Tenants of the adjoining Minerals to cut and make such and so many Airways, Headways, Gateways, Water Levels, and other Communications through the Minerals, Measures, or Stratas so purchased by the said Commissioners as may be requisite to enable such Proprietors, Lessees, or Tenants to ventilate, drain, work, get, and carry away the Minerals on each Side of the Minerals so purchased as aforesaid; provided always, that no Airway, Headway, Gateway, Water Level, or other Works shall be of greater Dimensions or Section than Eight Feet wide and Eight Feet high; and the respective Proprietors, Lessees, or Tenants of such Minerals, or other the Persons cutting and making the same, shall allow and repay unto the said Commissioners, for all Coal or other Minerals worked or obtained by them from and out of such Airway, Headway, Gateway, Water Level, or other Communication, such Rate or Price as the same shall be worth at the Time of procuring the same:

Seventh *William* the Fourth, Chapter Fifty-four, Section Thirty-eight:

Provided always, and be it further enacted, That the said Commissioners shall from Time to Time pay or cause to be paid to the Proprietor, Lessee, or Tenant of any Mines of Coal, Ironstone, and other Minerals, all such Costs, Charges, Losses, and extraordinary Expenses as shall fall upon such Proprietor, Lessee, or Tenant by reason of the same being worked in such Manner and under such Restrictions as not to prejudice or injure the said Reservoirs or any of the Works of the said Commissioners, and for any Minerals not purchased by the said Commissioners which cannot be obtained by reason of making and maintaining the said Reservoirs or other Works; and if any Dispute or Question shall arise between the said Commissioners and such Proprietor, Lessee, or Tenant as aforesaid, touching the Amount of such Costs, Charges, Losses, or extraordinary Expenses, or the Value of such last-mentioned Minerals which cannot be obtained as aforesaid, the same shall be settled and determined by Two indifferent

Persons skilful in the working of Mines and Minerals, the one to be chosen by the said Commissioners, and the other by such Proprietor, Lessee, or Tenant, and in case of Disagreement of such Referees so chosen as aforesaid, an Umpire, so skilful as aforesaid, to be appointed by them before they proceed in such Reference, whose Decision shall be final and conclusive:

Seventh *William* the Fourth, Chapter Fifty-four, Section One hundred and eleven:

Provided always, and be it further enacted, That the passing of this Act, or the Conveyance of any Lands or Hereditaments now belonging to *William Leigh Brook* Esquire to the said Commissioners, or the covering of such Lands with Water for the Purposes of this Act, or anything in this Act contained, shall not extend or be construed to extend to affect any Rights of fowling, fishing, or sporting upon or in any such Lands or Waters so now belonging to the said *William Leigh Brook*, or taking Water Fowl, Fish, or other Game upon or in the same, but all such Rights shall be and continue in as full Force and Effect, and shall or may be or exercised and enjoyed by the said *William Leigh Brook* Esquire, or the Proprietor for the Time being at all Times hereafter of the Estate of which such Lands and Hereditaments now form Part, as fully and effectually as the same might have been exercised and enjoyed if this Act had not been passed:

And whereas it is expedient that the said several Clauses and Provisions should be continued in force, and in manner herein-before mentioned: Be it therefore enacted, That all and singular the said several Clauses, Powers, Provisions, and Enactments in the said recited Act contained, and herein-before set forth, shall be and the same are hereby declared to have and shall continue to have the same Force and Effect as they would have had of the said recited Act had not been repealed: Provided always, that in case the Parties do not agree as to the Amount of Value of such Mines and Minerals as are mentioned in the said Thirty-sixth Section the same shall be ascertained and settled either by Arbitration or by the Verdict of a Jury in the Manner and Way directed and appointed by "The Lands Clauses Consolidation Act, 1845," with respect to the purchasing and taking of Lands otherwise than by Agreement.

SCHE-

SCHEDULE referred to in the foregoing Act.

SCHEDULE.

Form of Memorandum to be indorsed on Mortgages.

By virtue of "The Holme Reservoirs Act, 1853," the Interest payable on the within Mortgage is reduced from and after the [*here insert the Date of the passing of this Act*] to the Rate of Two Pounds and Ten Shillings per Centum per Annum, payable half-yearly, on the Day of and the Day of in each Year, unless as in the said Act is specially provided for.

Seal of the Directors.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1853.