ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

Cap. XCIV.

An Act for enlarging the Embankment of a Reservoir in the Valley of *Wessenden* in the Township of *Marsden* and Parish of *Almondbury* in the West Riding of the County of *York*, and for other Purposes. [4th *July* 1836.]

WHEREAS the Stream or Brook called *Wessenden Brook* is one of the principal Sources of the River *Colne* in the West Riding of the County of *York*, and the Supply of Water in the said River and Stream is very irregular, and in rainy Seasons considerable Injury is occasioned to the Lands and other Property adjoining and in the Neighbourhood of the said River and Stream, by the same being frequently overflowed, and during the Summer Months such Supply is frequently insufficient for the Purposes of the Mills, Manufactories, Dyehouses, and other Works upon the said River and Stream, to the great Loss and Inconvenience of the Owners and Occupiers thereof, and of the Work-people dependent upon Employment therein: And whereas a small Reservoir has existed for nearly Forty Years in the Valley of *Wessenden*, formerly made on certain Commons there, for the Benefit of the Mills and other Works on the said River and Stream, which is of insufficient Dimensions and Capacity for preventing the Overflowings and Injury aforesaid: And whereas it has been ascertained by experienced Engineers that such Irregularity, Overflowing, and Insufficiency of Supply as aforesaid might be greatly remedied by the Formation of an enlarged and additional Embankment of the said Reservoir, for impounding and penning

ning up a greater Quantity of the Flood-waters falling in and issuing from the Valley of *Wessenden* in rainy Seasons, and that such Waters so impounded might be rendered available in dry Seasons for the Purposes of the Mills, Manufactories, Dyehouses, and other Works situate upon or near the said Stream and River: And whereas the making of such an additional Embankment for the Enlargement of the said Reservoir would tend to prevent the Injuries and Irregularities aforesaid, and would be of great Benefit and Advantage to the Owners and Occupiers of the Lands, Mills, Manufactories, and Works aforesaid, and other Property, and to the Population in the Neighbourhood dependent on such Employ as aforesaid; but such beneficial Purposes cannot be conveniently effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That Sir *John Ramsden* Baronet, Sir *Joseph Radcliffe* Baronet, *Joseph Armitage* Esquire, of *Milnsbridge House*, *Joseph Armitage* of *Marsden*, *George Armitage*, *Joseph Taylor Armitage*, *Thomas Atkinson*, *Joseph Atkinson*, *John Bower*, *John Bower* the younger, *James Buckley*, *Thomas Blenkhorn*, *Joshua Crosland*, *Thomas Crosland*, *John Dyson*, *John Eastwood*, *Henry Eastwood*, *John Tallents Fisher*, *John Fisher*, *Edward Fisher*, *John Farrar*, *Joshua Farrar*, *James Gerrard*, *William Haigh*, *John Haigh*, *Thomas Haigh*, *Samuel Wood Haigh*, *William Kinder*, *Sidney Norris*, *James North*, *John Charles Ramsden*, *William Ramsden*, *Henry James Ramsden*, *Charles Ramsden*, *John Ramsden*, *James Ramsden*, *Joshua Robinson*, *George Scholes*, *John Seddon Scholes*, *Matthew Sykes*, *Joseph Sykes*, *Jonathan Shaw*, *Joseph Shaw*, *Eli Shaw*, *John Shaw*, *William Shaw*, *Charles Thynne*, *William Toone*, *Richard Varley*, *Joseph Varley*, *Thomas Varley*, *John Varley*, and *John Whitacre*, and all other Persons who now are or who hereafter shall be an Owner or Occupier of any Fall of Water or Mill of the annual Value of One hundred Pounds or upwards, liable to be rated by virtue of this Act, shall be and they are hereby declared to be One Body Politic and Corporate by the Name of "The Commissioners of the *Wessenden* Reservoir," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued.

Commissioners appointed.

Qualification of Commissioners.

II. And be it further enacted, That no Commissioner shall be capable of acting in the Execution of any of the Powers given in and by this Act (except in giving Notice of the First Meeting of the said Commissioners, or in administering the Declaration herein-after directed,) unless he shall be an Owner, in his own Right or in the Right of his Wife, and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits, or Part of the Rents and Profits, of some Fall of Water, or unless he shall be an Occupier of some Fall of Water rated and assessed or liable to be rated and assessed under this Act, (and the full annual Value of which Fall, or of the Hereditaments occupied therewith of which it shall form a Part, shall be One hundred Pounds at the least,) and until he shall make and subscribe the Declaration following, which any such Commissioner is hereby empowered to administer; (that is to say,)

'I

'I do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.' Form of Declaration.

III. And be it further enacted, That in case any Person shall (except as aforesaid) act as a Commissioner in the Execution of this Act without being qualified as aforesaid, or before he shall have made and subscribed such Declaration, every such Person shall forfeit and pay for every such Offence the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case; and every Person so prosecuted shall prove that he is qualified as aforesaid, and that he has made and subscribed such Declaration, or otherwise shall pay the said Sum of One hundred Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Commissioner in the Execution of this Act (except as aforesaid): Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act without being qualified as aforesaid, or before he shall have made and subscribed such Declaration, previous to his being convicted of such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been duly qualified as aforesaid, and had made and subscribed such Declaration, according to the Directions of this Act. Penalty for acting before subscribing the Declaration. Acts of Persons before Conviction to be good.

IV. And be it further enacted, That for carrying the Purposes of this Act into execution it shall be lawful for the said Commissioners, and they, or any Five or more of them, are hereby empowered to assemble and meet from Time to Time at such House or Place in the said Parish of *Almondbury* or in the Parish of *Huddersfield* as they shall think proper; and the said Commissioners shall within Fourteen Days after the passing of this Act, or as soon thereafter as conveniently may be, hold their First Meeting, and proceed to put the Powers hereby given to them into execution; and all such Meetings shall be convened by public Advertisement in One of the *Leeds* Newspapers, or in some other Newspaper usually circulated in the West Riding of the County of *York*, or by Notice sent by the Post or otherwise to every Commissioner appointed in or by virtue of this Act, such Advertisement or Notice to be signed by any Three or more of the Commissioners, or by the Clerk of the said Commissioners, and to state the Time and Place of Meeting, and to be published or sent respectively Seven Days at least before the Time fixed for holding such Meeting; and all or any of such Meetings may be from Time to Time adjourned to and held at the same or any other Place within the said Parishes of *Almondbury* or *Huddersfield*, either with or without any such Advertisement or Notice as aforesaid, as First Meeting of Commissioners.

the

the Commissioners making the Adjournment shall think proper: Provided always, that Five Commissioners at the least shall be present in order to constitute a Meeting; and at all such Meetings a Chairman shall be appointed, and in case there shall be an equal Number of Votes on any Question at any such Meeting, including the Vote of the Chairman, such Chairman shall have and give the casting Vote.

Commissioners to appoint a Treasurer, Collector, Clerk, Engineers &c.; and Treasurer, &c. to give Security.

V. And be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint a Treasurer, Collector, and Clerk, and also such Engineers, Surveyors, or such other Officers as they shall think proper and expedient for the better carrying the Purposes of this Act into execution, and to give them such Salaries or Allowances as the said Commissioners may from Time to Time think proper, the said Commissioners always taking good and sufficient Security, and to such Extent as they shall think requisite, from every Treasurer, Collector, or other Officer who shall be appointed to receive Money, or have the Care or Custody thereof, for the due accounting for all such Monies with which he may be entrusted, and for the faithful Discharge of the Trust reposed in him; and also from Time to Time to discharge and dismiss any such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, and appoint another or others in his Stead, as the said Commissioners shall think fit.

Same Person not to be Clerk and Treasurer.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information.

VII. And

Penalty on Officers being engaged in Contracts.

VII. And be it further enacted, That if any Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer employed by the said Commissioners for the Purposes of this Act, shall be concerned or interested in any Bargain or Contract made or entered into for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of One hundred Pounds for every such Offence to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Proceedings to be entered in a Book, and signed by the Chairman, and shall be legal Evidence.

VIII. And be it further enacted, That the Orders and Proceedings of every Meeting of the Commissioners shall be entered in a Book to be provided and kept for that Purpose, and shall be signed by the Person acting as Chairman at such Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges and others.

Books of Accounts to be kept, and be open to Inspection.

IX. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct proper Books to be provided and kept by their Clerk for the Time being, in which Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for such Commissioners in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Books shall at all seasonable Times be open, without Fee or Reward, to the Inspection of every Person who shall for the Time being be a Commissioner under this Act, and of every such Occupier of the said Stream and River or Falls as, under the Provisions herein-after contained, shall for the Time being be liable to be assessed to the Rates herein-after authorized to be imposed, or would be so liable if the said Reservoir hereby authorized to be made were then actually in use, and of every Mortgagee of the said Rates; and every such Commissioner, Occupier, and Mortgagee shall or may take Copies of or Extracts from the said Books or any Part thereof without paying any thing for the same; and in case the said Clerk shall refuse to permit any such Commissioner, Occupier, or Mortgagee, or shall not permit any such Commissioner, Occupier, or Mortgagee to inspect any such Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are herein-after directed to be levied and applied.

Officers to account to Commissioners whenever required.

X. And be it further enacted, That every Officer to be appointed under this Act shall under his Hand, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge, and of all Monies which shall have been received by him by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Money as shall

In case of Default, summary Proceedings authorized before a Justice.

remain due from him to the said Commissioners, or to such Person as they shall appoint; and if any such Officer shall refuse or neglect to make and render any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or otherwise satisfactorily to answer the said Commissioners, or shall refuse or neglect to deliver up to the said Commissioners, or the major Part of them, at any Meeting under the Provisions of this Act, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respectively for the same, then and in every such Case, upon Complaint made by the said Commissioners or by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any of His Majesty's Justices of the Peace for the County, Riding, or Place where such Officer shall have last resided or shall then reside, such Justice may and is hereby authorized and required to summon the Officer so refusing or neglecting before him, and upon his appearing, or having been summoned and not appearing, (except from some reasonable Cause to be judged of and allowed by such Justice,) or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party or by the Testimony of any credible Witness upon Oath or Affirmation (which Oath or Affirmation such Justice is empowered to administer) it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in every of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol or House of Correction for such County, Riding, or Place, there to remain, without Bail or Mainprize, until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make and receive, and until he shall have delivered up such Papers, Books, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Officer who shall be committed as before mentioned on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time than Three Calendar Months; provided also, that the Imprisonment of any Officer shall not be deemed a Discharge for any Money which shall remain due from him, nor exonerate his Sureties or Securities, but such Officer, and his Sureties and Securities, shall remain liable for the Payment thereof in the same Manner as if such Officer had not been

Commitment of Officers not to exceed Three Calendar Months; and not to discharge Offender or his Sureties.

been so imprisoned, nor shall any such Imprisonment preclude the Commissioners from bringing any Action of Account or on the Case, or filing a Bill in Equity, or taking any other Proceeding, whether legal or equitable, civil or criminal, against such Officer or his Sureties or Securities, in order to compel the furnishing of such Account as aforesaid, or by reason of the same not having been so furnished, or from bringing any Action of Trover or on the Case, or any other Action or Suit, or taking any other Proceeding, whether civil or criminal, either against such Officer or any other Person, for the Recovery of any such Voucher, Books, Papers, or Writings as aforesaid, or on account of the Detention or withholding thereof.

Recovery of Monies and Books from Executors, &c. of deceased Officers.

XI. And be it further enacted, That in case of the Death, Bankruptcy, or Insolvency of any Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer before he shall have paid and satisfied the Money collected or raised by virtue of this Act, or before he shall have delivered up all Books, Accounts, Writings, and Papers whatsoever concerning his Office, or relating to the Execution of this Act, the Executors or Administrators of every such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, or the Assignees of his Estate and Effects, or other Persons possessing the same, or in whom the same has or have been vested, shall be liable to pay and satisfy the Money so collected or raised as aforesaid out of such Estate and Effects in the regular Course of Administration and Bankruptcy, and shall deliver up to the said Commissioners, or any Person appointed by them, all such Books, Accounts, Writings, and Papers; and in case of the Nonpayment or Nondelivery thereof respectively for the Space of Twenty Days after Demand made thereof, it shall be lawful for the said Commissioners to proceed in any of His Majesty's Courts of Record at *Westminster* against such Executors, Administrators, Assignees, or other Persons possessing the Estate and Effects which did belong to such deceased or bankrupt or insolvent Officer, for the Payment of such Money, and also for the Recovery of Damages for the Nondelivery of such Books, Accounts, Writings, and Papers, together with full Costs of Suit.

Commissioners to render Accounts annually.

XII. And be it further enacted, That once at least in every Year the said Commissioners shall and they are hereby required to make a just and true Statement and Account of all Sums of Money by them received and expended in the Execution of this Act, and shall, within Fourteen Days after such Annual Meeting, cause a printed Copy of such Account or Statement, after having been laid before such Annual Meeting, to be sent by the Post to every Owner and to every Occupier who shall be rated for the Purposes of this Act under the Provisions herein-after contained.

Commissioners not to be personally liable, except each for his own Defaults.

XIII. And be it further enacted, That no Commissioner or Officer to be appointed under this Act shall be personally liable for any Contracts or Agreements which he may enter into in pursuance of this Act, nor for the Repayment of any Money which shall be borrowed under the Provisions herein-after contained, nor for any Penalties or Damages, Costs or Expences, which may be incurred in relation to any thing done for any of the Purposes of this Act (except such

such Penalties, Damages, Costs, or Expences as shall be incurred by reason of his having himself acted in violation of any of the Provisions of this Act); nor shall any Commissioner be answerable for Mistakes or Omissions, nor for the Sufficiency or Responsibility of any Security or Securities to be taken under the Authority of this Act, nor for the Receipts, Accounts, or Omissions of the Treasurer, Clerk, or other Officer, nor for the Receipts or Accounts of any other Commissioner, but each Commissioner for his own Acts and Deeds, Receipts and Accounts only.

First and Annual General Meetings of Commissioners.

XIV. And be it further enacted, That a General Meeting of the said Commissioners shall be held at some convenient Place in the said Parishes of *Huddersfield* or *Almondbury* in the Month of *August* next after the passing of this Act, and an Annual General Meeting of the said Commissioners shall be held in the First Week in the Month of *April* in every subsequent Year at such Place as aforesaid, or at such other Place or Time as shall be determined by a previous General Meeting; and every such Annual General Meeting shall be convened in manner herein-before provided for convening Meetings.

Mode of convening Extraordinary General Meetings.

XV. And be it further enacted, That an Extraordinary General Meeting of the said Commissioners may from Time to Time be called by any Five or more of the said Commissioners; and every such Extraordinary General Meeting shall be convened by a Notice sent by the Post or otherwise to every such Commissioner as aforesaid, and such Notice shall be signed by any Five or more of the said Commissioners, or by their Clerk, and shall state the Objects of such Extraordinary General Meeting, and the Time and Place of Meeting, and shall be so sent Ten Days at least before the Time fixed for the holding such Extraordinary General Meeting, except in Cases of Emergency, when Two Days such Notice shall be deemed sufficient, the calling of such Meeting in Cases of Emergency being sufficiently authorized by a Requisition to the Clerk of the said Commissioners, signed by Five or more of such Commissioners as aforesaid.

Annual or Extraordinary General Meetings may be adjourned.

XVI. And be it further enacted, That every such Annual and Extraordinary General Meeting may be adjourned from Time to Time, and from Place to Place, as may be found expedient; and all such Matters and Things as might have been transacted or done at any such Annual or Extraordinary General Meeting may be transacted or done at such Adjourned General Meeting.

No Person to vote if in arrear with his Rate.

XVII. And be it further enacted, That after the said Reservoir hereby authorized to be made shall be actually in use, no Person shall be entitled to attend and vote in Person or by Proxy at any of the said Meetings, unless he shall have actually paid and satisfied the Rates, if any, which shall for the Time being have been assessed upon him under or by virtue of this Act.

Regulations as to voting.

XVIII. And be it further enacted, That at every Meeting of the said Commissioners each Commissioner qualified to attend and vote at such Meeting shall be entitled to a single Vote only; and every Commissioner so qualified to attend and vote as aforesaid, being a Body

Body Politic or Corporate, may attend and vote by its Clerk or other Officer usually acting on its Behalf in such Matters; and every other Commissioner so qualified to attend and vote as aforesaid shall be at liberty to appoint a Proxy, constituted by Writing under his Hand, every such Proxy being a Commissioner qualified to attend and vote in his own Right at such Meeting; and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if the Principal had voted in Person; and every Election, and every other Matter or Thing which shall be proposed, discussed, or considered, in any such Annual, Extraordinary, or Adjourned General Meeting of Commissioners, shall be determined by the Majority of Votes then given, whether by Principals or Proxies: Provided always, that when any Part of the said Stream, River, or Falls shall be in the joint Occupation of Two or more Persons, whether as Partners, Joint Tenants, Tenants in Common, or Coparceners, or concurrent Occupiers in Severalty, they shall together be considered as One Commissioner only, and shall vote by Proxy by a Majority (in Interest or Value in the Property held by them as aforesaid), which Proxy may be either One of themselves or One of the other Commissioners qualified to attend and vote in his own Right.

Lunatics and Minors to vote by their Committees and Guardians.

XIX. And be it further enacted, That in case any Commissioner entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot or a Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Committee or by any of his Committees, and such respective Committees may vote in respect of the Interest of such Lunatics or Idiots either in Person or by Proxy, and such Minor shall and may vote by his Guardian or by any of his Guardians, and such respective Guardians may vote in respect of the Interests of such Minors either in Person or by Proxy: Provided always, that every such Committee or Guardian may also vote in his own Right, if he have such Right, as well as in the Character of Committee of any Lunatic or Idiot, or of Guardian of any Minor, on the same Occasion.

A Chairman to be appointed at each Meeting, and to have a casting Vote.

XX. Provided always, and be it further enacted, That at every such Annual, Extraordinary, or Adjourned General Meeting, One of the Commissioners present and qualified to vote shall be appointed Chairman, and such Chairman shall not only have a Vote or Votes as a Commissioner or Proxy, but shall also, in case of an equal Division, have the decisive or casting Vote; and if at any Time Two or more Persons shall be proposed as Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the said Office.

Power to contract for the Purchase of Lands.

XXI. And be it further enacted, That for effecting the several Purposes and Provisions of this Act it shall be lawful for the said Commissioners for the Time being and they are hereby empowered to treat, contract, and agree for the absolute Purchase or Enfranchisement of any Messuages or Tenements, Lands or Hereditaments, of what Tenure or Quality soever the same may be, with or from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole,

Sole, Tenant for Life or in Tail, or with or from any Person having any other partial or qualified Estate or Interest, Husband, Guardian, Trustee, or Feoffee in Trust for charitable or other Purposes, Committee, Executor, or Administrator, or any other Trustee or Person whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after him, her, or them, if incapacitated, and for and on behalf of their Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person, or with any Feme Covert who is or shall be seised, possessed of, or interested in her own Right, or entitled to Dower or other Interest therein, or with any other Person whomsoever who shall be willing to sell, grant, or demise the same, or his Right and Interest in the same, for the Purposes of this Act; and upon Payment of the Purchase Money for any such Messuages or Tenements, Lands or Hereditaments, to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Messuages or Tenements, Lands or Hereditaments, may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim or Reversion to such Messuages or Tenements, Lands or Hereditaments; and the same Messuages or Tenements, Lands or Hereditaments, shall vest in the Commissioners of the *Wessenden* Reservoir; and it shall be lawful for the said Commissioners to hold any such Messuages or Tenements, Lands and Hereditaments, and any Term, Right, and Interest therein so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever: Provided always, that it shall not be lawful for the said Commissioners to purchase as aforesaid, under the Powers or Provisions of this Act, more than Thirty Acres of Land.

Incapacitated and other Persons empowered to sell and to grant Leases to the Commissioners.

XXII. And be it further enacted, That for the Purposes aforesaid it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever with whom the said Commissioners are herein-before authorized to treat, contract and agree for the absolute Sale for a Sum in gross of any Messuages or Tenements, Lands or Hereditaments, and sell and convey, surrender or assign the same and every Part thereof unto the said Commissioners, and to give such Consent as is herein mentioned to the Diversion by the said Commissioners of the surplus Waters of any Brooks, and of the tributary Streams and Rivulets of any such Brooks, and particularly of *Wessenden* Brook aforesaid, and to the making and stopping up respectively of such Roads and Ways as are herein-after mentioned, and any other Consent as by this Act required, as to such Bodies Politic, Corporate, or Collegiate, and other Persons whomsoever, as last aforesaid, shall respectively seem meet; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioners, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (namely,)

'I

'I of , in consideration Form of
'of the Sum of to me paid by the Conveyance.
'Commissioners of the *Wessenden* Reservoir, do hereby, in pursuance
'and by virtue of the Power in that Behalf contained in an Act
'passed in the Sixth Year of the Reign of His Majesty King *William*
'the Fourth, intituled [*here insert the Title of this Act*], grant, release,
'assign, and confirm unto the said Commissioners all [*here insert the*
'*proper Description of the Lands intended to be conveyed*], and all my
'Estate and Interest therein, to hold unto and to the Use of the said
'Commissioners and their Successors for ever [*or for such Term of*
'*Years as may be agreed upon*], according to the true Intent and
'Meaning of the said Act. In witness whereof I have hereunto set
'my Hand and Seal the Day of in the
'Year of our Lord .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, and Interests whatsoever. Conveyances to operate to merge Terms and bar Estates Tail.

XXIII. Provided always, and be it further enacted, That if any Contract shall be made for the Purchase of or concerning any Lands wanted for the Purposes of this Act which shall be Copyhold or of the Nature of Copyhold, such Contract shall be executed and completed by Surrender thereof in the Court of the Manor whereof such Lands shall be held, according to the Custom of such Manor; and such Lands shall remain and continue subject to such and the same Fines, Rents, and Services as are due and payable and of right accustomed, in such and the same Manner as if this Act had not been made, unless the Lord of the Manor for the Time being whereof such Copyhold Land shall be holden shall be desirous of enfranchising the same, in which Case such Lord shall be competent so to do, whether a natural Person or a Corporation, and whether labouring under such Disability, Incapacity, or limited Estate, or seised in his own Right or as a Trustee, or in such other Capacity as aforesaid, by such or the like Form of Conveyance as by this Act is authorized to be used in Cases of Conveyance of other Lands; but inasmuch as the vesting and continuing of such Copyhold Premises in the said Commissioners as a Body Corporate would prevent such Lord from receiving such Benefits of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as they would have done in case such Copyhold Premises had continued to be the Property of Persons in their natural Capacities, such Lord as shall decline to enfranchise the respective Parcels of Copyhold Land held of such Manor which shall be purchased by or vested in the said Commissioners for the Purposes aforesaid shall be entitled to and shall be paid by the said Commissioners a reasonable Recompence and Satisfaction for the Loss which will arise in respect of such Fines, Heriots, and other Services the Enjoyment of which will be diminished or lost by the vesting and continuing of such Copyhold Premises in a Body Corporate; which Recompence and Satisfaction, and also the Apportionment of the certain Copyhold Rents issuing out of such Copyhold Tenements, Contracts for Copyhold Lands to be completed by Surrender. Power of Enfranchisement by Lords of Manors under Disabilities. Apportionment of Copyhold Rents.

Tenements, of which a Part only shall be taken for the Use of the said Commissioners, may be settled by Agreement between the Parties.

Application of Purchase Money payable to incapacitated Persons when exceeding 200*l.*

XXIV. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The Commissioners of the *Wessenden* Reservoir," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, upon, and for such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Party who would for the Time being have been entitled to the Rents and Profits of the said Lands so hereby directed to be purchased in case such Purchase or Settlement were made.

1 G. 4. c. 35.

XXV. And

Application thereof when under 200*l.* and above 20*l.*

XXV. And be it further enacted, That if any Money so agreed to be paid for any Lands purchased, taken, or used for the Purposes aforesaid, or for the Enfranchisement of any such Lands, being of Copyhold or Customary Tenure, or for any Compensation or Satisfaction as aforesaid in respect of any Lands belonging to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so purchased taken or used, or of their respective Husbands, Guardians, Committees, or Trustees, in case of Coverture, Infancy, or other Incapacity, to be signified in Writing under their Common Seal or their respective Hands (as the Case may be), be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the respective Parties making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When less than 20*l.*

XXVI. And be it further enacted, That where such Money so agreed to be paid as last before mentioned shall be less than Twenty Pounds, the same shall be applied to the Use of the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit, or in Case of Coverture, Infancy, Lunacy, or other Incapacity, then to their Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of such Parties so entitled respectively.

In Cases of doubtful Title, Dividends of Money paid into the Bank to be paid to the Person last in Possession.

XXVII. And be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase or Enfranchisement of or in satisfaction for or for any Damage to be done to any Lands, or of, for, or to any Estate, Right, Title, or Interest in any Lands to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Party who shall have been in Possession of such Lands at the Time of such Purchase by the said Commissioners, and all Corporations and Parties claiming under such Party, or under the Possession of such Party, shall be deemed and taken to have been lawfully entitled to such Lands according to such Possession until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends of the Bank Annuities to be purchased

with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to such Lands, or to some Estate or Interest therein.

Commissioners to make Embankment.

XXVIII. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered, for the Purposes aforesaid, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, construct, complete, have, use, and maintain a proper and substantial Embankment across the said Valley and Brook of *Wessenden*, at the North-east End of the said present Reservoir, upon the present Embankment of the existing Reservoir, and upon any Common or Waste Land adjoining thereto in the said Township of *Marsden*, and upon any Lands which shall be purchased under the Authority of this Act, and to make or cause to be made proper Valves and Cloughs to draw the Water from and out of the said Reservoir through or near to the said Embankment, and to make, form, erect, and construct, in, upon, or near the said Reservoir, such Byewashes, Spillwaters, Weirs, Dams, Banks, Embankments, Drains, Sluices, and other proper, necessary, or convenient Works as the said Commissioners shall think necessary for providing and securing a regular and constant Supply of Water in the said Stream and River, and for allowing the Escape of the Water, and for the Protection, Security, Cleansing, Repair, and Maintenance of the said Reservoir and other Works; and also in like Manner to erect and build, in some convenient Situation near the said Reservoir and other Works, and at all Times thereafter to keep in good Repair, a House or Houses and other necessary Buildings for the Habitation of a Person to be from Time to Time appointed by the said Commissioners as Superintendent of the said Reservoir and other Works; and such Person so to be appointed shall always be resident near to the said Reservoir and other Works, and shall have full Power and Authority (subject nevertheless to the Control of the Committee of the said Commissioners to be appointed as hereinafter mentioned) to superintend and regulate the Supply of Water from the said Reservoir into the said Stream and River, and by means of the said Reservoir and other Works to keep up and maintain an uniform Supply of Water for the said Stream and River; provided that the said Commissioners shall at all Times furnish from the said Reservoir, and permit to flow down *Wessenden* Brook aforesaid, a Supply of Water sufficient for watering Cattle; and the said Reservoir shall be called the *Wessenden* Reservoir; the whole of the said Embankment to be completed to the Satisfaction of Mr. *George Leather* of *Leeds*, Civil Engineer, or in case of his Death or Refusal to act, then of some other Engineer to be appointed by Sir *John Ramsden* Baronet, his Heirs or Assigns, and by the said Commissioners.

Materials obtained in excavating Works to be used for Embankments, &c.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners to take and use, for the Purpose of forming and making the said Embankment, and enlarging the said Reservoir, and for making and completing any other Reservoir or Reservoirs or other Works, for the Purposes of this Act, any Stone, Gravel, Clay,

Clay, Sand, or other Materials which shall be dug or raised in excavating, making, or enlarging any such Reservoir or Reservoirs or Works.

Materials may be taken from Commons with Consent of the Lord.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, and to and for all and every such Person or Persons as they shall appoint, to search for, dig, get, gather, and take away any Stone, Gravel, Clay, Sand, or other Materials for making or repairing the Embankment, Reservoirs, and other Works by this Act authorized, out of or from any Commons or Waste Grounds in the said Township of *Marsden*, with the previous Consent in Writing of the Lord or Lords of the Manor in which such Materials shall be found, or of the Steward of such Lord or Lords; the said Commissioners or other Person or Persons acting by their Appointment filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries so that the same may not be dangerous to Passengers or Cattle.

Power to divert the surplus Waters of Brooks adjoining the Reservoir, with the Consent of the Owners of the adjoining Property.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners (if they shall judge the same expedient or advisable) to make Feeders or Channels, with such Catchwater Drains and other Works as shall be proper for collecting and conducting into the said Reservoir or into *Wessenden* Brook aforesaid the surplus Waters of any Brooks or Springs near thereto, and of the tributary Streams and Rivulets of any such Brooks, over and above what shall be sufficient for the Supply of the Lands or Works through or near to which the same Brooks respectively flow: Provided always, that the surplus Waters of such Brooks or of such tributary Streams and Rivulets as aforesaid shall not be turned or diverted without the Consent in Writing of the Owners and Occupiers of the Lands and Works affected thereby, between the Places where such Diversions respectively shall be made, and the respective Points at which such Brooks, Springs, or tributary Streams and Rivulets flow into the said Reservoir or into *Wessenden* Brook aforesaid.

Power to make necessary Roads, and to divert Occupation Roads.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, during the making or repairing of the said Embankment and Works, to make any temporary Road or Way between any existing Road or Way and the said Reservoir, and also, with the Consent in Writing of the Owners and Occupiers of the Premises through which the same shall be made, to make and maintain all such Roads and Ways as they may find necessary or expedient for enabling them, and their Engineers, Surveyors, Agents, Officers, Workmen, Servants, and other Persons in their Employ, to have Access to the said Reservoir, Embankment, and other Works, and also to stop up the whole or so much as shall be found necessary of any Occupation Road now used by the Owners and Occupiers of the adjoining Lands, and in lieu of such Occupation Road, or so much thereof as shall be so stopped up, to form another Occupation Road for the Use of the Owners and Occupiers of the said adjoining Lands: Provided always, that no Part of any such Occupation Road shall be stopped up until the Road to be substituted in lieu thereof shall have been

Present Occupation Road not

to be stopped until a new Road is made.

been formed and made fit for Use, and such substituted Road shall be an Occupation Road only for the Use of the Occupiers of the present Road, and the said Commissioners, and their Agents, Servants, and Workmen, and any other Person or Persons to be authorized by the said Commissioners; and the said Commissioners shall for Seven Years thereafter keep such substituted Road in repair.

Additional Reservoirs may be made with Consent.

XXXIII. And whereas it would increase the Advantages to be derived from the making and Enlargement of the said Embankment and Reservoir if the said Commissioners were empowered to make another Reservoir or other Reservoirs within the same Township of *Marsden* upon the said *Wessenden* Brook, upon or near the Site or Sites marked in the Map or Plan (deposited with the Clerk of the Peace for the said West Riding) of the *Huddersfield* Canal, and which the *Huddersfield* Canal Company were empowered to make; be it therefore enacted, That it shall be lawful for the said Commissioners, in case they shall so determine, at any Annual or Extraordinary General Meeting, to construct and make, upon any Land which shall be purchased by them with Consent of Parties, as herein-before mentioned, or upon any Common or Waste Land within the said Township of *Marsden*, with the previous Consent in Writing of the Lord or Lords of the Manor in which such Common or Waste Land shall be situate, such additional Reservoir or Reservoirs within Two thousand Yards from the said enlarged Reservoir, with the same Powers for supplying the same new Reservoir or Reservoirs with Water, and for making all necessary Works connected therewith, and doing all such Matters and Things as shall be necessary for maintaining and using the same, as are by this Act given or provided for with regard to the making, enlarging, maintaining, and using the Reservoir herein-before first mentioned, and subject also to similar Restrictions.

Commissioners to levy Rates.

XXXIV. And in order to raise Money for carrying the several Purposes of this Act into execution, be it further enacted, That One or more Rate or Rates shall be made, levied, or assessed by the said Commissioners at yearly or half-yearly Periods (and shall or may be made due or payable at the Commencement of any such Period or Periods as the said Commissioners shall from Time to Time think necessary) upon all Persons who shall occupy, as herein-after mentioned, any Fall which shall be supplied with Water from any Part of the said *Wessenden* Brook aforesaid between its Exit from the said *Wessenden* Reservoir and its Junction with the said River *Colne*; or shall occupy, as herein-after mentioned, any Fall which shall be supplied with any Water from any Part of the said River *Colne* between the Place of the Junction of the said Stream or Brook called *Wessenden* Brook with the said River *Colne* as aforesaid and its Junction with the said River called the *Calder* at or near *Cooper Bridge*.

Rates to be in proportion to the Fall occupied.

XXXV. And be it further enacted, That the said Rates shall be imposed upon all such Occupiers as aforesaid in proportion to the Measurement or Depth of Fall of Water occupied by them respectively for the Purpose of giving Motion to any Wheel, Machine, or Engine, such Measurement, in Cases where there shall be any fractional

fractional Part of an Inch, shall notwithstanding be reckoned as an entire Inch.

Provision for concurrent Occupiers of Falls.

XXXVI. Provided always, and be it further enacted, That where any Two or more Persons shall be concurrent Occupiers, for any such Purpose as aforesaid, of any Part of the said Stream or River, or the Fall thereof, or the Water derived therefrom, the Proportion in which such Persons shall be liable to be assessed to the Rates hereby authorized to be imposed shall (in case of any Difference of Opinion upon the Subject) be determined by such competent and indifferent Engineer as the Commissioners under this Act shall appoint to value the same, whose Charge for making such Valuation shall be paid and defrayed by such concurrent Occupiers in equal Proportions, the same as if he had been retained or engaged by themselves in making such Valuation: Provided always, that the Rate or Assessment to be made in pursuance of the Determination of such Engineer upon such concurrent Occupiers shall be subject to Appeal as herein-after mentioned: Provided also, that in the meantime, and until such Proportion shall be either agreed upon by the Parties or determined in manner aforesaid, and shall have been actually notified in Writing to the said Commissioners, the said Commissioners shall be at liberty to assess the Whole of the Rate in respect of the Part of the Stream or River, or the Fall thereof, or the Water derived therefrom, so concurrently occupied, upon any of the Persons so occupying the same, or upon all of them, in such Proportions as the said Commissioners shall judge proper.

Falls unoccupied when Assessment imposed to be afterwards assessed.

XXXVII. And whereas there are Falls on the said Stream or Brook called *Wessenden Brook* and the said River *Colne*, which, being now wholly unoccupied, will not be assessed by the said Commissioners in virtue of this Act, and there are or hereafter may be other Falls which, from being only partially occupied, will not be assessed to the full Extent, but it is just and reasonable, if such Falls are subsequently occupied, or occupied to a greater Extent, that the same should be also assessed for the Expence of making and maintaining the Works constructed by virtue of this Act, in fair and equitable Proportions to the Benefit to be derived therefrom; be it therefore enacted, That it shall be lawful for the said Commissioners in every such Case to proceed from Time to Time in ascertaining such Benefit and imposing such Assessment in the same Manner as they are herein-before directed to proceed in ascertaining the Benefit to be derived by the Owners and Occupiers of the Falls now occupied, and assessing them accordingly, or as near thereto as Circumstances will permit.

The Rate assessed in any One Year not to exceed 25s. per Foot.

XXXVIII. Provided always, and be it further enacted, That no Rate to be levied or assessed as aforesaid shall exceed in any One Year the Sum of Twenty-five Shillings for every Foot of Fall hereby made liable to be rated (and so in proportion for any greater or less Quantity than a Foot), except when necessary to provide for the Interest of any Sum of Money which may be borrowed for compensating any Damages arising from the breaking down of the said Embankment, or otherwise, as herein-after mentioned; provided also, that in case any Part

If Fall occupied for any Part of a Year, it shall be assessed for the whole current Year.

of the said Stream or River, or Fall thereof, or any Water derived therefrom, shall during any Part of the Year be so employed or applied as to become liable to be assessed to the Rates hereby authorized to be imposed, then and in every such Case the same shall continue liable to be assessed as aforesaid during the whole of the then current Year, such Year commencing on the First Day of *August* and ending on the last Day of *July* in each Year, it not being intended that any Allowance should be made for the preceding or subsequent Fraction of a Year during which the same shall not be so employed or applied as aforesaid.

No Rate to be imposed upon Parties herein described.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the Imposition of any Rate whatever upon the Company of Proprietors of the *Huddersfield* Canal or their Successors, or upon the said Sir *John Ramsden*, his Heirs or Assigns, in respect of his said Canal, or upon the Company of Proprietors of the *Calder* and *Hebble* Navigation.

Power of Distress on nonpayment of Rates.

XL. And be it further enacted, That if any Person rated as aforesaid shall, for the Space of Twenty-one Days after Demand made in Writing on him by the Collector or Receiver of Rates, either in Person, or left at the Mill, Manufactory, Dyehouse, or other Works in respect of the Fall of Water supplying 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 herein contained, it shall be lawful for the said Commissioners or their Collector or Receiver, or any Person acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Riding, or Place where the Defaulter shall reside, (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, 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 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 to and for the said Commissioners to recover any such Rates by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

No Rate to be charged in respect of Aspley Mill, unless, &c.

XLI. And whereas the Quantity of Water usually flowing down the said River *Colne* in dry Seasons is more than sufficient for supplying the Water-wheels now in use at *Aspley* Mill and *Aspley* Dyehouse, the Property of Sir *John Ramsden* Baronet; be it therefore enacted, That nothing in this Act contained shall authorize or empower the said Commissioners to charge any Rate or Assessment for the Purposes of this Act upon or in respect of the said Mill or Dyehouse: Provided nevertheless, that in case the said Sir *John Ramsden*, his Heirs or Assigns, should at any Time hereafter increase the Powers of

of the said Wheels at the said Mill and Dyehouse, or either of them, so as to require the Use of the whole of the Water to be supplied by the said Reservoir or Reservoirs in dry Seasons, then and in such Case the said Rates or Assessments shall be laid and imposed on or 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.

Regulating the Supply of Water at the Mills herein described.

XLII. And whereas there are Two Mills or Factories situate in the said Valley of *Wessenden* next to the present Reservoir, called the *Upper Bank Bottom Mill* and the *Lower Bank Bottom Mill*, belonging to and in the Occupation of Messieurs *Sydney Norris*, *Joseph Sykes*, and *John Tallents Fisher*, and which Mills or Factories are chiefly dependent on the said Reservoir for their Supply of Water: And whereas the existing Reservoir is estimated to contain about One hundred thousand Cubic Yards of Water, which in dry Seasons is usually run or drawn off in about Three Weeks, affording an insufficient Supply during that Period: And whereas the said Reservoir, when enlarged by the intended additional Embankment, will be capable of containing about Six hundred thousand Cubic Yards of Water: And whereas the Supply of Water to the said Two Mills or Factories would be sufficiently and satisfactorily provided for by permitting and allowing after the Rate of One hundred thousand Cubic Yards of Water at the least to flow from the said enlarged Reservoir in the Space of Ten working Days (*Sundays* not being reckoned), each of such working Days to consist of Twelve working Hours, except *Saturdays*, which are to be reckoned to consist of Nine working Hours only; be it therefore further enacted, That the said Commissioners shall and they are hereby authorized and required, at all Times from and after the Expiration of Five Years from the passing of this Act, and whether the said intended Embankment or Enlargement of the said Reservoir shall be completed or not, or at any earlier Period if the said Embankment or Enlargement shall be sooner made, to furnish and allow to flow down therefrom for the Use of the Occupiers of the same Two Mills or Factories, for the Purposes thereof and of the Works now or hereafter to be connected therewith, after the Rate of One hundred thousand Cubic Yards of Water at the least in every Ten working Days, and during so many of such working Hours as aforesaid, until the whole of the Water in such enlarged Reservoir shall be drawn or run off; and for the Purpose of regulating such Supply the said Commissioners shall cause a permanent Gauge Weir to be made (below where the Water from the enlarged Reservoir shall be drawn, and before the same shall be joined by any other Water or Stream,) of sufficient Capacity to allow the full Quantity of Water necessary for such Supply of the said Two Mills and Works (estimating such Supply as aforesaid) to flow down the said Brook called *Wessenden Brook*, which Gauge Weir shall at all Times during such working Days and Hours as aforesaid be constantly and regularly kept full; and in case of any Difference or Dispute as to the Sufficiency of the said Gauge, the same shall be referred, at the mutual and equal Costs of the Parties, to an Engineer or Surveyor to be appointed by and on behalf of the said Commissioners, and another Engineer or Surveyor to be appointed by and on the Behalf of the Owners or Occupiers of the said

Two

Two Mills and Works, or to such Third Person as shall be appointed by such Two Engineers or Surveyors to determine any Difference between them; which said Two Engineers (or, in case of Disagreement, such Third Person to be appointed by them as aforesaid,) shall fix the proper Capacity of such Gauge, and shall certify the same by Writing under their or his Hands or Hand; which Certificate shall be delivered to and remain in the Charge of the Clerk of the said Commissioners, and a Duplicate thereof shall be delivered to the said Messieurs *Sydney Norris*, *Joseph Sykes*, and *John Tallents Fisher*, the now Owners and Occupiers thereof, or to the future Owners or Occupiers thereof, and such Certificate and Duplicate respectively shall at all Times thereafter be Evidence of the Capacity or Size of such Gauge: Provided nevertheless, that the said Commissioners, or the Committee to be appointed by them, shall be at all Times at liberty to draw off as much larger a Proportion of the Water from the said Reservoir as they shall from Time to Time see fit; provided that the said Commissioners shall and they are hereby also authorized and required from Time to Time, previously to the Expiration of the said Term of Five Years, to furnish and allow to flow down as aforesaid a Quantity of Water proportioned (according to the Ratio aforesaid) to the Capacity of the said *Wessenden* Reservoir, as the same shall be from Time to Time enlarged as aforesaid.

Power to borrow not exceeding 10,000*l.* on Security of the Rates.

XLIII. And for the more speedily raising Money for carrying the Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow and take up at Interest, upon the Credit of the Rates to be raised and levied by them by virtue of this Act, in such Manner as they shall think proper, any Sum or Sums of Money which they shall think necessary to be borrowed, not exceeding in the whole the Sum of Ten thousand Pounds, to be applied in or towards making and maintaining the said intended Embankment, Reservoir, and Works, and for the general Purposes of this Act; and the said Commissioners are hereby empowered from Time to Time to assign, by way of Mortgage, the said Rates to be raised and levied by them under or by virtue of this Act, or any Part or Proportion, Parts or Proportions thereof, as a Security to any Person or Persons who shall advance such Sum or Sums of Money, or to his or their Trustees or Trustee, and his or their respective Executors, Administrators, and Assigns, for the Principal Money so to be advanced, with such lawful Interest for the same as shall be agreed upon in that Behalf; and every such Mortgage shall be made by Deed in Writing, under the Common Seal of the said Commissioners, duly stamped, in which the Consideration shall be truly stated, in the Form or to the Effect following; (that is to say,)

Form of Mortgage.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of
‘ His Majesty King *William* the Fourth, intituled [*here set forth*
‘ *the Title of this Act*], We, the Commissioners of the *Wessenden*
‘ Reservoir, incorporated by virtue of the said Act, in consideration
‘ of the Sum of of lawful *British* Money to
‘ us paid by of in the County
‘ of

'of do hereby assign unto the said
'Executors, Administrators, and Assigns, such Proportion of the
'Rates to be raised, levied, and collected by virtue of the said Act
'as the said Sum of doth or shall bear to the
'whole Sum which may at any Time be borrowed or become due
'and owing or be charged on the Credit of the said Rates, to hold
'the same unto the said Executors, Administrators,
'and Assigns, until the said Sum of together
'with Interest for the same after the Rate of
'*per Centum per Annum*, shall be fully paid and satisfied. Given
'under our Common Seal this Day of
'in the Year .'

Or in any other Form or to any other Effect which may be better adapted to the Circumstances under which any such Sum of Money shall be borrowed; and Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Commissioners, which Book or Books shall and may, at all seasonable Times, be perused and inspected by any Person interested therein.

Mortgages may be transferred.

XLIV. And be it further enacted, That every Person to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the same, is hereby empowered from Time to Time to transfer the same, or any Share thereof, and all or any Part of the Monies due thereon, to any Person whomsoever, either by Endorsement thereon or otherwise; which Transfer shall be made by Deed, in which the Consideration for such Transfer shall be truly stated, and may be in the Form or to the Effect following; (that is to say,)

Form of Transfer.

'I in consideration of the Sum of
'to me paid by of
'do hereby transfer the within Mortgage [*or* a certain Mortgage
'made to me by the Commissioners of the *Wessenden* Reservoir],
'bearing Date the Day of and
'the Principal Sum of thereby secured, and
'the Interest now due and hereafter to become due for the same,
'and all my Right and Property therein, unto the said
'his Executors, Administrators, and Assigns. In witness whereof
'I have hereunto set my Hand and Seal this
'Day of in the Year .'

Or in any other Form or to any other Effect which may be better adapted to the Circumstances under which any such Transfer may be made; and every such Transfer shall within Sixty Days next after the Date thereof be produced and notified to the Clerk of the said Commissioners, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, such Memorial to contain the Dates and Names of the Parties and the Sums of Money therein transferred; for which Entry the said Clerk shall receive the Sum of Two Shillings and Sixpence and no more; and after such Entry shall be made, but not before, such Transfer shall entitle the Assignee therein named, his Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and the Principal and

Interest Money thereby secured; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person, except the Person to whom the same shall be last transferred, his Executors or Administrators, to make void, release, or discharge the original Mortgage, or the Monies due thereon, or any Part thereof.

Holder of certain Mortgages may demand Payment after Twelve Months.

XLV. Provided always, and be it further enacted, That the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Money or Monies thereby secured, with all Arrears of Interest, at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the Clerk of the said Commissioners for the Time being.

Commissioners may pay off Mortgages on giving Six Months Notice to Mortgagees.

XLVI. Provided also, and be it further enacted, That the said Commissioners may at all Times pay off and discharge all such Mortgages and Assignments in which no Time shall be fixed for Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice; and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Commissioners shall on Demand make default in Payment thereof in pursuance of such Notice.

For securing Repayment of Principal Money borrowed.

XLVII. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid by virtue of this Act, or of any Part of such Principal Monies (not exceeding Five hundred Pounds in any One Year), at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Commissioners, it shall be lawful for Two or more Justices of the Peace acting for the said West Riding of the County of *York*, and not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any One or more of the Parties entitled to any such Mortgages or Assignments as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates or Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid; and after such Principal, Interest, and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine.

In case Mortgages are paid off, Commissioners may raise the amount again

XLVIII. And be it further enacted, That in case the said Commissioners shall raise the Whole or any Part of the Money hereinbefore authorized to be raised by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part of the Principal Money so secured upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Commissioners, immediately or at any Time after, again to raise, in lieu of the Principal Money so paid off by them, such Sum or Sums of

of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Commissioners shall not in any Event (except for the Purpose of providing for Damages as herein-after mentioned) borrow upon Mortgage, Assignment, or Charge as aforesaid in such Manner or to such Extent as that more than the Sum of Ten thousand Pounds in the whole shall be owing at any One Time on Mortgage or Assignment of or as a Charge upon the said Reservoir.

Sum to be borrowed may be augmented, and the Rates augmented proportionally, with Consent.

XLIX. Provided always, and be it further enacted, That if the said Sum of Ten thousand Pounds shall be insufficient for completing the Works by this Act authorized, it shall be lawful for the said Commissioners from Time to Time, at or after any Extraordinary General Meeting or Meetings shall have been called for the Purpose (in manner herein-before mentioned for calling Extraordinary General Meetings), to borrow and take up at Interest on the Credit of the Rates such further Sum or Sums as from Time to Time shall be requisite for making and completing such Works; and with the Consent and Approbation in Writing of the Owner for the Time being of the Mills called *Shorefoot Mill* and *King's Mill* and *Aspley Mill*, and of a Majority in Value of the Commissioners for executing this Act (such Value to be estimated by the Amount of Rates payable under this Act by the whole Number of the Commissioners for the Time being for executing this Act), from Time to Time to augment the Rates by this Act granted to a Sum not exceeding such Amount as shall by such Owner of the said Mills, and such Majority of the whole Number of such Commissioners, be from Time to Time deemed expedient, any thing in this Act contained to the contrary notwithstanding; and such augmented Rates shall be levied and assessed, and be payable and recoverable in manner by this Act provided for levying, assessing, collecting, and enforcing Payment of the Rates herein-before first mentioned.

For compelling Payment of Subscriptions.

L. And be it further enacted, That every Person who has already subscribed or agreed or who has signed his Name or signified his Consent in Writing to advance any Money or who shall or may hereafter subscribe or agree to advance any Money for any of the Purposes of this Act, or for or towards the Expences, Costs, and Charges of obtaining this Act, and his Executors and Administrators, shall and he and they is and are hereby required to pay the Amount of such Money by such Person subscribed or agreed to be advanced, or such Part or Proportion of the Amount of such Money as shall remain unpaid, or as shall from Time to Time be called for by the said Commissioners, at such Times and Places and in such Manner as shall be directed by the said Commissioners by Notice in Writing under the Hand of their Clerk; and in case any such Subscriber, his Executors or Administrators, shall refuse or neglect to pay the Amount of such Money so called for, at the Time and Place and in manner required for that Purpose, within Twenty-one Days next following, the said Commissioners are hereby empowered to sue for and recover the same in an Action of Debt or on the Case, or by Bill, Plaint, or Information, against the Person so neglecting

or

or refusing as aforesaid, his Executors or Administrators, in any of His Majesty's Courts of Record at *Westminster*; and after Proof of such Person having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall pass and be given for the Plaintiff, with full Costs of Suit, and Execution shall issue thereupon, as the Case may require.

Application of Monies.

LI. And be it further enacted, That the Monies to be received by the said Commissioners under or by virtue of this Act shall be applied by them, in the first place, in Payment of all the Costs, Charges and Expences attending and incident to the applying for and obtaining and passing of this Act; and in the next place in paying all Costs and Expences incident to making the Embankment or Reservoir and Works by this Act authorized to be made and executed, and in paying from Time to Time the Interest of any Monies advanced or to be advanced for such Purposes, or any of them, and the Interest of any Money to be borrowed by the said Commissioners under the Powers or Provisions of this Act, and also in maintaining the Embankment or Reservoir and Works in good and sufficient Repair; and the Residue of such Monies (if any) shall from Time to Time be applied for the Purpose of raising a Fund, to be kept in reserve for answering any extraordinary Outlay or Contingency, or otherwise relative to the Execution of the Purposes of this Act, and in furthering the Purposes thereof, and also (at the Discretion of the said Commissioners) in paying off all or any Part of the Principal Monies advanced, or to be from Time to Time advanced or borrowed for the Purposes of this Act.

Persons advancing Money towards the Expences of obtaining Act to be repaid.

LII. And be it further enacted, That if any of the Persons interested in the Premises or any other Person shall advance and pay any Sum of Money in discharge of the Fees or Expences of applying for, obtaining, or passing this Act, the Monies so paid and advanced shall be repaid and satisfied by the said Commissioners, together with lawful Interest for the same from the Time or Times of advancing or paying any such Monies up to the Time of Repayment, out of the first Monies which shall come to the Hands of the said Commissioners by virtue of this Act.

Punishment of Persons wilfully injuring the Embankment or Works.

LIII. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Undertaking, and the Lands and Works affected thereby, demolish, break down, cut, or injure any Reservoir, Embankment, Conduit, Feeder, Sluice, Weir, Erection, Building, or other Work to be made or erected by virtue of this Act, any Person so offending, being lawfully convicted, shall be deemed guilty of a Misdemeanor, and the Court before whom such Person shall be convicted may award such Punishment as such Court shall direct, not exceeding Transportation for Seven Years.

A Committee to be appointed to manage the Sluices.

LIV. And be it further enacted, That for the Purpose of regulating and insuring the Supply of Water from the said Reservoir for the Use of the Mills, Manufactories, Dyehouses, and other Works upon the said Stream and River, the said Commissioners shall and they are hereby required, at their First Meeting after the Completion of the said Reservoir

Reservoir and Works, or before the Completion thereof, when the same shall become useful, though only partially completed, and at their General Annual Meeting in each succeeding Year, to appoint Five of the said Commissioners, of whom Two shall be both Owners and Occupiers, and Three shall be Occupiers only, and not Owners, of the said Falls (in case there shall be so many of such Characters from Time to Time capable of and willing to accept the Office, but in case there shall not be so many of either of the said Characters respectively capable of and willing to accept the Office, then the Deficiency shall be made up from the other of the said Characters), as a Committee, who shall have the entire Management and Regulation of the said Sluices and other Works for regulating and insuring such Supply of Water, and shall have the Power of regulating at all Times the Flow of Water from the said Reservoir, so as best to insure a constant Supply of Water in the Stream and River for the Use of the said Mills, Manufactories, Dyehouses, and other Works, but so that the same shall never be less than will from Time to Time supply the Mills of Messieurs *Norris*, *Fisher*, and *Sykes* with the Quantity of Water intended to be secured to them as herein-before mentioned; and for enabling the Committee more effectually to accomplish this Object such Committee are hereby authorized and empowered to appoint a proper Person as Keeper of the said Reservoir and Works, with a competent Salary (to be paid by the said Commissioners or their Treasurer, on producing an Order for Payment from the said Committee), for the Protection and Management of the said Reservoir and Works connected therewith, who shall be entirely under their Authority, and shall constantly reside in the Dwelling House to be built near the said Reservoir as aforesaid, or, till the same be built, in some other Dwelling House in the immediate Vicinity thereof: Provided always, that the said Committee are hereby authorized and required at all Times, so long as there is a Sufficiency of Water in the said Reservoir for that Purpose, to draw off such Quantity of Water at the least as will supply the said Mills or Factories now in the Occupation of the said Messieurs *Norris*, *Sykes*, and *Fisher*, after the Rate aforesaid.

Committee may appoint a Keeper of the Works.

LV. And be it further enacted, That in case it shall at any Time happen from Floods, or from any unforeseen Accident, that the Embankment of the said Reservoir shall give way or break down, whereby the adjacent Lands and Property might be subjected to Danger of great Damage or Injury unless the same should be immediately repaired or rebuilt, it shall be lawful for the said Commissioners and they are hereby authorized and empowered from Time to Time, by their Officers, Engineers, Surveyors, Agents, or Workmen, without any Delay or Interruption from any Person whomsoever, to enter into any Lands or other Property adjoining the said Reservoir or the said Stream or River, or any of them, (not being the Ground whereon any House stands, nor 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, and 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

Power of entering on Lands, and getting Materials for Repairs in case of sudden Damages.

little Damage thereby as the Nature of the Works will admit of, and making Recompence 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, and Materials, (except where the Lands or Property entered upon for the above Purposes shall be Common or Waste Lands, in which case no Compensation or Satisfaction for Damages shall be recoverable by any Person whomsoever,) which Damages, and the Satisfaction or Recompence for the same, shall be settled and determined by the Ways and Means hereinafter prescribed with respect to other Damages done by the breaking down of the Embankment of the said Reservoir.

Compensation for Damages.

LVI. And be it further enacted, That if any Person being a Commissioner under this Act, or any other Person, shall sustain any Damages in his Lands or Property by reason of the Execution of any of the Powers given by this Act, or by reason of the breaking down of the said Embankment, or any of the Works hereby authorized to be made, or if any Public Bridge, or the Road belonging to the same, shall be thereby destroyed or damaged, then and in every such Case full Compensation and Satisfaction shall be made by the said Commissioners for all such Damages; and in case of Nonpayment of the Amount of such Damages for the Space of Thirty Days next after the same shall be demanded, the same shall and may be recovered, together with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*.

Settling Disputes as to Damages to a small Amount.

LVII. And be it further enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken, used, or injured for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the said West Riding, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damages for the Space of Ten Days after the same shall become due, to levy such Damages, and all Charges respecting the same, by Distress and Sale of any Goods and Chattels of the said Commissioners, in the same Manner as by this Act is directed with respect to the Recovery of any Penalty or Forfeiture incurred for any Offence against the Provisions of this Act.

Power to borrow an additional Sum of Money for

LVIII. And be it further enacted, That in order the better to enable the said Commissioners to provide for the Payment of any Damages which may arise or become payable by reason of the breaking down of the said Embankment, or any of the Works hereby authorized

rized to be made, it shall be lawful for the said Commissioners, in case the Amount of such Damages shall not be otherwise raised and paid by them, and they are hereby required, to borrow and take up at Interest, in such Manner as they shall think proper, upon the Credit as well of the Rates to be raised and levied by them by virtue of this Act as of the Land to be purchased by them, and the Works to be erected by them under the Powers herein contained, (but without prejudice to any prior Mortgagee or Mortgagees,) such additional Sum or Sums of Money (over and above the said Sum of Ten thousand Pounds herein-before authorized to be raised as aforesaid) as shall be required to pay such last-mentioned Damages, and for repairing such Embankment and Works; which Mortgages shall be as nearly as may be in the Form and transferrable in like Manner as herein-before provided respecting the Securities for the said Sum of Ten thousand Pounds; and in order to provide for the Payment of the Interest of such additional Sum or Sums so to be borrowed as aforesaid, and (by Degrees) of the Principal of such additional Sum or Sums, One or more additional Rate or Rates shall be made, levied, and assessed by the said Commissioners in manner aforesaid, sufficient to pay and to be applied in the Discharge of such Interest, and the Surplus (if any) of any such additional Rate or Rates shall be applied in liquidation of the Principal of such additional Sum or Sums; provided that the Surplus to be applicable to such Liquidation shall not in any One Year exceed Five Pounds *per Centum* of such additional Sum or Sums so to be borrowed as aforesaid.

repairing Damages.

LIX. And be it further enacted, That when and as often as any Sum of Money shall by any Justice of the Peace be directed or ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person acting by or under their Authority, and any such Sum of Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Thirty Days after Demand in Writing shall have been made from the said Commissioners, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners or to their Treasurer for the Time being: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have

Mode of recovering Damages directed by Justices of the Peace to be paid by Commissioners.

' } BE it remembered, That on [*Time of Conviction*], at
' to wit. } [*Place of Conviction*] [*Name of Offender*] of [*Addition of
' *Offender*] was duly convicted before me [*or* us] [*Name and Style
' *of convicting Justice or Justices*], for that the said [*Name of
' *Offender*] on [*Time of committing Offence*] at [*Place of committing
' *Offence*] did [*here state the Offence against the Act according to
' *the Fact*], contrary to the Form of the Statute made in the Sixth
' Year of the Reign of His Majesty King *William* the Fourth,
' intituled [*here set forth the Title of this Act*]; and I [*or* we]
' do therefore determine and adjudge that the said [*Name of Of-
' *fender*] has forfeited for the said Offence the Sum of [*Fine*] [*or*
' shall be committed to] [*Place of Imprisonment*] for the Space of
' [*Time of Imprisonment, as the Case may be*]. Given under my Hand
' and Seal [*or* our Hands and Seals] the Day and Year first above
' written.'

Distress not unlawful for Want of Form.

LXVI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LXVII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Penalty on Witness not appearing.

LXVIII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in the Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Charges, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker by solemn Affirmation), and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Officers under this Act not to be incompetent Witnesses.

LXIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates, or respecting any Matter or Thing relating to the carrying any of the Purposes of this Act into execution, no Persons acting by

by or under the Authority of the said Commissioners, or in the Service of the said Commissioners, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence.

Two Commissioners authorized to execute Releases to Witnesses, &c.

LXX. And be it further enacted, That in all Actions and Suits at Law or in Equity, and in all Prosecutions and Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Commissioners, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the said Commissioners, in their own Names, for or on behalf of the said Commissioners, to make, sign, seal, execute, and deliver all such general or other Releases as may be deemed to be necessary for the Purpose of exonerating, releasing, or discharging all Persons who shall or may be produced as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, from all Claims and Demands which may be necessary to be released by the said Commissioners in order to qualify such Persons to give Evidence as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, and also to do any other Act, Matter, or Thing in such Actions, Suits, Prosecutions, or other Proceedings which any Plaintiff or Defendant may do in any Suits, Actions, Prosecutions, or other Proceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were under the Seal of the said Commissioners.

Punishment of Persons giving false Evidence.

LXXI. And be it further enacted, That all Persons who in any Examination to be taken upon Oath (or being Quakers upon Affirmation) by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves, before any Justice of the Peace or other Person acting in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Punishment as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Appeal.

LXXII. Provided always, and be it further enacted, That any Person thinking himself aggrieved by any Rate, Assessment, or Distress made by or under the Direction of the said Commissioners, or by the Order or Judgment of any Justice of the Peace, in pursuance of this Act, may, within Four Calendar Months after such Order, Judgment, Rate, Assessment, or Distress shall be made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person appealing having first given at least Ten Days clear Notice in Writing of such Appeal, and of the Nature, Cause, and Matter thereof, to the Person appealed against, or to the Clerk of the said Commissioners (as the Case may be), and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said Riding, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in

in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace, and if they see Cause may mitigate such Penalties and Forfeitures, and alter any Assessment, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Assessment, and shall and may also award such further Satisfaction to be made to the Party injured, or 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.

Justices may amend or quash the Rate.

LXXIII. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act the Court of General or Quarter Sessions of the Peace for the said West Riding shall and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary for the Purpose of giving Relief to the Person appealing that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Notices how to be given to Commissioners.

LXXIV. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Party to serve upon the said Commissioners any Notice, Writ, or other legal Proceeding, or Proceedings in Equity, the Service upon the Clerk of the said Commissioners, or left at the Office or usual Place of Abode of such Clerk, and in case the Residence of such Clerk be not known then Service of such Notice upon any One of the said Commissioners, or left at the last or usual Place of Abode of any One of the said Commissioners, shall be deemed good and sufficient Service of the same respectively upon the said Commissioners.

Notices to be given by Commissioners.

LXXV. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Commissioners to give any Notice to or make any Requisition upon any Person whomsoever, or to publish any Advertisement, such Notice, Requisition, or Advertisement (except where a different Method is herein-before expressly provided) shall and may be in Writing, signed by the Clerk of the said Commissioners, without being required to be under the Common Seal of the said Commissioners, or to be made under any Authority authorized by such Common Seal.

Plaintiff not to recover without Notice after Tender of Amends.

LXXVI. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act unless Notice in Writing shall have been given to the Defendant, or left at his last or usual Place of

of Abode, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action; nor shall the Plaintiff recover in such Action if Tender of good and sufficient Amends shall have been made to him or his Attorney, by or on behalf of the Defendant, before such Action brought, nor if such Tender of Amends shall be made at any Time after the Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law; or in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXVII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person for any thing done in pursuance of this Act, or in execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages then within Three Calendar Months next after the doing or committing of such Damages shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant in such Action, Suit, or Information shall and may, at his Election, plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant; and in such Case also, or if the Plaintiff shall become nonsuited, or suffer a Discontinuance of his Action, Suit, or Information after the Defendant shall have appeared thereto, or if any Verdict shall pass against the Plaintiff, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have Costs, and shall have such Remedy for the Recovery of the same as any other Defendant hath in other Cases at Law.

Provisions for Deficiencies of Land Tax.

LXXVIII. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Townships through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Commissioners shall, from and after they shall have become seised and possessed by virtue of this Act of any

any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax, be subject and liable from Time to Time to pay and make good to or in aid of such several Parishes or Townships as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act, and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

If Works not completed within 10 Years the Powers of the Act to cease except to such Parts as are completed.

LXXIX. And whereas the said Embankment and other Works may be more safely and securely made and completed if executed at Intervals of Time, so as to enable the said Embankment and other Works to settle and become firm and solid; be it therefore further enacted, That the said Embankment and other Works for enlarging the said *Wessenden* Reservoir shall forthwith after the passing of this Act be commenced and proceeded with, and if the same shall not have been completed within the Space of Ten Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act for that Purpose shall cease and determine as to all such and so much of such Works as shall not have been completed within such Time, but without Prejudice to all or any of the Rights, Powers, and Privileges as to such and so much of the said Works as shall have been completed within such Time, and also saving all such Matters and Things as shall have been transacted, and such Contracts and Agreements as shall have been made in pursuance of the Powers herein contained, and so that the said Commissioners be not discharged from any Liability or Obligation to any Person arising out of the Provisions herein contained.

Rules for Interpretation of this Act.

LXXX. And be it further enacted, That whenever in this Act Mention is made of "Commissioners" or "the said Commissioners" the said Expressions shall be understood as describing or referring to the Commissioners of the *Wessenden* Reservoir in their Corporate Character, and not as Individuals; and also that where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as One Matter, several Persons as well as One Person, and Females as well as Males; and where the Word "Land" shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Person" or "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

LXXXI. And

LXXXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

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