



ANNO SEPTIMO & OCTAVO

GEORGIIV. REGIS.

Cap. lxxxiv.

An Act for supplying with Water the Town and Neighbourhood of *Huddersfield* in the West Riding of the County of *York*.

[14th June 1827.]

WHEREAS a sufficient and constant Supply of good and wholesome Water would be of great Advantage to the Inhabitants of the Town and Neighbourhood of *Huddersfield*, within the Township and Parish of *Huddersfield*, in the West Riding of the County of *York*: And whereas Sir *John Ramsden* Baronet claims to be Lord of the Manor of *Huddersfield* aforesaid, and of the Ground and Soil of the said Town, and he is the Owner of the present Waterworks in the said Town: And whereas such Supply of Water may be obtained from certain Springs or Sources of Water called *Nettleton Hill* or *Maulshead*, *Royleshead*, *Bald Royd*, *Middle Spring*, *Head Well Spring*, and *Clough Head Springs*, or some of them, all within the Townships of *Longwood* and *Lindley-cum-Quarmby*, in the Parish of *Huddersfield* aforesaid; and it is expedient for the Purposes of such Supply that Power should be granted for the making, erecting, and maintaining of Waterworks, Reservoirs, Aqueducts, and other Works and Conveniences, within the said Town of *Huddersfield*, and the several Townships and Parish aforesaid, or some of them: And whereas the several Purposes aforesaid cannot be beneficially effected without the Aid and Authority of Parliament:

[Local.]

22 I

May

Commissioners.

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, *John Charles Ramsden*, *Henry James Ramsden*, *William Ramsden*, *Charles Ramsden*, the Lord of the Manor of *Huddersfield* aforesaid for the Time being, the Canal and General Agents of the said Sir *John Ramsden*, his Heirs and Assigns, for the Time being, (not exceeding the Number of Four at any one Time,) Sir *Joseph Radcliffe* Baronet, Sir *George Armytage* Baronet, *John Armytage*, *Joseph Perceval Pickford Radcliffe*, *Thomas Thornhill*, the Honourable and Reverend *John Lumley Savile*, *Joseph Haigh*, *John Horsfall*, *Benjamin Haigh Allen*, *Thomas Allen*, *James Astin*, *Thomas Anderson*, *John Atkinson*, *Richard Atkinson*, *William Armitage*, *James Bradley* Doctor of Medicine, *Timothy Bentley*, *James Brook*, *Joseph Brook*, *William Walker Battye*, *John Boxer* of *Smeathalls*, *Benjamin Bradshaw*, *James Booth* Merchant, *Jonas Bradley*, *William Brook* of *Wellhouse*, *Joshua Bates*, *John Booth* Cloth-dresser, *John Booth* (Market Place), *James Booth*, Cloth-dresser, *George Bradley*, *John Baxter*, *George Burman*, *William Bayldon*, *Joseph Beaumont*, *Richard Clay*, *Bradley Clay*, *John Child*, *Richard Collins*, *Joseph Clegg*, *William Cliffe*, *George Darwent*, *John Dyson*, *Thomas England*, *John Edwards*, *Robert Firth*, *William Favell*, *Thomas Firth* Tea Dealer, *Thomas Firth* Drysalter, *John Freeman*, *John Goward*, *William Greenwood*, *George Hare*, *Thomas Hayley*, *Abraham Hirst*, *John Horsfall* the younger, *Thomas Ibbetson*, *John Illingworth*, *Joseph Johnson*, *William Johnson*, *Joseph Kaye*, *William Kaye*, *Thomas Kilner*, *John Lancaster*, *William Livingston*, *Thomas Lockwood*, *Abraham Lockwood*, *Joshua Lockwood*, *William Leadbeater*, *John Machan*, *John Robinson Machan*, *Samuel Makin*, *Thomas Marshall*, *Jeremiah Marshall*, *John Milnes*, *James Mills*, *John Newhouse*, *Henry Nelson*, *Benjamin Ormerod*, *Samuel Ogden*, *Samuel Oakes*, *Thomas Pitt*, *Thomas Parratt*, *Stansfeld Rawson*, *Joseph Roberts*, *William Rhodes*, *Walter Williams Stables*, *William Stocks* the younger, *John Sutcliffe*, *William Shaw*, *John Smith* Merchant, *Luke Swallow*, *Joseph Sykes*, *David Shaw*, *Edwin Stoney*, *George Starkey*, *Charles Spivey*, *Thomas Shepherd*, *Radcliffe Sykes*, *Joseph Scofield*, *Samuel Swift*, *Beaumont Taylor*, *John Tyne*, *Thomas Wilson*, *John Kenworthy Walker* Doctor of Medicine, *Isaac Walker*, *Thomas Wrigley*, *Robert Walton*, *Launcelot Weatherburn*, *George Wilson*, *William Wilks*, and *William Wigney*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into execution.

Qualification of Commissioners.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (except the Lord of the Manor of *Huddersfield* and his General and Canal Agents for the Time being, not exceeding Four in Number at any one Time,) unless he shall really and *bonâ fide* be possessed of a Personal Estate to the Amount or Value of One thousand Pounds, and be a Householder or Leaseholder, or Owner or Occupier of Buildings within the Hamlet of *Huddersfield*; and no Person shall be

be capable of acting as a Commissioner in the Execution of this Act during the Time that he shall hold or enjoy any Office or Place of Profit or Emolument under this Act, or during such Time as he shall be concerned directly or indirectly in any Contract or Contracts under this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested, except as a Creditor on the Rents or Monies herein directed or authorized to be collected, received, and levied; nor (except in administering the Oath or Affirmation hereafter mentioned) until he shall have taken and subscribed, before Two or more of the said Commissioners, at a Meeting to be held by virtue of this Act, (who are hereby authorized and required to administer the same to each other,) an Oath or Affirmation in the Words or to the Effect following :

Commissioners not to act when interested, nor until they have taken Oath.

I *A.B.* do swear [*or affirm*], That I am an Inhabitant of, or Oath.
 I Householder or Leaseholder or Owner or Occupier of Buildings within the Hamlet of Huddersfield, and that I truly and bonâ fide am possessed of a Personal Estate of the Value of One thousand Pounds over and above what will pay my just Debts; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me by virtue of an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, intituled "An Act" [*here set forth the Title of this Act*].
 So help me GOD.'

III. And be it further enacted, That after the Expiration of Six Calendar Months from and after the First Meeting of the said Commissioners, no Person shall be competent to act as a Commissioner in the Execution of this Act until after the Expiration of Three Calendar Months from the Time of his taking the Oath or making the Affirmation aforesaid.

After Six Months from First Meeting, no Commissioner to act until Three Months after taking Oath.

IV. And be it further enacted, That if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes in this Act mentioned, or not having taken and subscribed the Oath or Affirmation aforesaid, shall act as a Commissioner in the Execution of this Act, such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered 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, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued or prosecuted for acting, not being qualified, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in execution of this Act.

Penalty on acting, not being qualified.

V. Provided nevertheless, and be it further enacted, That all Acts and Proceedings of any Person or Persons in the Execution of this Act, previous to his or their being convicted of acting without being qualified as aforesaid, shall, notwithstanding such Conviction, and

Acts of Commissioners to be valid until Conviction,

and whether he shall or shall not have taken the Oath or Affirmation hereby required as aforesaid, be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

For supply-
ing Decrease
of Commis-
sioners.

VI. And be it further enacted, That when any of the Commissioners herein named, (except the said Lord of the Manor of *Huddersfield* for the Time being, and his said General and Canal Agents as herein-before mentioned,) or any Commissioner hereafter to be elected, shall die, or shall for the Space of One Year refuse or neglect to act, such Death, Refusal, or Neglect being declared at a Meeting of the said Commisstoners, then and in every such Case the surviving or remaining Commissioners, or any Five or more of them, assembled at any Meeting to be held or called under or by virtue of this Act, shall nominate, elect, and appoint fit Persons, qualified as herein-before mentioned, to be Commissioners in the Room or Stead of him or them so dying, or refusing or neglecting to act as aforesaid; and every Person to be elected or appointed a Commissioner is hereby vested with the same Powers for putting this Act in execution as if he had been expressly named and appointed a Commissioner in and by this Act.

First Meet-
ing of Com-
missioners.

VII. And be it further enacted, That the said Commissioners shall meet at the *George Inn* in the said Town of *Huddersfield* on the Second *Friday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to carry this Act into execution; and in case no Commissioner, or less than Five Commissioners, shall attend such Meeting, then such Meeting shall be deemed to be adjourned to the next Day, and so *toties quoties* until a sufficient Number of the said Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall at such Meeting, and at their several Meetings to be holden from Time to Time, adjourn themselves, and afterwards meet at the same Place, or at some other convenient Place within the said Town, as the said Commissioners shall from Time to Time appoint; provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Commissioners to act or adjourn, or appearing shall not adjourn such Meeting, the Clerk to the said Commissioners shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fifteen Days then next following, to be holden at the same Place, and the said Clerk shall cause Notice of such Adjournment to be fixed on the principal outer Door of the Parish Church of *Huddersfield* aforesaid, at least Seven Days previous to the Day to which such Meeting shall be adjourned: Provided always, that no Business shall be proceeded upon by the said Commissioners at any Meeting (except the First Meeting to be held under this Act) before Ten of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Seven of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be held; and the said Commissioners shall at
all

all their several Meetings pay all their own Expenses, except any Sum, not exceeding Ten Shillings a Day, for the Use of the Room wherein they shall meet for the Purposes of this Act.

VIII. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise, (except in Cases hereby otherwise particularly provided for); and no Order or Determination shall be made unless the major Part of the Commissioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or executed by or before the said Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and executed by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at every such Meeting not being less than Five (except in Cases where any other Number is by this Act named for any particular Purpose); and all Acts, Orders, and Proceedings had, made, done, or taken by or before such Five Commissioners, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or taken by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first place be appointed, who in case of an equal Number of Votes (including such Chairman's Vote) shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Commissioners once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to procure the Revocation or Alteration thereof shall have been given at a previous Meeting held pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meetings, and unless such Notice signed by any Three or more Commissioners shall have also been affixed to the principal outer Door of the Parish Church of *Huddersfield* Seven Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by a greater Number of Commissioners than were present when such Order or Determination was made or entered into.

Orders to be
made at
Meetings.

IX. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting stands adjourned, it shall be lawful for any Seven or more of the said Commissioners, or for their Clerk (being authorized by an Order in Writing signed by Seven or more of them, although not assembled at a Public Meeting, mentioning the Time, Place, and Purpose of such Meeting), to appoint and give Notice of such earlier Meeting in the Manner before directed, (such Time not being less than Three Days after such Notice); and all Proceedings of the Commissioners at such earlier Meeting, relating to the particular Subject on which such Meeting shall be

Meetings on
Emergen-
cies.

[*Local.*]

22 K

called,

called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment; and such earlier Meeting shall and may be adjourned to and be held at such Time and Place as the said Commissioners shall think proper, in the same Manner as any other Meeting under this Act may be adjourned.

Mode of publishing Notices.

X. And be it further enacted, That in all Cases where any Notice is by this Act directed or required to be publicly given (the Manner of giving which is not herein otherwise particularly directed), such Notice shall be published and given in Writing, or printed; and affixed to or upon the principal outer Door of the Parish Church of *Huddersfield* aforesaid; and every such Notice so published shall be good and available in Law for the Purposes of this Act.

Proceedings to be entered in a Book.

XI. And be it further enacted, That the said Commissioners shall cause proper Books to be provided and kept, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all the Commissioners who shall be present at their several Meetings, and all Entries in such Books shall be signed by the Chairman at each Meeting; and such Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transcripts thereof respectively, shall be deemed Originals, and shall and may be admitted in Evidence in all Courts, and by all Judges, Justices, and others, touching anything done in pursuance of this Act; and such Book or Books shall be kept by the Clerk to the said Commissioners, and shall at all seasonable Times be open to the Inspection of the said Commissioners, or of any Committee or Committees which may be appointed by the said Commissioners; and of the Mortgagees or Creditors on the said Works and Water Rents, without Fee or Reward.

Justices not disqualified from acting by being Commissioners.

XII. And be it further enacted, That it shall be lawful for such of the said Commissioners as shall be in the Commission of the Peace for the West Riding of the County of *York* to act as Justices in the Execution of this Act, notwithstanding their being Commissioners under this Act, except in Cases in which they may be personally interested.

Commissioners to appoint Officers and take Security from them.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby empowered by Writing under their Hands, from Time to Time to elect and appoint a Treasurer, Clerk or Clerks, and Collector or Collectors of the Monies to be raised and paid under or by virtue of this Act, and also all such other Officers and Servants as they the said Commissioners shall think proper for carrying into execution and effect the Purposes of this Act; and the said Commissioners shall and may, and they are hereby empowered, from Time to Time to remove such Officers or any of them, and to appoint others in the Room or Place of such of them as shall be so removed, or as shall die or resign; and out of the Monies to be received by virtue of this Act to pay such Wages or Salaries, and make such Allowance to such Clerk, Officers, and to all other Persons employed in the Execution of this Act, as they the said Commissioners shall

think

think reasonable or proper; and the said Commissioners shall and they are hereby required to take such Security from every such Treasurer, Collector, or other Officer, as they shall think reasonable.

XIV. And be it further enacted, That all such Officers so to be appointed shall, under their respective Hands, (at such Times and in such Manner as the said Commissioners shall direct,) deliver to such Commissioners, or to such other Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and other Persons respectively by virtue or for the Purposes of this Act, specifying how much thereof hath been paid or disbursed, and for what Purpose, together with the proper Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render such Accounts, or to produce and deliver up the Vouchers and Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to such Person or Persons as the said Commissioners shall for that Purpose appoint, within Ten Days after being thereunto required by the said Commissioners, or by their Clerk by their Order, to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Information and Satisfaction to the said Commissioners respecting the same, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to bring or cause to be brought any Action or Actions, in any of His Majesty's Courts of Record at *Westminster*, against the Officer or Person making such Default as aforesaid, or against his or their Surety or Sureties, in order to recover the Monies which shall be in the Hands of such Officer or Person, with full Costs of Suit; or if Complaint shall be made by the said Commissioners, or by any Person or Persons whom they may appoint for that Purpose, of any such Default as aforesaid, to any Justice of the Peace for the County or Place wherein such Officer or Person so making Default shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought 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 the Confession of the Party or Parties, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Money which shall have been collected and raised by virtue of this Act shall be in the Hands of such Officer or Person, or be unaccounted for, 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 or Person, together with the Costs and Charges of making such Complaint, and of such Distress and Sale; and if no Goods or
Chattels

Officers to
account.

Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear to such Justice that such Officer or Person 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 or Person, and that he shall refuse or wilfully neglect to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Officer or Person to the Common Gaol or House of Correction for the said County or Place, there to remain, without Bail or Mainprise, until he shall have given and made 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 Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be so committed by virtue of this Act on account of his not having sufficient Goods or Chattels only, shall be detained or kept in Prison by virtue of this Act for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge from the same, nor exonerate his or their Surety or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety or Sureties, shall remain liable to the Payment thereof in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

On the Death
of Officers
Executors to
account.

XV. And be it further enacted, That if any Collector or Receiver, or other Person employed by the said Commissioners, who shall have received any Sum of Money by virtue or for the Purposes of this Act, shall die before he shall have paid and satisfied all the Monies so received by him, then and in every such Case the Executors or Administrators, Executrixes or Administratrixes, or other Person or Persons possessing the Estate and Effects of every such Person so dying, shall be liable to pay and satisfy the same out of such Estate and Effects in the regular Course of Administration, and the same shall be recoverable, by Action of Debt or Suit in any of His Majesty's Courts of Record at *Westminster*, against such Executors or Administrators, Executrixes or Administratrixes, Person or Persons as aforesaid.

Books of Ac-
count to be
kept by the
Clerk.

XVI. And be it further enacted, That the Clerk for the Time being to the said Commissioners shall and he is hereby required to keep regular and clear Entries, in a Book or Books to be for that Purpose provided by the said Commissioners, of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended; and such Book or Books shall at all seasonable Times be open to the Inspection
of

of the said Commissioners, and any Mortgagee or Mortgagees, Creditor or Creditors on the Rents hereby granted, without Fee or Reward; and the said Commissioners, Mortgagees, and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying anything for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Mortgagees, or Creditors as aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

XVII. And be it further enacted, That at the Annual Meeting which shall be held in the Month of *June* or *July*, at the Discretion of the Commissioners, in every Year, or some Adjournment thereof, the Accounts of all Monies received and paid in pursuance of this Act, by, for, or on account of this Act, shall be produced, stated, examined, audited, and settled by the said Commissioners.

Accounts to be audited annually.

XVIII. 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 Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer for the Purposes of this Act, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be Clerk for the Purposes of this Act; and if any Person shall act in both the Capacities 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 other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service of such Treasurer or of the Partner of such Treasurer, shall act as 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 Treasurer shall hold any Place of Profit or Trust under this Act other than that of Treasurer, every 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, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk and Treasurer not to be the same Person.

XIX. And be it further enacted, That the said Commissioners may and shall in all Cases sue or be sued in the Name of their Clerk, or in the Name of any of the said Commissioners; and no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted, by or against the said Commissioners or any of them, by virtue or on account of this Act, in the Name of their Clerk or of any of such Commissioners, shall abate or be discontinued

Commissioners may sue or be sued in the Name of their Clerk.

[*Local.*]

22 L

by

by the Death or Removal of such Clerk or Commissioner, or by the Act of such Clerk or Commissioner without the Consent of the said Commissioners or any Three or more of them, but the Clerk to the said Commissioners for the Time being, or the said Commissioner, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action or Indictment, as the Case may be: Provided always, that every such Clerk or Commissioner, in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by this Act, all such Costs and Charges as by the Event of any Proceeding he shall be put unto or become chargeable with by reason of his being made Plaintiff or Defendant therein; and such Clerk or Commissioner shall not be personally answerable or liable for the Payment of the same, or any Part thereof, unless such Action or Suit shall have arisen in consequence of his or their own wilful Neglect or Default, or have been brought or defended without the Order of the said Commissioners at a Meeting held for that Purpose: Provided also, that such Clerk or Commissioner shall not, by reason of his or their being such Clerk or Commissioner, be deemed an inadmissible Witness or Witnesses in any such Action or Suit, unless it be on his or their own personal Account.

Penalty on
Officers
taking any
Fees, except,
&c.

XX. Provided always, and be it further enacted, That if any Clerk, Treasurer, or other Officer employed in the Execution of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever (other than such as shall be appointed or allowed by the said Commissioners), or shall be concerned or interested directly or indirectly in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Five Pounds for every such Offence.

Power to
make Water-
works.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, by themselves, their Managers, Servants, Agents, Workmen, and Assistants, to make, complete, and maintain Reservoirs, Aqueducts, Waterworks, Engines, and Pipes, and other Buildings, Erections, Works, and Conveniences, at or near to *Spring Grove* in the Township of *Huddersfield*, and at or near to *Clough Head* in the Township of *Longwood*, for supplying with Water by means of such Waterworks the Town and Neighbourhood of *Huddersfield*, within the Township and Parish of *Huddersfield* aforesaid, from the said Springs or Sources of Water called *Nettleton Hill* or *Maulshead*, *Royleshead*, *Bald Royd*, *Middle Spring*, *Head Well Spring*, and *Clough Head Springs*; and also another Reservoir, Works, and Conveniences at or near to a certain Place called the *Leys* in the said Township of *Longwood*, for the Purpose of supplying the Owners and Occupiers of certain Mills and Works herein-after mentioned with Water; and the said Commissioners are hereby fully empowered, by themselves, their Deputies, Agents, Workmen, or Servants, to supply the said intended Reservoirs, Aqueducts, Waterworks, and other Works, during the Time that

that the same shall be making, and at all Times for ever after the same shall be made, with Water from the said Springs, and also from any Brooks, Streams, Springs, Watercourses, and other Sources of Water which may be found in making the said Waterworks, and to make, erect, and set up such and so many Feeders, Tunnels, Shafts, Sluices, Weirs, Engines, and other Machines for supplying the said Waterworks with Water, and for any other Purposes relating to the making, maintaining, and using such Waterworks, as they the said Commissioners shall from Time to Time think proper and expedient; and in order the better to effectuate the Purposes aforesaid the said Commissioners, and their Agents, Officers, Workmen, and Servants, are hereby empowered to dig and break up the Soil of any private Lands and Hereditaments which they are hereby empowered to take (subject to the Provisions and Directions of this Act), and also to dig and break up the Soil and Pavements of any of the Roads, Highways, Footways, Streets, Lanes, Alleys, Passages, and public Places within the Townships of *Longwood* and *Lindley-cum-Quarmby* and the Town and Neighbourhood aforesaid, and to sink and lay Mains, Pipes, Trunks, and other Conveniences for the Purposes aforesaid, and to put Stopcocks or Plugs or Branches from such Mains, Pipes, Trunks, and other Conveniences, in such Places and in such Manner as shall be necessary for the Purposes aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain such Mains, Pipes, Trunks, Stopcocks, and Plugs, and do all such Acts, Matters, and Things as they the said Commissioners shall from Time to Time and at any Time think necessary and expedient for completing, amending, repairing, improving, and using the Works by this Act authorized, according to the true Intent and Meaning thereof; and to make, erect, and provide such Engine Houses and other Works, and such Cisterns, Basins, Main Pipes, Conduit Pipes, Hand Pipes, Plugs, Valves, Branches of Lead and other Metal, Cocks, Chamber Cocks, Cocks in common, Main Feeders, Pumpers, and Pumps, and to do all such other Acts as shall be necessary or expedient for supplying the Inhabitants of such Town and Neighbourhood with Water, and in otherwise carrying this Act into complete Execution; and also from Time to Time to divert, alter, repair, widen, enlarge, amend, and discontinue the same, they the said Commissioners, their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the Powers hereby granted to them, and making full Satisfaction, in manner herein-after mentioned, to the Owners of and Persons interested in any Lands or Premises which may be taken, removed, diverted, or injuriously prejudiced, for any Damages which shall be sustained by such Owners of or other Persons interested in the Lands or Premises which shall be taken or used by the said Commissioners, or which shall be injured by being overflowed or otherwise, in or by the Execution of any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Commissioners, their Servants, Agents, and Workmen, and all other Persons acting under their Authority, for what they shall do by virtue of the Powers hereby granted: Provided always, that the said Commissioners shall and they are hereby required to leave a sufficient Supply of Water at the Places where the Springs herein-before particularly named and described rise, so that the Water of such Springs may
at

at all Times hereafter be there taken and enjoyed by all Persons resorting thereto, for domestic Purposes, and for watering Cattle, as the same hath been heretofore taken and enjoyed by them.

Mill Owners
to be supplied with
Water from
Commissioners gratis.

XXII. And whereas the Owners and Occupiers of certain Mills and other Works called *New Mill, Clough Bottom Mill, Bank House Mill, and Longroyd Mill*, situate upon *Longwood* and *Golcar Brook*, and upon the River *Colne* respectively, within the Townships of *Longwood* and *Huddersfield* and *North Crosland* in the said County, are at present, and have been for some Time past, in part supplied with Water from the said Springs called *Nettleton Hill* or *Maulshead, Royleshead, Bald Royd, Middle Spring, Head Well Spring, and Clough Head Springs*, or some of them: And whereas it is estimated that One hundred and twenty thousand Gallons of Water *per Diem* will be sufficient for the present Supply of the said Town and Neighbourhood of *Huddersfield*; and inasmuch as it may happen that such Owners or Occupiers of the said Mills and Works may be respectively injured or prejudiced by the Diversion or Use of the Water or Part thereof from the said Springs, or some of them, for the Purposes of this Act, it is reasonable that the Deficiency which shall or may arise from such Diversion should be provided for at the sole Expense of the said Commissioners; and it is expedient that Provision should be made for securing such Supply of Water, and otherwise for the Protection, Security, Compensation, and Satisfaction of the respective Owners and Occupiers thereof: And whereas the Reservoir herein-before authorized to be made at or near to *Leys* aforesaid is intended for the sole Purpose of affording such Supply: Be it therefore further enacted, That the said Commissioners shall and they are hereby required, at their own Expense, previous to the Diversion of the said Water or any Part thereof from the said Springs or any of them, to make or cause to be made in a proper and substantial Manner the said Reservoir, for impounding and keeping Water for the Use, Benefit, and Advantage of the Owners and Occupiers of the said Mills and Works respectively, of such Dimensions and Extent as will hold and contain not less than Two million four hundred thousand Cubic Feet of Water, available for the Purposes of such Owners and Occupiers, such Reservoir to be formed by a proper Bank across the *Longwood Brook*, the Slope or Inclination of which shall be made so as to be not more than One Foot perpendicular to Three Feet base at the least, with sufficient Pipes of Cast Iron and other proper Materials, and proper Valves or Cloughs for drawing off the Water from the said Reservoir, for the Use of the said Mills and Works, with proper waste Weirs for carrying off the waste Water thereof; and the said Commissioners shall and they are hereby required, at their own Expense, from Time to Time and at all Times hereafter well and sufficiently to repair, uphold, maintain, and support the said Reservoir, and all the Dams, Banks, Goits, Trunks, Channels, Watergates, and other Works appertaining thereto: Provided always, that it shall be lawful for the Owners and Occupiers of the said Mills and other Works from Time to Time and at all Times, as they shall think fit, to draw off the Water from the said Reservoir for the Use of the said Mills and other Works respectively.

XXIII. And

XXIII. And be it further enacted, That the said Commissioners shall and are hereby required from Time to Time, and at all Times for ever hereafter, to sustain, pay, and make good to all and every of the said Owners and Occupiers of the said Mills and other Works respectively for the Time being, and every other Person or Persons, all Damages and Expenses which may be occasioned or incurred by the breaking down or overflowing of the said Reservoir, or the Want of Repair of the said Banks, Piers, or Goits thereof: Provided always, and it is hereby declared, that it shall and may be lawful to and for the said Commissioners, their Agents, Servants, and Workmen, to draw and let off the Water of the said Reservoir at or near *Leys* aforesaid, when and so often as it shall or may be necessary for the Purpose of repairing and keeping in repair the said Reservoir, and the Dams, Banks, Goits, Trunks, Channels, Watergates, Pipes, Valves, and other Works appertaining thereto, or any Part or Parts thereof respectively, the said Commissioners in drawing off the said Waters doing as little Damage thereby as may be.

Commissioners to make good any Damage that may be done by Reservoir breaking down.

XXIV. Provided always, and be it further enacted, That in case it shall at any Time hereafter become necessary, for the Purpose of supplying the said Town and Neighbourhood with Water, for the said Commissioners to take from the said Springs or Sources of Water called *Nettleton Hill* or *Maulshead*, *Royleshead*, *Bald Royd*, *Middle Spring*, *Head Well-Spring*, and *Clough Head Springs*, a greater or larger Quantity than One hundred and twenty thousand Gallons *per Diem*, then and in such Case the said Commissioners shall and they are hereby required previously to enlarge and maintain the said Reservoir at *Leys* aforesaid, so as to be capable of containing an additional Quantity of Water commensurate with the Excess so required; and for the Purpose of ascertaining the Quantity of Water taken by the said Commissioners for the Purposes aforesaid, the said Commissioners shall and they are hereby required to find, provide, affix, and maintain such and so many Gauge or Gauges at such Place or Places and in such Manner as Mr. *Nicholas Brown* (an Engineer appointed on behalf of the said Commissioners) and Mr. *John Raistrick* (an Engineer appointed on behalf of the said Owners and Occupiers) shall think necessary and mutually agree upon; and in case any Dispute should at any Time or Times hereafter arise as to the Quantity of Water taken by the said Commissioners from the said Springs, the said Commissioners shall and are hereby required from Time to Time, and at all Times, to allow the Owners and Occupiers of the said Mills and other Works, and any Engineer to be appointed by them, to enter into and upon, view and inspect the said Waterworks and other Premises of and belonging to the said Commissioners, and to take all necessary Gauges for ascertaining the exact Quantity of Water taken by the said Commissioners from the said Springs for the Purposes aforesaid; and that for the Purpose of facilitating the Inspection above mentioned, the Commissioners shall cause a Key of the Buildings within which such Gauge or Gauges is placed to be kept at some House within One Quarter of a Mile of the said Gauges, which Key shall be at all Times accessible to any of the last-mentioned Persons having the Right of Inspection.

Commissioners to enlarge Reservoir in certain Cases.

Reserving
the Right of
Inhabitants
of Longwood
and others
to the Head
Well Spring.

XXV. And whereas the Water of the said Spring or Springs called *Head Well* hath been immemorially resorted to and used by the Inhabitants of *Longwood* aforesaid, and the adjoining Townships, especially in Times of great Drought: And whereas certain Dwelling Houses, Lands, and Tenements in *Longwood* aforesaid, near the said last-mentioned Spring, claimed to be the Property of *Thomas Brook*, *William Brook*, and *Mary Hanson* Widow, or of the Heirs-at-Law or Devisees of *Edward Hanson* deceased, and now severally occupied by them and their respective Tenants, have long enjoyed the Surplus Water arising from the said Spring or Springs after the same had overflowed a Trough placed by the Side of the Highway or Road in *Longwood*, near a Place called *Bull Green*: Be it further enacted, That the said Commissioners shall at their own Expense collect into One Stream and Channel the whole of the Water produced by the said *Head Well* Spring or Springs, and convey the same into a Trough or Troughs to be by them provided and placed where the present Trough is placed, or as near thereto and as conveniently as may be, to be resorted to and used by the Inhabitants of *Longwood* aforesaid, and the adjoining Townships, as fully and freely in every respect as heretofore; and the said Commissioners shall from Time to Time and at all Times hereafter find, provide, place, and maintain a Cast Iron or Lead Pipe, not less than One Inch and One Eighth in Diameter, so as after supplying the said Inhabitants a Quantity of Water equal to the Capacity of such Pipe, with a Pressure or Head of Six Inches in the least above the Centre of the Orifice of such Pipe, shall be thereby conveyed into the Drain or Sewer now made under and across the said Highway or Road, and thence to flow in its present Channel to the Dwelling Houses, Lands, and Tenements herein-before described as claimed to be the Property of the said *Thomas Brook* and *William Brook*, and *Mary Hanson*, or of the Heirs-at-Law or Devisees of *Edward Hanson* deceased, and now severally occupied by them and their respective Tenants as aforesaid, to be used and applied by them and the present and future Owners and Occupiers of the said Dwelling Houses, Lands, and Tenements, for all Purposes whatsoever; and no Water whatsoever shall be diverted by the said Commissioners from the said Spring or Springs called *Head Well*, until after the said Inhabitants and the said Pipe shall be well and effectually supplied as aforesaid.

Saving Right
of Proprietor
of Mills
Bridge
House to a
certain Sup-
ply of Water.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the Owner or Occupier for the Time being for ever hereafter of a Mansion House in the Township of *Longwood* aforesaid called *Mills Bridge House*, from having and enjoying such Supply of Water for the said Mansion House and Appurtenances for such Purposes as the present Owner and Occupier thereof is now legally entitled to under or by virtue of his Purchase Deeds or otherwise from the former Owner thereof.

As to repair-
ing the Re-
servoir at
Leys.

XXVII. And be it further enacted, That in case the said Commissioners shall refuse or neglect to repair, support, and maintain the said Reservoir at *Leys* aforesaid, for the Space of Fourteen Days next after Notice thereof in Writing shall have been given to the said
Com-

Commissioners by or on behalf of the Owners or Occupiers of the said Mills and other Works, or other Person or Persons who shall find himself, herself, or themselves aggrieved by or by reason of any such Refusal or Neglect, then and in every such Case it shall and may be lawful for every or any of such Owners or Occupiers, or other Person or Persons who shall find himself so aggrieved by such Neglect or Refusal, (after having applied for and obtained the Approbation of and Order in Writing from any Three or more Justices of the Peace for the West Riding of the County of *York*, which Order the said Justices are hereby authorized and empowered from Time to Time, as often as there shall be Occasion, at their Discretion, to make and grant,) to repair, amend, support, or renew the said last-mentioned Reservoir from Time to Time as Occasion shall require; and all the reasonable Costs and Charges of such Repairs and Amendments, to be settled and allowed by the said Justices, shall be repaid by the said Commissioners to the Person or respective Persons who shall have so repaired, amended, supported, or renewed such Works as aforesaid; and upon Refusal or Neglect of the said Commissioners to pay the said Costs and Charges, the same shall or may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, by Warrant under the Hands and Seals of the said Justices, rendering to the said Commissioners the Overplus after Payment of such Costs and Charges, and the reasonable Expenses of such Warrant, Distress, and Sale, and which Warrant such Justices are hereby empowered to grant.

XXVIII. Provided always, and be it further enacted, That the Furnace of every Steam Engine, if any, to be erected by the said Commissioners, shall be constructed upon the Principle of consuming or regulating its own Smoke, provided that the same can be satisfactorily effected by any Apparatus now known for that Purpose.

Furnaces of Steam Engines to consume their own Smoke.

XXIX. And be it further enacted, That in case any Close or Inclosure from which the Water from the Springs herein-before particularly named and described, or any of them, shall be taken, shall by reason of such Water being so taken be deprived of the Benefit of such Water, the said Commissioners shall and they are hereby required to make and maintain such Troughs or Watering Places in each and every of such Inclosure as may be necessary for supplying the Cattle and Stock therein with as sufficient a Quantity of Water as they enjoyed before the passing of this Act.

Watering Places to be made in certain Cases.

XXX. Provided also, and be it further enacted, That the said Commissioners shall from Time to Time turn off and discharge, or cause to be turned off and discharged, such spare or waste Water of the aforesaid Springs as shall not be wanted for the Supply of the Inhabitants of the said Town and Neighbourhood, at the respective Spring Heads, or so near thereto that the Water so turned off and discharged may run and pass in the same Course as hath been usual, or as near thereto and as soon after being so turned off as may be.

Waste Water to be turned off at or near the Spring Head.

XXXI. And

Map and Book of Reference to remain with Clerk of the Peace.

XXXI. And whereas a Map or Plan describing the Places whereon the said Reservoirs are to be made or erected, and the Lands through or into which the same are intended to be carried and made, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the West Riding of the County of *York*: Be it therefore enacted, That such Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy; and all Persons interested therein shall at reasonable Times have liberty to inspect and peruse the same, and to have a Copy thereof, or of any Part thereof, paying to the said Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts: Provided always, that the said Commissioners shall not, in carrying into Execution any of the Purposes of this Act, deviate more than One hundred Yards from the Situation or Course described and delineated in such Map or Plan, nor make any Reservoir in any other Lands, Grounds, or Situations than in those therein described.

Misnomers or wrong Descriptions in Schedule not to prevent Execution of Act.

XXXII. Provided always, and be it further enacted, That the said Commissioners shall and may make the Works by this Act authorized, into, through, and over the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, if it shall appear to the Satisfaction of any Two or more Justices of the Peace for the West Riding of the County of *York* (and be by them certified in Writing under their Hands) that the Name or Names, Title or Titles, Designation or Designations, of such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall have been by Mistake omitted in the said Books of Reference, or either of them, or that instead thereof the Name or Names, Title or Titles, Designation or Designations, of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Land or Ground doth not belong, shall have been by Mistake inserted therein; anything herein contained to the contrary thereof in anywise notwithstanding.

Houses, Gardens, &c. not to be injured, except those mentioned in the Schedule to the Act.

XXXIII. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Person or Persons acting under or by their Authority, to enter, take, use, injure, or damage, in the making the said Waterworks and other Works, or for any other of the Purposes of this Act, any Dwelling House or other Building which shall have been erected or built on or before the passing of this Act, or any Land or Ground which on or before that Time shall have been set apart and used as and for a Yard, Garden, Orchard, Park, Paddock, Lawn, Shrubbery, Pleasure Ground, planted Walk, or Avenue to a House, or any enclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent of the Owner or Owners thereof for the Time being, other than and except such as are mentioned in the Schedule to this Act annexed.

XXXIV. Pro-

XXXIV. Provided also, and be it further enacted, That if the said Commissioners shall not within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Houses, Buildings, or other Premises which they are by this Act empowered to purchase, or so much thereof as shall be deemed necessary or proper for the Purposes of making the Works hereby authorized, then and from thenceforth these Powers, which are hereby granted to them for such Purpose only, shall cease, determine, and be utterly null and void.

If Land not contracted for within Three Years, Power to purchase to cease.

XXXV. And whereas by reason of taking down Houses and Buildings, and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Townships or Parish herein described; be it therefore enacted, That for preventing the same the said Commissioners shall, from and after they shall become seised and possessed of the 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 Act 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 the said Townships or Parish, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Townships, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, and 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, Collector, or Receiver to be appointed under this Act, shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Deficiencies in Land Tax to be compensated by Commissioners.

XXXVI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and to and for all Tenants for Life and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in possession, reversion, remainder, Expectancy, or otherwise, and to and for all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuiques or Celles que Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Tenements, and Hereditaments which shall be thought necessary by the said Commissioners to be purchased, had, or taken for the Purposes of the said Undertaking, to contract for and sell and convey the same; and every or any Part thereof, and all Right and Interest therein,

Bodies Politic, &c. empowered to sell and convey.

and on account of the Detriment, Injury, Damage, Loss, Inconvenience, or Prejudice which may be sustained by such Bodies, Trustees, or other Persons, in such gross Sums as shall be agreed upon between the said Owners or Occupiers respectively, or any of them, and the said Commissioners; and in case the said Commissioners and the several Parties interested in any such Lands and Hereditaments cannot or do not agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

XXXVIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby directed and required to make full Recompence and Compensation to the Owners and Occupiers of such Mills and other Works herein-before described, for such Loss or Injury (if any) as they may sustain by the Operation of this Act, and not herein-before expressly mentioned or provided for; and in case of any Dispute or Difference respecting the Amount of any such Recompence or Compensation, the same shall be settled and ascertained by a Jury in the Manner hereby directed for ascertaining the Value of Lands to be purchased for the Purposes of this Act.

Compensation to be made to Mill Owners and Occupiers.

XXXIX. And for settling all Differences which may arise between the said Commissioners and the several Owners of or Persons interested in any Lands and Hereditaments which shall or may be taken, used, damaged, affected, or injuriously prejudiced by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or any other Person so interested, entitled, or capable to sell as aforesaid, for and on behalf of himself or herself, or for or on behalf of his or her Cestuique Trusts, or of the Person or Persons entitled in remainder or reversion after him or her as aforesaid, or of any other incapacitated Person as aforesaid, shall differ or shall not agree with the said Commissioners as to the Amount of such Purchase Money, Recompence, or other Compensation, and such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Commissioners; or if any such Parties shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered by the said Commissioners, and shall give Notice thereof in Writing to the said Commissioners within Twenty-one Days next after such Offer shall have been made, and the Party or Parties giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee, or other Person interested, entitled, or capacitated to sell as aforesaid, shall (for the Space of Twenty-one Days next after Notice in Writing shall have been given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Person respectively, or left at the last or usual Place or Places of his or her Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments required for the Purposes of this Act,) neglect or refuse to treat or shall not agree with the said Commissioners for the Sale and Conveyance of their respective Estates and Interests therein, or shall

In case the Parties refuse or are incapable to treat, the Value to be settled by a Jury.

Jury to be
summoned
by the Sheriff
or Coroner.

In default of
Attendance
of Jurymen,
Standers-by
may be re-
turned.

Witnesses
may be sum-
moned.

Jury may
view the
Place or
Matter in
question.

shall by reason of Absence be prevented from treating, or shall by reason of Nonage, or any other Impediment or Disability not provided for by this Act, be incapable of treating or making such Agreement as shall be expedient for enabling the said Commissioners to proceed in making the said Reservoirs, Waterworks, and other the Works aforesaid, or shall not produce and fully disclose the State of the Title to the Premises they may be in possession of, or to the Interest they shall claim therein; then and in every such Case the said Commissioners may and shall, and they are hereby empowered and required, from Time to Time to issue a Warrant, under the Hands of any Five or more of them, to the Sheriff of the County in which the Lands and Hereditaments in question shall be situate, or the Matter in question or dispute shall arise; or in case such Sheriff or his Under Sheriff shall be One of the said Commissioners, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matters in question, then to any of the Coroners of such County not interested as aforesaid; or if all the Coroners shall be so interested, then to the Person then in being who last filled the Office of Sheriff or Coroner of the said County not interested as aforesaid; commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned, are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be directed or appointed, and to attend from Day to Day until discharged; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury shall upon their Oaths, or, being of the Society of Persons called Quakers, upon their solemn Affirmation, which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and

and require to administer, inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Buildings, Tenements, and Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or a Compensation, either for the Damages which shall or may before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual, or any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Commissioners, and which cannot or will not be further obviated, remedied, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Commissioners to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of any such Person or Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.

Verdict and Judgment thereon to be conclusive.

Notice of the Time and Place of Meeting to be given.

XL. Provided also, and be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands or Hereditaments to be taken or made use of for the Purpose of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Commissioners for any Damages which shall or may at any Time or Times hereafter be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owner or Owners or Occupier or Occupiers of or interested in such Lands or other Hereditaments, for or by reason of the severing or dividing the same from other Lands or Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, or to any such Person or Persons as aforesaid, and for or on account of the Detriment, Injury, Loss, and Damage or Prejudice which shall or may accrue to or be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Owner or Owners, Occupier or Occupiers, or other Person or Persons interested in such Lands or Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Reservoirs and Waterworks, and other Works and Conveniences, or by reason or means of the Execution of any of the Powers given to the said Commissioners.

Value of Lands and Damages to be ascertained separately.

XLI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest

Compensation Money to be apportioned.

in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts to
be recorded.

XLII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person present at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty upon
Sheriffs, &c.
making De-
fault.

XLIII. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being of the Society of Persons called *Quakers*, to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act; or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expenses, or appearing shall refuse to be sworn, examined, or to give Evidence; then and in every such Case every such Person so offending, having no reasonable Excuse, to be allowed by the said Sheriff, Under Sheriff, Coroner, or other Person, shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace for the County in which the said Lands or Hereditaments shall be situated, by Distress and Sale of the Goods and Chattels for the Person so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expenses of such Distress and Sale, shall have been deducted.

Juries to be
under the
same Regula-
tions as those
of the Courts
at Westmin-
ster.

Persons giv-
ing false Evi-
dencesubject
to the Penal-
ties of Per-
jury.

XLIV. And be it further enacted, That every Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken, by virtue of this Act upon their Oath, or being of the Society of Persons called *Quakers*, upon the solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may

may be prosecuted for the same, and upon Conviction shall be subject and liable to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

XLV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Commissioners for the Purchase of any Lands or Hereditaments to be used or taken by them for the Purposes of this Act, or as Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expense of Witnesses, shall be defrayed by the said Commissioners; and such Costs and Expenses shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person; and in case such Costs and Expenses shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners, or of the Treasurer of the said Commissioners, (unless such Treasurer shall pay such Costs and Expenses out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the West Riding of the County of York, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Costs and Expenses; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Commissioners, then and in every such Case one Moiety of the Costs and Expenses shall be defrayed by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Commissioners; and all such Costs and Expenses, having been ascertained and settled in manner hereinbefore described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to or for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not hereinbefore provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expenses shall be borne and paid by the said Commissioners.

Expenses of
Jury how to
be paid.

XLVI. And be it further enacted, That all and every Person and Persons with whom the said Commissioners shall have any such Controversy or Dispute shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, enter into a Bond with Two sufficient Sureties, to the Treasurer of the said Commissioners, in a Penalty of One hundred Pounds,

Persons re-
questing J-
ries to ent-
into Bonds

Pounds, to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expenses of summoning and returning such Jury, and taking such Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expenses shall fall upon him, her, or them to be paid according to the true Intent and Meaning of this Act.

Notice of Injury to be given to Commissioners before Complaint be made.

XLVII. And be it further enacted, That the said Commissioners shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Person for any Injury or Damage by him or her sustained, or supposed to be sustained, or having been discovered to have been sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Person to the said Commissioners, Ten Days at the least before such Complaint shall be made to the said Commissioners, and within the Space of Six Calendar Months after the Time of such supposed Injury or Damage having been sustained, or the doing or committing thereof shall have ceased.

Lands, &c. to vest in Commissioners on Payment or Tender of Purchase Money.

XLVIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any such Lands or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of any such Lands or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall be so agreed for, determined, or assessed; or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act; then upon Payment of the said Sum or Sums of Money into the Bank of *England* as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, immediately to enter upon such Lands and Hereditaments respectively; and then and thereupon such Lands and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Commissioners, to and for the Purposes of this Act; and such Payment or Tender and Investiture shall not only bar all the Right, Title, Interest, Claim, and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in reversion and remainder, or otherwise, of his, her,

or

or their Issue, and of every other Person whomsoever therein; provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to bore under, dig, or cut into such Lands or Hereditaments, for the Purpose of making the said Reservoirs or Waterworks, or other Works hereby authorized to be made, without the Leave of the respective Owners or Occupiers thereof in Writing made under their respective Hands.

XLIX. And be it further enacted, That every Tenant at Will, Lessee for a Year, and other Person or Persons in Possession of any Lands or Hereditaments through, in, or upon which the said Reservoirs or Waterworks hereby authorized to be made are intended to pass or be made, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Commissioners to such Tenant or Lessee or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Commissioners, or at such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required; and in Case any such Tenant or Lessee, or Person so in Possession as aforesaid, shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Commissioners to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Tenants at Will, or for Year to quit, Lands, &c. after Notice.

L. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him to the said Commissioners, or to any Person or Persons authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Commissioners shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands and Premises in the Occupation of such Tenant or Lessee as herein-before mentioned, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any other Satisfaction or Compensation for any Lands or Hereditaments taken or made use of by the said

Interest of such Tenants may be settled by a Jury.

Commissioners is in and by this Act provided for, and directed to be made and assessed.

Persons holding under Leases to produce the same.

LI. Provided always, and be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands or Hereditaments, through, in, or upon which the Works hereby authorized to be made are intended to pass or be made, under or by virtue of any Demise, Lease, or other Grant thereof, the said Commissioners shall and they are hereby authorized to require such Person to produce or shew the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shown, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Mortgages to be assigned to the Commissioners on Tender of Principal.

LII. And be it further enacted, That all Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage, shall, on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Commissioners, immediately convey, assign, and transfer such Mortgage to the said Commissioners; or in case such Mortgagee shall have Notice in Writing from the said Commissioners that they will pay off and discharge the Principal Money and Interest which shall be due on the Mortgage at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the Expiration of such Six Calendar Months, on Payment of the Principal Money and Interest so due, such Mortgagee shall convey, assign, and transfer his or her Interest in the Premises to the said Commissioners; and in case such Mortgagee shall refuse to convey or assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine; Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, (such Value to be ascertained in manner herein-before directed,) then the said Commissioners shall not be liable to pay the said Mortgagee more than the real Value of such Premises so ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereof to any Lessee or Tenant as herein-before is directed; provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mortgage as aforesaid into the Bank of *England* at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of all and every Person and Persons in Trust for him or her, shall vest in the said Commissioners, and they

they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage to all Intents and Purposes whatsoever; provided also, that if such Mortgage shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Commissioners, such Mortgagee shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his or her Interest in such Lands, Tenements, and Hereditaments to the said Commissioners; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of all and every Person and Persons in Trust for him or her, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank, as aforesaid, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

LIII. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money secured thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money and all Interest due or to become due thereon, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, and the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments on the one Part, and the said Commissioners of the other Part; and in case of any Difference or Disagreement between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury in the same Manner as in other Cases of Difference or Disagreement, and the Amount of such Price or Value and Compensation, being so settled and agreed upon, or ascertained and assessed as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his or their Claim, so far as the same will extend; or in case of his or their neglecting or refusing to release, convey, or assign as herein-before directed, then into the Bank of *England* as by this Act is provided; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be and be accepted and taken in satisfaction of the Claim of such Mortgagee or Mortgagees so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used from all Principal and Interest and other Money due

Directing in what Manner Disputes between the Commissioners and certain Mortgagees of Lands shall be settled.

due or secured thereon; provided nevertheless, that notwithstanding anything herein-before contained, such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering or compelling Payment of his, her, or their Mortgage Money, or the Residue thereof, as the Case may be, or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as he, she, or they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage or Mortgages.

Power to Commissioners to contract for the Purchase of the present Waterworks.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to contract and agree with the Owners or Proprietors of and other Persons interested in the present Waterworks within the said Town of *Huddersfield*, for the absolute Purchase thereof, at such Price or Sum of Money as shall be mutually agreed upon by and between such Owners and Proprietors, and other Persons interested as aforesaid, and the said Commissioners; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to pay and defray such Price or Sum of Money by and out of the Monies to be raised under or by virtue of this Act.

If Amount of Compensation for Damages done to Lands be alleged to be under Twenty Pounds, a Justice may settle the same.

LV. Provided always, and be it further enacted, That in any Case where the Amount of the Compensation for any Damage done or occasioned by the Commissioners in the Exercise of any of the Powers herein contained for making or repairing the said Waterworks shall be disputed, and be alleged to amount to any Sum under Twenty Pounds, then the Amount of the Compensation for such Damage shall or may be ascertained and settled by any Justice of the Peace for the said West Riding, and shall and may be levied and recovered, by Warrant under the Hand and Seal of any such Justice, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justice, by Distress and Sale of the Goods and Chattels of the Treasurer to the said Commissioners, unless such Treasurer shall pay and discharge the same, which he is hereby authorized and empowered to do, out of any Monies received or to be received by him as such Treasurer as aforesaid on account of the Water Rents herein-after mentioned.

Application of Purchase Money when amounting to 200*l*.

LVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity, such Money shall,
in

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 there *ex parte* the Commissioners for supplying with Water the Town and Neighbourhood of *Huddersfield*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present 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, 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, and without Fee or Reward; and shall when so paid in there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Party or Parties who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order shall be made, the said Money may, by Order of the said Court 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the Order of the said Court, to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled:

LVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds,

[Local.]

22 Q

then

When under 200*l.* and exceeding 20*l.*

then and in all such Cases the same shall (at the Option of the Party or Parties for the Time being entitled to the Rents and Profits of Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Lunacy, Idiocy, or other Incapacity, to be signified in Writing under their respective Hands,) be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option, to Two Trustees to be named by the Party or Parties who for the Time being would be entitled to the Rents and Profits of the Lands or Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Commissioners for executing this Act (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, may be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* as aforesaid, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l*.

LVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as aforesaid shall be less than Twenty Pounds, then and in all Cases the same shall be paid to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to or for the Use and Benefit of such Person or Persons respectively entitled thereto.

Compensation Money to be paid into the Bank on Refusal to accept, or not being able to make a good Title.

LIX. And be it further enacted, That in case any Party or Parties to whom any Sum or Sums of Money shall have been so awarded for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case the Party or Parties to whom such Sum or Sums of Money shall have been so awarded as aforesaid cannot be found, or if the Party or Parties entitled to or interested in such Lands, Tenements, or Hereditaments shall not be known or discovered; then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing the said Premises), subject to the Order, Control, and

and Disposition of the said Court; which said Court, upon the Application of any Party or Parties making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Party or Parties making claim thereto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum of Money into the Bank as aforesaid.

LX. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Party or Parties to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest, or any Lands, Tenements or Hereditaments to be purchased or taken by the said Commissioners in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Party or Parties who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Party or Parties, or under the Possession of such Party or Parties, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends and Interest of the said Bank Annuities or Government or Real Securities, and also the Capital of the same Bank Annuities or Government or Real Securities, 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 or Parties was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in possession to be deemed entitled until the contrary shall appear.

LXI. Provided also, and be it further enacted, That when, by reason of any Disability or Incapacity of the Party or Parties entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order,

Costs attending Purchases to be paid by Commissioners.

Order, to be paid by the said Commissioners, who shall from Time to Time, out of the Monies respectively to be raised by virtue of this Act, pay such Sums of Money for the Purposes aforesaid as the said Court shall direct.

Enabling the Commissioners to sell Lands not wanted.

LXII. And whereas by means of the Purchases which the said Commissioners are empowered and required to make by virtue of this Act, they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act: Be it therefore further enacted, That it shall be lawful for the said Commissioners to sell and dispose of any Piece of such Land or Ground, either together or in Parcels, by Public Auction or Private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Commissioners shall be valid and effectual, anything in this Act contained, or any other Law, Statute, or Custom to the contrary thereof notwithstanding: Provided always, that the said Commissioners, before they shall sell and dispose of any such Piece of Land or Ground, shall first offer to sell the same to the Person or Persons whose Lands or Premises shall immediately adjoin the Lands or Grounds so proposed to be sold as aforesaid, and such several Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Commissioners through their Clerk within Fifteen Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Messuages, Lands, Tenements, and Hereditaments for the Space of Fifteen Days, then and in every such Case, an Affidavit made and sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace for the said West Riding of the County of York, by some Person or Persons not interested in the same Messuages, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was refused or declined, or was not accepted or agreed to by the Person or Persons to whom the same was made within the Space of Fifteen Days from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or declined, or was not accepted and agreed to within the Time aforesaid, by the Person or Persons to whom such Offer was made, as the Case may be; and in case the Person or Persons to whom such Offer is required to be made shall be desirous of purchasing the same, and he, she, or they and the said Commissioners shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Commissioners in pursuance thereof; and the Expense of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Commissioners, *mutatis mutandis*; and the Money produced

produced by the Sale or Sales which may be made by the said Commissioners of such Messuages, Lands, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of this Act.

LXIII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from the Sale or Sales of such Lands or Hereditaments, or any Part or Parcel thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Commissioners to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person for the Purchase Money for such Lands or Hereditaments as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof.

Treasurer, upon Payment of Money, to give Receipts.

LXIV. And be it further enacted, That in all Conveyances to be made by the said Commissioners under or by virtue of the several Powers and Authorities by this Act granted, the Word "grant" shall amount to, be construed and adjudged, in all Courts of Judicature, to be express Covenants to the Grantee or other Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, from the said Commissioners, for themselves and their Successors, that the said Commissioners, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, that the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, shall quietly enjoy the same against the said Commissioners, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Commissioners and their Successors from all Incumbrances committed by the said Commissioners, and also for further Assurance of such Hereditaments and Premises by the said Commissioners, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances; and such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenant were expressly inserted in such Conveyance.

The Word "grant," &c. to operate as a Covenant.

LXV. And be it further enacted, That the said Commissioners, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized to contract and agree with any Person for making all or any of the Works hereby authorized to be made or done by the said Commissioners, in such Manner and for such Sum and Sums of Money, and under such Regulations and Restrictions, as the said Commissioners shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding on the said Commissioners, and all others the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators; and Actions

Commissioners may contract for the Works.

and Suits may be maintained thereon, and Damages and Costs recovered against the said Commissioners, or against any of the Parties failing in the Execution thereof.

Clerk of
Commissioners may grant
Releases to
Witnesses.

LXVI. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Commissioners, and also in all Prosecutions commenced and instituted by or on behalf of the said Commissioners, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions and Suits or Proceedings, it shall be lawful for the Clerk for the Time being of the said Commissioners, with the Approbation of the said Commissioners, in his own Name, for and on behalf of the said Commissioners, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Commissioners to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings aforesaid, and also to do, with the Approbation aforesaid, any other Act, Matter, or Thing in any such Acts, Suits, Prosecutions, Arbitrations, References, or other Proceedings which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, 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 made under the Hands of the said Commissioners.

Power to
borrow
Money on
Mortgage of
Works and
Water
Rents.

LXVII. And, for enabling the said Commissioners to execute the several Purposes of this Act, be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered, from Time to Time, when and so often as they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, upon the Credit of the said Works, and of the Water Rents hereby authorized to be collected, and by any Writing under the Hands and Seals of the said Commissioners, or any Five or more of them, to mortgage or assign the same Works and Water Rents, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with lawful Interest for the same; and the Charges and Expenses of such Mortgages or Assignments respectively shall be from Time to Time defrayed by the said Commissioners; and every such Mortgage or Assignment shall be in the Words or to the Effect following; (that is to say,)

Form of
Mortgage.

‘ BY virtue of an Act passed in the Seventh and Eighth Years of
‘ the Reign of King George the Fourth, intituled [*here set forth*
‘ *the Title of this Act,*] we, Five of the Commissioners acting in
‘ the

‘ the Execution of the said Act, in consideration of the Sum of
 ‘ advanced and lent by *A.B.* upon the Credit and
 ‘ for the Purposes of the said Act, do hereby grant and assign unto
 ‘ the said *A.B.* [his or her] Executors, Administrators, and Assigns,
 ‘ [or to his or her] Trustee or Trustees [*as the Case may require,*]
 ‘ such Proportion of the Works and of the Water Rents authorized
 ‘ by the said Act to be raised, levied, and collected 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 charged upon the Credit of the same Works and Water Rents,
 ‘ to be had and holden from this Day of until
 ‘ the said Sum of with Interest for the same
 ‘ after the Rate of Five Pounds per Centum per Annum, to be paid,
 ‘ shall be fully repaid and satisfied. In witness whereof we have
 ‘ hereunto set our Hands and Seals, the Day of
 ‘ in the Year of our Lord

And every such Mortgage or Assignment shall be numbered, com-
 mencing with Number 1., and so proceeding in an arithmetical
 Progression ascending, whereof the common Excess or Difference
 shall always be One; and every such Security shall be good, valid,
 and effectual in the Law, and shall entitle the Person or Persons to
 whom the same shall be granted, his, her, or their Executors, Ad-
 ministrators, and Assigns, to the Payment of the Sum of Money
 therein mentioned, and of the Interest thereon, and to all Profit and
 Advantage therefrom, according to the true Intent and Meaning of
 this Act.

LXVIII. And be it further enacted, That it shall be lawful for the
 Persons entitled to any of the Securities for the Money borrowed as
 aforesaid, and their respective Executors, Administrators, and Assigns,
 (as the Case may be,) at any Time or Times, by Writing under their
 respective Hands and Seals, to transfer such Securities to any Person
 or Persons whomsoever; and every such Transfer shall be in the
 Words or to the Effect following; (that is to say,)

Power of
 transferring
 Mortgages.

‘ I *A.B.* being entitled to the Sum of
 ‘ by virtue of a Mortgage bearing Date the
 ‘ Day of under the Hands and Seals of Five of
 ‘ the Commissioners acting in the Execution of an Act passed in the
 ‘ Seventh and Eighth Years of the Reign of His Majesty King George
 ‘ the Fourth, intituled “An Act” [*here set forth the Title of this Act,*]
 ‘ upon the Credit of the Works and of the Water Rents authorized
 ‘ to be raised and collected by virtue of the said Act, do hereby
 ‘ transfer all my Right and Title in and to the same Sum, and all
 ‘ Interest and other Money now due and arising thereon, and all
 ‘ Benefit and Advantage to be had or made thereby, unto *E.F.*, his
 ‘ Executors, Administrators, and Assigns. In witness whereof I
 ‘ have hereunto set my Hand and Seal, the Day of
 ‘ in the Year of our Lord

Form of
 Transfer.

And a Book shall be provided by the said Commissioners, and be
 kept by the Clerk, in which Book Entries or Memorials of all such
 Mortgages

Mortgages or Assignments, and all Transfers thereof, shall be made, expressing the Names and Places of Abode and other necessary Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, and the Dates of all such Securities, of the Parties, and the Sums thereby secured, to which Book any Person interested shall at all seasonable Times have Access and free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer the said Clerk shall be paid by the Person or Persons to whom such Transfer shall be made the Sum of Two Shillings and Sixpence and no more; and every such Transfer, after the entering thereof aforesaid, and not till then, shall entitle the Person to whom such Transfer shall be made, and his and her Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred, and it shall not be in the Power of the Persons or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Money due thereon.

No Preference in Payment of Mortgages.

LXIX. And be it further enacted, That the several Persons to whom any such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Works and Water Rents equally one with another, without any Preference by reason of the Priority of advancing such Money, or the Date of any such Mortgages or Assignments.

Provision for Payment of Mortgages by Ballot.

LXX. And in order that no undue Preference may be given in paying off the aforesaid Mortgages, be it further enacted, That when and so often as the said Commissioners shall think it expedient to pay off One or more of the Mortgages granted by virtue of this Act, they shall cause the several Numbers or other Descriptions of all such Mortgages then in force to be written upon distinct Pieces of Paper of an equal Size, and each of such Papers shall be rolled up in the same Form and be put into a Box, and the Clerk or Clerks of the said Commissioners shall draw separately out of the said Box One of the said Pieces of Papers for each Mortgage then intended to be paid off by the said Commissioners, and thereupon the Mortgage or Mortgages corresponding with the Number or Numbers or other Description on the Piece or Pieces of Paper which shall be so drawn shall be accordingly paid off by the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk or Clerks, to be given to the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, which Notice shall express the Principal Sum to be paid off, and that the same will be paid, together with Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Calendar Months from the Date of giving such Notice; and the Interest of the Principal Money to be paid off shall from and after the End of the said Six Calendar Months cease and be no longer paid or payable, unless the Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Six Calendar Months, shall nevertheless be payable on Demand.

LXXI. And

LXXI. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum of Money at a lower Rate of Interest than the Mortgages or Assignments which shall then be in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Works and Water Rents in manner aforesaid with such Sum or Sums of Money as they shall think proper, to be borrowed at such lower Rate of Interest, and the Interest thereof at such lower Rate as aforesaid, and to pay off and discharge any of the Mortgages or Assignments bearing a higher Rate of Interest, by Ballot, according to the Directions herein-before contained for paying off other Mortgages or Assignments by Ballot.

Power to borrow Money at a lower Interest to pay off Securities at a higher.

LXXII. And be it further enacted, That if any Person or Persons shall agree to advance and pay any Sum or Sums of Money for the Purposes of this Act, or any of them, and shall subscribe his, her, or their Name or Names to any Writing for that Purpose, every such Person shall be liable to pay every such Sum or Sums of Money so subscribed according to the Purport of such Writing; and in default of Payment thereof within Twenty-one Days after the same shall become payable according to the Purport of such Writing (the same being demanded), unto such Person or Persons as the said Commissioners shall direct and appoint to receive the same, it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, to sue for and recover the same by Action or Debt or on the Case, or by Bill, Plaint, Suit, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Compelling Payment of Subscriptions.

LXXIII. And be it further enacted, That all the Money to be raised by the said Commissioners by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expenses in applying for, obtaining, and passing this Act, and all other Expenses preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, and making, completing, and maintaining the said Reservoirs, Waterworks, and other Works, and other the Purposes of this Act.

Application of Money raised.

LXXIV. And be it further enacted, That when and so soon as the whole of the Principal Monies and Interest due on any Mortgages granted under the Authority of this Act shall have been paid off and discharged, the said Water Rents shall then be reduced, so that the Proceeds thereof and therefrom shall only cover the current Expenses attending the Execution of the Powers of this Act.

Directing the Application in case of any Surplus.

LXXV. And be it further enacted, That whenever it shall be found necessary for the said Commissioners to open the Ground or dig or break up the Soil and Pavements in or under any Part of the Roads, Highways, Footways, Streets, Lanes, Alleys, Passages, or

Ground broken up to be reinstated within Seven Days.

[Local.]

22 S

public

Openings in
Pavements
to be
guarded.

public Places within the said Town and Neighbourhood within the Township and Parish of *Huddersfield* aforesaid, for the Purpose of amending or laying their Water Pipes or Plugs, or for any other Purpose, the same shall be done, and the Ground filled and rammed in, and the Road, Highway, Footway, Street, Lane, Alley, Passage, or public Place made good, within the Space of Seven Days; and in case the said Commissioners shall neglect, by the Space of Seven Days next after such Pipes shall have been laid down or repaired as aforesaid, to commence filling in and repairing the Ground, and making good the Road, Highway, Footway, Street, Lane, Alley, Passage, or public Place in manner aforesaid, the Surveyor or Surveyors, or Trustees or Commissioners of the said Roads, Highways, Footways, Streets, Lanes, Alleys, Passages, or public Places respectively, is and are hereby empowered to cause the same to be done, and the Expense thereof shall be paid by the said Commissioners to the said Surveyor or Surveyors, or Trustees or Commissioners; and so long as the Ground shall remain so opened as aforesaid the said Commissioners shall secure the same by a Fence or Rail, and maintain and keep up sufficient Light thereupon from Sunset to Sunrise, so as to prevent any Damage or Inconveniences happening to Passengers, Cattle, or Carriages, upon pain of forfeiting any Sum not exceeding Five Pounds nor less than Five Shillings for every Hour that the Ground shall remain open or not secured in manner aforesaid; and whenever it shall happen that, by the bursting, breaking, or running of any such Pipes or Plugs, the Water shall overflow any Part of the said Roads, Highways, Footways, Streets, Lanes, Alleys, Passages, or public Places, so as to occasion any Damage or Inconvenience to Passengers, Cattle, or Carriages, or Injury to the Roads, Highways, Footways, Streets, Lanes, Alleys, Passages, or public Places, then, in case the said Commissioners shall, after One clear Day's Notice thereof neglect to do what shall be necessary to remedy the Danger and Inconvenience arising therefrom, it shall be lawful for the Surveyor or Surveyors of the said Roads, Highways, Footways, Streets, Lanes, Alleys, Passages, or public Places respectively to do what he or they shall judge requisite to drain off the Water, and to prevent any Danger or Inconvenience therefrom in future, the Expense whereof shall be reimbursed to such Surveyor or Surveyors by the said Commissioners; all which respective Forfeiture and Sums shall and may from Time to Time be recovered of and from the said Commissioners in such Manner as other Penalties and Forfeitures are by this Act directed to be recovered against the said Commissioners, and, when so recovered, shall from Time to Time be paid to the said Surveyor or Surveyors, Trustees or Commissioners respectively, and shall be applied for and towards amending the said Roads, Highways, Footways, Streets, Lanes, Alleys, Passages, and public Places respectively.

Pipes to be
laid Two
Feet Six
Inches under
Ground.

LXXVI. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Water by the said Commissioners, by virtue of this Act, shall be laid Two Feet Six Inches at least below the Surface of the Soil of every Road, Highway, Footway, Street, Lane, Alley, Passage, or Place in or through which such Water shall be so conveyed.

LXXVII. Pro-

LXXVII. Provided always, and be it further enacted, That the Course and Direction of the present or any future public Sewer or Drain shall not be altered or changed, nor shall they be interfered with, without Three Days Notice in Writing to the Surveyor of the said Roads, Highways, Footways, Streets, Lanes, Alleys, Passages, and public Places respectively, or left at his Dwelling House, and the said Commissioners shall replace and make good such Sewers and Drains as soon as conveniently may be.

Public Sewers not to be injured.

LXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required, upon the laying down any Main Pipe or other Pipe in any Square, Street, Yard, Court, Close, Lane, Passage, or Place within the Town and Neighbourhood aforesaid, for the supplying the same with Water, to fix and place at the Time of laying down such Main Pipe all proper and necessary Fire-plugs, and shall deliver the Key or Keys of such Fireplug or Fire-plugs to the Person having the Care of any Fire Engine or Fire Engines in the said Town, and another Key or Keys to be hung up in the Watch-house in the said Town; and it shall be lawful for the said Commissioners to paint or affix, upon the Wall of any House or Building opposite to such Fireplug, Marks or Figures for describing the particular Situation of each such Fireplug.

Commissioners to provide Fire-plugs, and to deliver Keys at Engine Houses.

LXXIX. And be it further enacted, That it shall not be lawful for any Person or Persons to place or set up, or cause or suffer to be placed or set up, any Standcock or Font, or other Instrument, Machine, or Thing for the Supply of Water in Times of Frost or otherwise; in any of the said Roads, Highways, Footways, Streets, Lanes, Alleys, Passages and Places, or any of them, or any Part thereof, which shall be furnished with any other than a Metal Cock and Spout, to the Satisfaction of the said Commissioners; and if any Person or Persons shall set up, or cause or suffer to be set up, any Standcock, Pump, or other Instrument, Machine, or Thing, with any other than a Metal Cock and Spout, which shall not be to the Satisfaction of the said Commissioners, they shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

For regulating Standcocks during Frost.

LXXX. And be it further enacted, That such of the Inhabitants of the said Town and Neighbourhood within the Township and Parish of *Huddersfield* aforesaid, or Occupiers of Houses, Buildings, or Premises within the same, as shall be desirous of having Water from the said Waterworks laid into their Houses, Buildings, or other Premises, may and are hereby authorized and empowered, at their own Expense, (having given Fourteen Days previous Notice in Writing of his, her, or their Intention so to do, to the said Commissioners, and with the Consent of the Owners of the Premises through which the Pipes shall be so conveyed,) to open the Ground between the Main Pipes belonging to the said Commissioners and the respective Houses, Buildings, or other Premises of such Inhabitants or Occupiers, and to lay any Leaden or other Pipe or Pipes, the Bore thereof to be determined and fixed by the said Commissioners, and the Pipes to be laid down under the Inspection of and to the Satisfaction of the said Commissioners, or such Person as they shall appoint to

Inhabitants may lay Pipes to those of the Commissioners, after giving Notice.

to superintend the same, from such respective Houses, Buildings, or other Premises, to communicate with the said Main Pipes, such respective Inhabitants or Occupiers paying to the said Commissioners the Rents herein-after mentioned; and in case of Default in Payment of any such Rents, it shall be lawful for the said Commissioners to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with the Main Pipes belonging to the said Commissioners, to be separated from the said Main Pipes, and to cause the Water to be stopped from issuing or running into the said Houses, Buildings, and other Premises of every Person making such Default; and the Rent or Rents which shall be due and in arrear from such Person or Persons to the said Commissioners shall and may be recovered by the said Commissioners by Distress and Sale of the Goods and Chattels of the Person liable to pay the same: Provided always, that all and every Person and Persons who shall have laid any Pipe or Pipes as aforesaid shall be at liberty to remove and take away any such Pipe and Pipes, and the Cock or Cocks to such Pipe or Pipes belonging.

Rates at
which Water
to be sup-
plied.

LXXXI. And be it further enacted, That the said Commissioners shall and they are hereby required to supply with Water each of the Inhabitants or Occupiers of any Houses, Tenements, or Premises in any Square, Street, Yard, Court, Close, Lane, Passage, or Place of the said Town and Neighbourhood within the Township and Parish of *Huddersfield* aforesaid, in or along which any Main Pipes of the said Commissioners may be laid, as shall be desirous of having the same, and who shall be willing and agree to pay the necessary Expenses of providing, laying, and affixing Service Pipes to communicate with such Main Pipes, together with the necessary Valves and Cocks, and to pay the Water Rents herein-after mentioned; and it shall be lawful for the said Commissioners, or for such Person or Persons as they shall from Time to Time appoint for that Purpose, and they are hereby empowered and directed, to ask, demand, receive, and take, of and from every Inhabitant or Occupier of any House, Tenement, or Premises of the said Town and Neighbourhood who shall choose to have the Water laid into their respective Houses, Tenements, or Premises, such Sum or Sums of Money, to be paid yearly or otherwise, as and for a Water Rent, as the said Commissioners shall from Time to Time agree upon, and by Writing under their Hands assess and appoint; nor shall the said Commissioners be at liberty to charge or to receive any greater or higher Rent or Rents for the Supply of such Water than as herein-after mentioned and prescribed; that is to say, where the annual Rackrent or Value of the House or Building, Yard or Offices, or Premises, to be supplied with Water, shall not exceed Ten Pounds, at and after the Rate of Twenty Shillings *per* Year; and where the annual Rackrent or Value shall be above Ten Pounds and shall not exceed Twenty Pounds, at and after the Rate of Two Pounds *per* Year; and where the annual Rackrent or Value shall be above Twenty Pounds and shall not exceed Thirty Pounds, at and after the Rate of Two Pounds Sixteen Shillings *per* Year; and where the annual Rackrent or Value shall be above Thirty Pounds and shall not exceed Forty Pounds, at and after the Rate of Three Pounds Fifteen Shillings *per* Year; and where the annual

annual Rackrent or Value shall be above Forty Pounds and not exceed Sixty Pounds, at and after the Rate of Five Pounds *per* Year; and where the annual Rackrent or Value shall be above Sixty Pounds and shall not exceed Eighty Pounds, at and after the Rate of Five Pounds Twelve Shillings *per* Year; and where the annual Rackrent or Value shall be above Eighty Pounds and shall not exceed One hundred Pounds, at and after the Rate of Six Pounds Five Shillings *per* Year; and where the annual Rackrent or Value shall be above One hundred Pounds, at and after the Rate of Seven Pounds *per* Year; and every such Rate shall be payable according to the actual Amount of the Rent where the same can be ascertained, and where the same cannot be ascertained, according to such Rent as such Inhabitants shall be assessed for the House Tax; provided nevertheless, that the said Commissioners shall not be entitled to receive from any such Inhabitant or Occupier more than the Sum of Ten Pounds in any One Year for such Supply, nor shall such Commissioners be obliged to furnish such Supply to any Inhabitant or Occupier for less than Twelve Shillings in any One Year; and provided further, that in the case of Cloth Dressers; Dyers, Hatters, Woolcombers, Distillers, Colour Manufacturers, Printers, Brewers, Innkeepers, Maltsters, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of his or her own Family Consumption, or Persons requiring a Supply of Water for public Baths, or for the Purposes of any Trade or Business whatsoever, or for Service above the Height of Six Feet above the Level of the Pavement of the Street within which the Premises so supplied may be situate, such Supply shall be furnished by the same Commissioners in such Cases at such Rate as shall be settled by and between the said Commissioners and such Persons respectively; provided that the whole Amount of Water Rents in any One Year do not (after Payment of the annual Expenses) exceed Seven and a Half *per Cent.* upon the Debt which shall be owing by the said Commissioners.

LXXXII. And be it further enacted, That in case the said Commissioners shall neglect or refuse to supply any of the said Inhabitants or Occupiers of Houses, Buildings, or other Premises in any Square, Street, Yard, Court, Close, or Lane, Passage or Place, within the Town and Neighbourhood aforesaid, where the Pipes of the said Commissioners may be laid, with Water for the Use of his or her own Family at the Rate aforesaid, for the Space of Twenty-one Days (after Demand in Writing shall have been made by such Inhabitant or Occupier to the Clerk or Engineer of the said Commissioners for the Time being for such Supply of Water, and Tender made to such Clerk or Engineer of the Amount of the Rent for Half a Year for such Supply), the said Commissioners shall forfeit and pay to such Inhabitant or Occupier Treble the Amount of the Rent so tendered, in case the said Commissioners, at the Time of such Demand and Tender being made, can grant such Supply of Water without lessening the Supply of Water to the other Tenants of the said Commissioners, but not otherwise, to be levied and recovered by virtue of a Warrant under the Hands and Seals of any of His Majesty's Justices of the Peace acting in and for the County, Riding, or Division where such Houses, Buildings, or other Premises shall be situated, by Distress

Penalty on
not supply-
ing Water.

and Sale of the Goods and Chattels of the said Commissioners; and the said Commissioners shall also forfeit and pay, in addition to the before-mentioned Forfeiture, (to be recovered as aforesaid,) the Sum of Twenty Shillings for each and every Day during which they shall so refuse or neglect to supply such Water as aforesaid.

No Water to be employed for supplying Steam Engines.

LXXXIII. Provided always, and be it further enacted, That nothing herein contained shall enable the said Commissioners to apply or use, or suffer to be applied or used, any Part of the aforesaid Water to be conveyed as aforesaid in supplying any Steam Engine with Water, or in turning or giving Power to any Machinery; and that no Inhabitant or Inhabitants of the said Town and Neighbourhood, or of any House therein or near thereto, or other Person or Persons whomsoever, shall so use or employ any Part of the said Water for the Purposes before prohibited, upon pain of forfeiting from Time to Time any Sum not exceeding Fifty Pounds for every such Offence

Power of Recovery of Water Rents.

LXXXIV. And be it further enacted, That if any Person who shall contract with the said Commissioners, or otherwise agree to take or shall use or enjoy the Benefit of the said Water in his or her Houses, Buildings, or Premises, shall neglect or refuse, for the Space of Seven Days after Demand thereof made by the said Commissioners, or by any Person under their Authority, to pay the Sum or Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners, or their Clerk, Collector or Collectors, 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 or Place where the Defaulter shall reside, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, returning the Overplus (if any) to the Owner or Owners 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 or Persons to make Payment of such Rents, 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 Rents by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or any more than One Imparlance, shall be allowed.

Rents recoverable from Persons removing.

LXXXV. And be it further enacted, That if any Person or Persons liable to pay any of the said Rents shall at any Time begin to remove his, her, or their Goods or Furniture from the House or Premises in his, her, or their Occupation within the said Town and Neighbourhood, or to sell or dispose of such Goods or Furniture therein by public Auction, or sell, dispose of, or carry away his, her, or their Goods or Furniture as aforesaid, without paying all Arrears then due in respect of such House or Premises by virtue of this Act, in which the current Quarter or Half Year (as the Case may be) shall

be

be considered as due, then and in any of the said Cases it shall be lawful for the Collector for the Time being to the said Commissioners to collect and levy such Rents, and all Arrears due thereon, the Rent for such Quarter or Half Year (as the Case may be) within which such Removal or Sale shall begin to be made as aforesaid to be considered as due although previous to the Time of Payment of the Rent for such Quarter or Half Year (as the Case may be), by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rents, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rents, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively.

LXXXVI. And be it further enacted, That if any Person or Persons shall take or use, or cause or permit or suffer to be taken or used, any Water from and out of any of the Works belonging to the said Commissioners without the Consent of the said Commissioners, or if any Person or Persons supplied with Water by virtue of this Act shall, without the Consent of the said Commissioners, supply any other Person with any Portion of such Water, or if any Person shall wilfully let off or cause to run to Waste any Water from such Reservoir or Aqueduct, every Person so offending shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Five Pounds; and it shall be lawful for the said Commissioners, if they shall think fit, to take or cut off the Water so supplied by the said Commissioners from the House, Building, or other Premises of the Person or Persons so offending.

Penalty on Persons taking Water not renting same, or on Persons supplied supplying others.

LXXXVII. Provided always, and be it further enacted, That in case of any Fire happening within the said Town and Neighbourhood, it shall be lawful for any Inhabitant thereof, or other Person or Persons whomsoever, to open any Pipe, Water House, Reservoir, or Cistern belonging to the said Commissioners, and to make use of the Water in order to extinguish such Fire, without any Satisfaction being made for the same, such Inhabitant or other Person or Persons not wilfully wasting the said Water, and doing as little Damage as may be to such Pipes, Water House, Reservoir, or Cistern.

Water to be used without any Satisfaction in case of Fire.

LXXXVIII. And be it further enacted, That in order to prevent as much as possible the wilful and negligent Waste of Water, each and every Person supplied with Water by the said Commissioners shall, if required by the said Commissioners, provide a proper Cistern or Cisterns of Lead, Stone, Brick, or Wood, or other Materials, to receive and hold such Quantity of Water as shall be by him, her, or them deemed sufficient for his, her, or their Consumption; and he, she, and they is and are hereby required to provide and keep in repair a Ball and Stopcock, and to affix or cause to be affixed the same to the
Pipe

Cisterns to be provided to prevent Waste.

Pipe conducting the Water from the Main or Service Pipe to such Cistern or Cisterns, for the Purpose of preventing the Water running into such Cistern or Cisterns from running to Waste when the same shall be full; and in case any Person supplied with Water by the said Commissioners (and being thereto required by the said Commissioners) shall neglect to provide and keep in repair such Cistern or Cisterns, and also such Balls or Stopcocks, and to affix or cause to be affixed the same in manner aforesaid, for the Purposes of preventing the Water from running to Waste, when such Cistern or Cisterns shall be filled as aforesaid, it shall be lawful for the said Commissioners, or any Person acting by virtue of or under their Authority, to cut or turn off the Water by such Ways and Means as to him or them shall seem right or proper from the House, Building, or Premises of every such Person, until such Cistern or Cisterns, and Ball or Stopcock, shall be provided and added or repaired in manner aforesaid.

Commissioners may enter Premises, and see that there is no Waste of Water.

LXXXIX. And be it further enacted, That it shall be lawful for the said Commissioners, or for their Engineer, Surveyors, or Clerks, at any Time or Times in the Daytime, between the Hours of Ten in the Forenoon and Four in the Afternoon, giving Twenty-four Hours previous Notice of their Intention, to enter into any House, Building, or other Premises supplied with Water by the said Commissioners, in order to inspect and examine whether there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Commissioners, and whether the Pipes and Cocks be in proper Repair; and if such Engineer, Surveyor, or Clerk, or other Person acting by or under the Authority of the said Commissioners shall at any such Time, and having given such Notice as aforesaid, be refused Admittance or Entrance into any such Dwelling House, Buildings, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection and Examination, then and in every such Case it shall be lawful for the said Commissioners to cut off or cause to be cut off the Water supplied by them from such Premises.

Penalty on opening Locks or doing any Damage to the Works.

XC. And be it further enacted, That if any Person shall bathe in any Reservoirs, Aqueduct, Waterway, Feeder, or Pond, made, maintained, or supported by virtue of this Act, or wash any Dog or other Animal therein, or throw or cast any Dog or Cat, or any Filth, Dirt, Gravel, Stone, or Rubbish, or other offensive Thing, into any such Reservoir, Aqueduct, Waterway, Feeder, or Pond, or cause or suffer the Water of any Sink, Sewer, or Drain to be conveyed into or to run into any such Reservoir, Aqueduct, Waterway, Feeder, or Pond, or cause any other Annoyance or Injury to be done to the Water contained in any such Reservoir, Aqueduct, Waterway, Feeder, or Pond, or to any Water which shall flow into the Reservoir or other Works, or which shall be collected or used by the said Commissioners for the Purposes of this Act, whereby or by means whereof the Water required for the Supply of the said Town and Neighbourhood, or any Part thereof, shall or may be soiled, fouled, or polluted, or shall wantonly or unnecessarily open or cause to be opened any Lock Gate,

Gate, Paddle, Valve, or Clough belonging to the said Waterworks, or snare, angle, or take any Fish out of the same, or if any Person shall wilfully flush or draw off or cause to be flushed or drawn off the Water from any Part of the said Waterworks, or shall leave any of the Valves or Cloughs open and running belonging to the same, or shall draw or cause to be drawn any Paddle, Valve, or Clough in any of the Locks, Stop or Clough Gates on the said Waterworks, so as to mis-spend or waste the Water thereof, its Courses or Feeders, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

XCI. And be it further enacted, That if any Person shall wilfully or maliciously break, throw down, damage, or destroy any Banks or other Works erected, made, or maintained by virtue of this Act, or turn, divert, disturb, interrupt, or obstruct any of the said Springs, Streams, or Supplies of Water, or steal, take, or carry away, or detain spoil, injure, damage, or destroy, the several Articles, Matters, and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof, every Person so offending shall be adjudged guilty of Felony, and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported beyond the Seas for the Term of Seven Years, or, in Mitigation of such Punishment, such Court may award Sentence as the Law directs in Cases of Petit Larceny; and in all such Bills of Indictment it shall be sufficient to state generally that the Article or Articles, Thing or Things, on account of which such Indictment or Indictments are or shall be preferred, is or are the Property of the Commissioners for supplying with Water the Town and Neighbourhood of *Huddersfield*, without particularly mentioning or specifying the Name or Names of all or any of such Commissioners.

Punishment
for destroy-
ing Works.

XCII. And be it further enacted, That if any Body Politic or Corporate, or any Contractor or Contractors, or any other Person or Persons whosoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Neighbourhood for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be produced in or by the said Gasworks, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or other Thing to the Water contained in such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Spring Head, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in each and every such Case such Body Politic or Corporate, Contractor or Contractors, or other Person or Persons, shall forfeit and

Penalty for
conveying
Washing of
Gas into any
River,
Stream, &c.

pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together 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, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased or determined; provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, Canal or Reservoir, Aqueduct, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to such Body Politic or Corporate, or Contractor or Contractors, or Person and Persons, and they or he shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or cause or suffer to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by such Act so done or committed.

Stopping the
Escape of
Gas.

XCIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be placed, laid down, or set up by such Body Politic or Corporate, or Contractor or Contractors, or other Person or Persons as aforesaid, then and in every such Case they or he shall, at their or his own Expense, immediately after receiving Notice by Parole or in Writing to be left or
given

given at their Office or usual Place of transacting their Business, from any Inhabitant or Resident within the said Town and Neighbourhood, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from so escaping; and in case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, within Twenty-four Hours after such Notice by Parole or in Writing being given in manner as last aforesaid of any such Escape of Gas, shall not effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the same Body Politic or Corporate, or Contractor or Contractors, or other Person or Persons, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice as aforesaid during which the Gas shall be suffered to escape as aforesaid, which Penalty shall be from Time to Time recovered in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said West Riding of the County of *York*, and shall and may be recovered, with all reasonable Charges, (which such Justice is hereby required to allow to the Complainant,) by Distress and Sale of the Goods and Chattels of such Body Politic or Corporate, or Contractor or Contractors, or Person or Persons, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are by the said recited Act directed with regard to other Penalties.

XCIV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Highway, Passage, or public Place within the said Town and Neighbourhood shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Highways, Passages, or public Places, except where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall be laid over and above such Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and that in such Cases the said Pipes for the Conveyance of Gas so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least, and that in laying down the said Gas Pipes the Body Politic or Corporate, Contractor or Contractors, Person or Persons, to whom the same shall belong, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials, and also to make and keep all and every such Pipes, and all Pipes communicating or connecting therewith

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from any Part thereof, upon pain of forfeiting for every contrary Offence the Sum of Five Pounds, to be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

To prevent
Escape of
Gas and Con-
tamination of
Water, &c.

XCV. And be it further enacted, That whenever the Water of the said Commissioners shall be contaminated or affected by the Gas of any Body Politic or Corporate, Contractor or Contractors, or Person or Persons, making, furnishing, or supplying Gas as aforesaid, such Body Politic or Corporate, or Contractor or Contractors, or Person or Persons, so offending, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the Commissioners and Individuals affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the Body Politic or Corporate, Contractor or Contractors, or any Person or Persons, making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk or Engineer for the Time being of the said Commissioners, to be left at the usual Office or Place of transacting Business of the Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from the Works, Mains, or Pipes, or contaminating or affecting such Water; and in case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, shall not, within Twenty-four Hours after each and every such Notice so left as last aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then and in every such Case the said Body Politic or Corporate, Contractor or Contractors, or Person or Persons, making, furnishing, or supplying such Gas, shall on each and every Complaint whereof Notice shall be given as aforesaid forfeit and pay to the said Commissioners so affected, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Shillings for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath or Affirmation of One credible Witness, by and in the Name of the Clerk of the said Commissioners, before any Justice of the Peace for the West Riding of the County of *York*, with Costs, to be assessed by such Justice, and to be levied and recovered as any other Penalty is by the said Act directed to be levied and recovered; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer for the Time being of such Company.

XCVI. And

XCVI. And whereas it may be or become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the said Gas: Be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Commissioners to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of any Body Politic or Corporate, Contractor or Contractors, or Person or Persons, making, supplying, or furnishing Gas, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, whose Mains, Pipes, Conduits, or Apparatus, or any of them, are so dug to and examined; and if it shall appear that the said Water has been contaminated by any Escape of such last-mentioned Gas, the Costs and Expenses of the said Digging, Search, Examination, and Repair of the Pavement of the Street or Streets or other Place or Places which shall be taken up or disturbed shall be borne and paid by the said last-mentioned Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending, which Costs and Expenses shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of the said recited Act: Provided always, that if upon Examination it shall appear that such Contamination had not arisen from the Escape of Gas from any of the Mains, Pipes, or Conduits so dug to or examined as aforesaid, then and in such Case the said Commissioners shall bear and pay all the Costs and Expenses of such Examination, Repair, and Search, and shall also make good to the same Body Politic or Corporate, Contractor or Contractors, or Person or Persons, whose Mains, Pipes, Conduits, or Apparatus, or any of them, are so dug to, searched, and examined, all Loss, Injury, or Damage which may be thereby occasioned to them in and by such Search and Examination, and also to the Pavement of the said Streets and other Places so broken or disturbed in such Search or Examination, the Amount of such respective Loss, Injury, or Damage to be ascertained and determined by such Justice or Justices as aforesaid.

For ascer-
taining if the
Water is con-
taminated.

XCVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by any Rule or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may in case of Nonpayment thereof be recovered in a summary Way, by the Order and Adjudication of some Justice of the Peace for the said West Riding, on Complaint for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same, and the Overplus (if any) of the Money raised and recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expenses of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties (not herein

Recovery and
Application
of Penalties.

described to be otherwise applied) shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act, unless such Penalty shall be incurred by the said Commissioners, in which Case the same shall be paid to the Overseers of the Poor of the Township or Place within which the Offence shall be committed; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices, or before any other Justice of the Peace for the said Riding, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Ten Days from the taking of any such Security), and which Security the said Justice or Justices is or are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expenses could be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said Riding, there to remain for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid and satisfied such Penalty, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that it shall be lawful for the said Commissioners, when and so often as they shall think fit, to give all or any of the Penalties or Forfeitures which shall be incurred by reason of any Offence or Offences against this Act to the Informer or Informers against such Offender or Offenders.

In case of
Nonpayment
of Compen-
sation for
Damages, &c.
the same to
be levied by
Distress of
the Goods of
the Company
or their
Treasurer.

XCVIII. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace, 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 such Sum of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Fourteen Days after Demand in Writing shall have been made of 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

vered 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 (unless such Treasurer shall pay such Sum out of any Money belonging to the said Commissioners in his Hands, and which he is hereby authorized to do), 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 or Parties 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 or Sums of Money, and the Costs and Expenses of hearing and determining the Matter in dispute, and also the Costs and Expenses 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, as the Case may be: 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 Expenses as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

XCIX. And be it further enacted, That it shall be lawful for any of the said Commissioners, or their Surveyor or other Officers respectively, and such Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person who shall commit any Offence against this Act, and take him or her before any Justice of the Peace for the County or Riding where the Offence shall be committed (as the Case may require), and such Justice shall and is hereby required to proceed and act with respect to such Offender according to the Provisions of this Act. For secur-
ing transient
Offenders.

C. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect, as the Case shall happen; (that is to say), For the more
easy Con-
viction of
Offenders.

‘ to wit. } **BE** it remembered, That on [*Time of Conviction*] at
‘ [*Place of Conviction*], A.B. [*Name and Addition*
‘ of Offender] was convicted before me [*or us*] *Name and Style of*
‘ *convicting Justice or Justices*] for that the said A.B. [*Name of Of-*
‘ *fender*] on [*Time of committing Offence*] at [*Place of committing*
‘ *Offence*] did [*here state the Offence against this Act according to the*
‘ *Fact*] contrary to an Act passed in the Seventh and Eighth Years
‘ of the Reign of His Majesty King George the Fourth, intituled
‘ [*here set forth the Title of this Act*]; and I [*or we*] do therefore
‘ declare and adjudge that the said A.B. 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*]. Given
‘ under my Hand and Seal *or* [*our Hands and Seals*], the Day and
‘ Year first above written.’

CI. And

Damages and Charges in Cases of Dispute to be settled by Justices.

CI. And be it further enacted, That when any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons for the Recovery of Penalties.

CII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Allowing an Appeal.

CIII. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Person or Persons whosoever, shall think himself, herself, or themselves aggrieved by any Rule, Order, or Judgment of the said Commissioners, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, such Body Politic, Corporate, or Collegiate, or Person or Persons respectively, may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the said West Riding, within Four Calendar Months next after the Cause of Complaint shall have arisen, the Party or Parties appealing having first given Fourteen clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk to 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 thereon; and the said Justices, upon due Proof of such Notices and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions, or may, if they think proper, adjourn the Hearing thereof to the next subsequent General or Quarter Sessions of the Peace to be holden for the said West Riding, and shall and may, upon the Determination of the said Appeal, award such 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.

CIV. And

CIV. And be it further enacted, That, upon Fourteen Days previous Notice in Writing for such Purpose from any Person or Persons liable to pay any Water Rate or Rates under the Provisions of this Act, or from his, her, or their Executors or Administrators, or his, her, or their Attorney, Agent or Agents, the said Commissioners shall produce to any Justice or Justices of the Peace in and for the said West Riding, or to the Justices of the Peace at any General or Quarter Sessions to be holden for the said West Riding, according to the Requisition of such Notice, all such of their Books, Documents, and Writings as may be requisite for clearly showing the Amount of the Debt owing by them, and for ascertaining whether or not the Amount of Water Rates in the last or current Year collected or sought to be collected by them do or do not, after Payment of their annual Expenses, exceed Seven and a Half *per Centum* upon the Debt which for the Time being was or shall be owing by them the said Commissioners; and that for Delay or any Neglect or Refusal on such Behalf the said Commissioners shall forfeit and pay to the Person or Persons by whom or on whose Behalf such Notice may be given the Sum of Forty Shillings, to be levied and recovered in manner herein-before provided for the Recovery of any Penalty for not supplying Water to any Inhabitant; and that in case any Person or Persons who may have been summoned for the Payment of any Water Rate or Rates shall have given such Notice for the said Commissioners to produce such Books, Documents, and Writings to the Justice or Justices before whom such Summons may or might be heard, and all such of the said Books, Documents, and Writings as may be requisite for the Purposes aforesaid shall not be produced as herein-before required, then the said Justice or Justices shall dismiss the said Summons; and in case on any Appeal from any Rate or Rates to the Justices at any such General or Quarter Sessions for the said West Riding, the said Commissioners shall not, after such Notice as aforesaid, produce to the Justices all such Books, Documents, and Writings as may be requisite for the like Purpose, then the said Justice or Justices shall, in favour of the Party or Parties, Appellant or Appellants, Respondent or Respondents, by whom such Notice may have been given, either quash such Rate or Rates, or give such other Relief as they may think proper, and as will decide such respective pending Appeal against the said Commissioners.

Commissioners to produce their Books, on Notice.

CV. Provided always, and be it further enacted, That in case, upon the Production of any such Books, Documents, or Writings to or before any such Justice or Justices, upon the Requisition of any Party or Parties as aforesaid, it shall appear to the said Justice or Justices that the Requisition of the said Books, Documents, or Writings was frivolous or vexatious, it shall be competent for any such Justice or Justices, in his or their Discretion, to award the Payment of Double Costs by the Party or Parties who may appear to have made such frivolous or vexatious Requisition; and such Costs may be levied in like Manner and by the like Means as herein provided for recovering the Penalties imposed by this Act.

The Parties requiring Production of Books to pay Costs in case of frivolous Notice.

CVI. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of

Proceedings not to be quashed, &c.

of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Distress not unlawful for want of Form.

CVII. 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 or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by any Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Limitation of Actions.

CVIII. And be it further enacted, That no Action or Suit, or any Information or other Proceedings, of what Nature soever, shall be commenced against any Person for anything done in pursuance of this Act, or in relation to the Matters herein contained, until Fourteen Days Notice shall have been given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information to the Defendant or Defendants, or after sufficient Satisfaction or Tender thereof shall have been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed, or, in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County or Place where such Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may 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 such Action, Suit, or Information shall have been brought or commenced before or after the respective Time so limited for bringing or commencing the same, or in any County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if the Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants for recovering Costs of Suit in any other Case by Law.

Penalty on Witnesses not attending.

CIX. And be it further enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information, Summons,

Summons, or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons 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 or her Costs and Charges, without a reasonable Excuse for his or her Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker to make Affirmation), or to give Evidence before such Justice, then or in any of the said Cases every such Person shall forfeit any Sum not exceeding Five Pounds for every such Offence.

CX. And be it further enacted, That in all Actions, Prosecutions, Informations, and Proceedings whatsoever, relating to the Execution of this Act, no Person paying Water Rents to the said Commissioners, or being a Mortgagee or Creditor upon the said Rents, shall be deemed incompetent to give Evidence by reason thereof.

Persons paying Water Rents, &c. not incompetent Witnesses.

CXI. And be it further enacted, That in all Cases where it may be necessary or requisite for the said Commissioners to give any Notice or Notices to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, under the Provisions or Directions contained in this Act, such Notice or Notices shall be in Writing, signed by the Clerk or Clerks for the Time being to the said Commissioners, without being required to be under the Hands of any of the said Commissioners.

Notices given by the Commissioners to be signed by their Clerk.

CXII. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Summons, or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon the said Commissioners, Service thereof respectively upon any of the said Commissioners, or left at his usual Place of Abode, or at the Office of such Commissioners, or upon the Clerk of the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, or upon any Agent or other Officer employed by the said Commissioners, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same on the said Commissioners.

Directing what shall be good Service of Notice on the Company.

CXIII. And be it further enacted, That in case the Works by this Act authorized to be executed shall not be completed so as to answer the Purposes for which they are designed within Seven Years from and after the passing of this Act, all the Powers and Authorities herein contained relative thereto shall cease and determine, save only as to such and so much of them as shall have then been completed.

Time limited for completing Works.

CXIV. 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, without being specially pleaded.

Public Act.

The SCHEDULE to which the foregoing Act refers.

No. on the Plan.	Owners.	Occupiers.	Description of Property.
23.	Sir Joseph Radcliffe, Bart. -	Joseph Calverley -	Old Dye-house.
46.	Samuel Butterworth -	William Dyson -	Garden.
8.	Sir Joseph Radcliffe, Bart. -	Abraham Hanson -	Garden.
106.	Joseph Haigh, Esquire -	Himself - -	Wood or Plantation.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.