



ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

Cap. Ixiv.

An Act for making and maintaining a Reservoir at *Deanhead* in the Parish of *Huddersfield* in the West Riding of the County of *York*, and for other Purposes relating thereto.

[4th July 1838.]

WHEREAS there are divers Mills, Factories, and other manufacturing Premises situate on or near a Brook or Stream of Water called the *Blackbourne*, which flows through the several Townships of *Deanhead* and *Elland-cum-Greetland* in the several Parishes of *Huddersfield* and *Halifax* in the West Riding of the County of *York*, the mechanical or moving Power of which is obtained from the Waters of the said Stream or Brook : And whereas the Supply of Water from the said Stream or Brook is very irregular, and during the Summer Months such Supply is frequently insufficient for the Purposes of the said Mills, Factories, and other manufacturing Premises upon the said Stream, to the great Loss and Inconvenience of the Owners and Occupiers thereof, and of the Workpeople dependent upon Employment therein : And whereas such Irregularity and Insufficiency of Supply as aforesaid might be greatly remedied by the Formation of a Reservoir for impounding and penning up the Waters of the said Stream and all Flood and other Waters, and that such Waters so impounded might be rendered available in dry Seasons for

[Local.]

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Commis-
sioners ap-
pointed.

the Purposes of the Mills, Factories, and other Premises situate upon or near the said Stream or Brook: And whereas the making of such Reservoir would not only tend to prevent the Irregularities aforesaid, but would be of great Benefit and Advantage to the Owners and Occupiers of the Mills, Factories, and other Premises aforesaid, and other Property, and to the Population in the Neighbourhood dependent upon such Employment as aforesaid; but such beneficial Purposes cannot be conveniently effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Robert Crabtree, John Crabtree, Edmund Eastwood, John Foster the younger, John Hirst, Henry Bold Hoghton, Michael Hoyle, William Johnson, Horatio Nelson, Benjamin Outram, Thomas Outram, John Outram, Joseph Rushforth, Henry Rushforth, John Ramsden the elder, John Ramsden the younger, William Ramsden, Joseph Stott, Ely Sutcliffe, Thomas Wilkinson, John Walker, John Whiteley, William Whiteley, Joshua Whittell, William Wilkinson, Benjamin Wilkinson, Benjamin Walker, Samuel Walker, Ely Walker, Thomas Edmundson Walker, Henry William Walker, and William Wilkinson*, and all other Persons who now are or who hereafter shall be an Owner or Occupier of any Fall of Water, or Mill, and Buildings occupied therewith, of the annual Value of Fifty Pounds or upwards, liable to be rated by virtue of this Act, shall be and they are hereby declared to be One Body Politic and Corporate by the Name of "The Commissioners of the *Deanhead* Reservoir," and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued.

Qualification
of Commis-
sioners.

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

Declaration
of Commis-
sioners.

' I *A.B.* do solemnly and sincerely declare, That I will faithfully,
' impartially, and honestly, according to the best of my Skill and
' Judgment, execute and perform the several Trusts, Powers, and Autho-
' rities vested and reposed in me as a Commissioner by virtue of an Act
' passed in the First Year of the Reign of Her Majesty Queen *Victoria*,
' intituled [*here set forth the Title of this Act*], according to Equity and
' good Conscience, and without Favour or Affection, Prejudice or Par-
' tiality, to any Person or Persons whomsoever.'

Penalty for
acting before
making the
Declaration.

III. And be it further enacted, That in case any Person shall (except aforesaid) act as a Commissioner in the Execution of this Act without being qualified as aforesaid, or before he shall have made and subscribed such

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

Acts of Persons before Conviction to be good.

IV. And be it further enacted, That for carrying the Purposes of this Act into execution it shall be lawful for the said Commissioners, and they, or any Five or more of them, are hereby empowered, to assemble and meet from Time to Time at such Hour or Place in the said Parish of *Huddersfield* or in the Parish of *Halifax* as they shall think proper; and the said Commissioners shall, within Fourteen Days after the passing of this Act, or as soon thereafter as conveniently may be, hold their First Meeting, and proceed to put the Powers hereby given to them into execution; and all such Meetings shall be convened by public Advertisement in One of the *Leeds* Newspapers, or in some other Newspaper usually circulated in the West Riding of the County of *York*, or by Notice sent by the Post or otherwise to every Commissioner appointed in or by virtue of this Act, such Advertisement or Notice to be signed by any Three or more of the Commissioners or by the Clerk of the said Commissioners, and to state the Time and Place of Meeting, and to be published or sent respectively Seven Days at least before the Time fixed for holding such Meeting; and all or any of such Meetings may be from Time to Time adjourned to and held at the same or any other Place within the said Parishes of *Huddersfield* or *Halifax* either with or without any such Advertisement or Notice as aforesaid, as the Commissioners making the Adjournment shall think proper: Provided always, that Five Commissioners at the least shall be present in order to constitute a Meeting; and at all such Meetings a Chairman shall be appointed; and in case there shall be an equal Number of Votes on any Question at any such Meeting, including the Vote of the Chairman, such Chairman shall have and give the casting Vote.

First Meeting of Commissioners.

V. And be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint a Treasurer, Collector, and Clerk, and also such Engineers, Surveyors, and such other Officers as they shall think proper and expedient for the better carrying the Purposes of this Act into execution, and to give them such Salaries or Allowances as the said Commissioners may from Time to Time think proper, the said Commissioners always taking good and sufficient Security, and to such Extent as they shall think requisite, from every Treasurer, Collector, or other Officer who shall be appointed to receive Money or have the Care or

Commissioners to appoint a Treasurer, Collector, Clerk, Engineers, &c.

Treasurer, &c. to give Security.

Custody

Custody thereof, for the due accounting for all such Monies with which he may be entrusted, and for the faithful Discharge of the Trust reposed in him, and also from Time to Time to discharge and dismiss any such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, and appoint another or others in his or their Stead, as the said Commissioners shall think fit.

Same Person
not to be
Clerk and
Treasurer.

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

Proceedings
to be entered
in a Book,
and signed
by the Chair-
man; and
shall be legal
Evidence.

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

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

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct proper Books to be provided and kept by their Clerk for the Time being, in which Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for such Commissioners in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Books shall at all reasonable Times be open, without Fee or Reward, to the Inspection of every Person
who

who shall for the Time being be a Commissioner under this Act, and of every such Occupier of the said Stream and River or Falls as, under the Provisions herein-after contained, shall for the Time being be liable to be assessed by the Rates herein-after authorized to be imposed, or would be so liable if the said Reservoir hereby authorized to be made were then actually in use, and of every Mortgagee of the said Rates; and every such Commissioner, Occupier, and Mortgagee shall or may take Copies of or Extracts from the said Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit any such Commissioner, Occupier, or Mortgagee, or shall not permit any such Commissioner, Occupier, or Mortgagee, to inspect any such Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are herein-after directed to be levied and applied.

IX. And be it further enacted, That every Officer to be appointed under this Act shall, under his Hand, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge, and of all Monies which shall have been received by him by virtue of this Act, and how much thereof has been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from him to the said Commissioners, or to such Persons as they shall appoint; and if any such Officers shall refuse or wilfully neglect to make and render any such Accounts, or to produce and deliver up the Vouchers in his Possession or Power relating to the same, or to make Payment as aforesaid, or otherwise satisfactorily to answer the said Commissioners, or shall refuse or wilfully neglect to deliver up to the said Commissioners, or the major Part of them, at any Meeting under the Provisions of this Act, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners or by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid to any of Her Majesty's Justices of the Peace for the County, Riding, or Place where such Officer shall have last resided or shall then reside, such Justice may and he is hereby authorized and required to summon the Officer so refusing or neglecting before him, and upon his appearing, or having been summoned and not appearing, (except from some reasonable Cause, to be judged of and allowed by such Justice,) or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation (which Oath or Affirmation such Justice is empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of levying

Officers to account to Commissioners whenever required.

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

Commitment
of Officers
not to exceed
Three Calen-
dar Months,
and not to
discharge
Offender or
his Sureties.

the same, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in every of the Cases aforesaid such Justice may commit such Offender to the Common Gaol or House of Correction for such County, Riding, or Place, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make and receive, and until he shall have delivered up such Papers, Books, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Officer who shall be committed as before mentioned on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time than Three Calendar Months: Provided also, that the Imprisonment of any Officer shall not be deemed a Discharge for any Money which shall remain due from him, nor exonerate his Sureties or Securities, but such Officer and his Sureties and Securities shall remain liable for the Payment thereof in the same Manner as if such Officer had not been so imprisoned; nor shall any such Imprisonment preclude the Commissioners from bringing any Action of Account or on the Case, or filing a Bill in Equity, or taking any other Proceeding, whether legal or equitable, civil or criminal, against such Officer or his Sureties or Securities in order to compel the furnishing of such Accounts as aforesaid, or by reason of the same not having been so furnished, or from bringing any Action of Trover or on the Case, or any other Action or Suit, or taking any other Proceeding, whether civil or criminal, either against such Officer or any other Person, for the Recovery of any such Vouchers, Books, Papers, or Writings as aforesaid, or on account of the Detention or withholding thereof.

Commis-
sioners to
render
Accounts an-
nually.

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

Mode of con-
vening and
holding the
First Meet-
ing and An-
nual General
Meetings of
the Commis-
sioners.

XI. And be it further enacted, That a General Meeting of the said Commissioners shall be held at some convenient Place in either of the said Parishes of *Huddersfield* or *Halifax* within One Month after the passing of this Act, or as soon then after as conveniently may be, and an annual General Meeting of the said Commissioners shall be held in the First Week in the Month of *April* in every subsequent Year, at such Place as aforesaid, or at such other Place or Time as shall be determined by a previous General Meeting; and every such Annual General Meeting shall

shall be convened in manner herein-before provided for convening Meetings.

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

Mode of convening Extraordinary General Meetings.

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

Annual or Extraordinary General Meetings may be adjourned.

XIV. And be it further enacted, That no Commissioner or other Person shall be entitled to attend or vote at any of the said Meetings unless he shall have fully paid and satisfied the Rates, if any, which shall for the Time being have been assessed upon him under or by virtue of this Act.

No Person to vote if in arrear with the Rates.

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

Regulations as to voting.

both Owner and Occupier he shall be entitled to vote in the respective Capacities of Owner and Occupier.

Lunatics and Minors to vote by Committees and Guardians.

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

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

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

Plan and Book of reference deposited with the Clerk of the Peace, to remain there, and be open to Inspection.

XVIII. And whereas a Map or Plan describing the Situation of the Reservoir, and the Lands upon, in, or through which the same is intended to be made, together with a Book of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said Riding; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain in the Custody of the said Clerk of the Peace for the said Riding, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Map or Plan and Book of Reference, or true Copies thereof respectively, or of so much thereof respectively as shall relate to any Matter in question, shall be and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others in all Courts of Law or elsewhere.

Power to contract for the Purchase of Lands.

XIX. And be it further enacted, That for effecting the several Purposes and Provisions of this Act it shall be lawful for the said Commissioners for the Time being and they are hereby empowered to treat, contract, and agree for the absolute Purchase or Enfranchisement of any Messuages or Tenements, Lands or Hereditaments, of what Tenure or Quality soever the same may be, with or from any Person whomsoever who shall be willing to sell, grant, or demise the same, or his Right and Interest in the same, for the Purposes of this Act; and upon Payment of the Purchase Money for any such Messuages or Tenements,

ments, Lands or Hereditaments, to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Messuages or Tenements, Lands or Hereditaments, may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whomsoever in respect of whose Interest such Payment shall be made shall be divested of all Right and Title, Claim or Reversion, to such Messuages or Tenements, Lands or Hereditaments, and the said Messuages or Tenements, Lands or Hereditaments, shall vest in the Commissioners of the *Deanhead* Reservoir; and it shall be lawful for the said Commissioners to hold any such Messuages or Tenements, Lands and Hereditaments, and any Term, Right, and Interest therein so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever: Provided always, that it shall not be lawful for the said Commissioners to purchase as aforesaid under the Powers and Provisions of this Act more than Thirty Acres of Land.

XX. And be it further enacted, That for the Purposes aforesaid all such Contracts, Agreements, Sales, Conveyances, and Assurances before mentioned shall be made at the Expence of the said Commissioners, and according to the following Form, or as near thereto as the Circumstances of the Case will admit; (namely,) Conveyances, &c. to be made at the Expence of the Commissioners.

‘ I of _____ in consideration of the Sum _____
 ‘ of _____ to me paid by the Commissioners of the _____
 ‘ *Deanhead* Reservoir, do hereby, in pursuance and by virtue of the _____
 ‘ Power in that Behalf contained in an Act passed in the First Year of _____
 ‘ the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the*
 ‘ *Title of the Act*], grant, release, assign, and confirm unto the said Com-
 ‘ missioners all [*here insert the proper Description of the Lands intended to be*
 ‘ *conveyed*], and all my Estate and Interest therein, to hold unto and to
 ‘ the Use of the said Commissioners and their Successors for ever [*or*
 ‘ *for such Term of Years as may be agreed upon*], according to the true
 ‘ Intent and Meaning of the said Act. In witness whereof I have here-
 ‘ unto set my Hand and Seal the _____ Day of _____ in
 ‘ the Year of our Lord _____’ Form of Conveyance.

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

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, by themselves or their Deputies, Agents, Officers, Workmen, and Servants, and they are hereby authorized and empowered, to make, construct, complete, have, use, and maintain a proper Reservoir, and an Embankment across the said Brook called the *Blackbourne*, in the Township of *Scammonden* in the said Parish of *Huddersfield*, upon any Lands which shall be purchased under the Authority of this Act, and to make or cause to be made proper Valves and Cloughs to draw the Water from and out of the said Reservoir through or near to the said Embankment, and upon such Land to make, form, erect, and construct in, upon, or near the said Reservoir such Byewashes, Spillwaters, Commissioners to make a Reservoir, with Embankments.
 [Local.] 18 R Weirs,

Weirs, Dams, Banks, Embankments, Drains, Sluices, and other proper, necessary, or convenient Works as the said Commissioners shall think necessary for providing and securing a regular and constant Supply of Water in the said Stream and River, and for allowing the Escape of the Water, and for the Protection, Security, cleansing, Repair, and Maintenance of the said Reservoir and other Works; and also, in like Manner, in or upon such Land to erect and build, in some convenient Situation near the said Reservoir and other Works, and at all Times thereafter to keep in good Repair, a House or Houses and other necessary Buildings for the Habitation of a Person or Persons to be from Time to Time appointed by the said Commissioners to superintend the said Reservoir and other Works; and such Person or Persons so to be appointed shall always be resident near to the said Reservoir and other Works, and shall have full Power and Authority (subject nevertheless to the Control of the Committee of the said Commissioners to be appointed as herein-after mentioned) to superintend and regulate the Supply of Water from the said Reservoir into the said Stream and River, and by means of the said Reservoir and other Works to keep up and maintain an uniform Supply of Water for the said Stream and River; provided that the said Commissioners shall at all Times furnish from the said Reservoir, and permit to flow down the *Blackbourne* aforesaid, a Supply of Water sufficient for watering Cattle; and the said Reservoir shall be called the *Deanhead* Reservoir; the whole of the said Embankment to be completed to the Satisfaction of *Henry Teal* of *Stourton Lodge* in the Parish of *Rothwell* in the County of *York*, Surveyor and Engineer, or, in the Case of his Death or Refusal to act, then of some other Engineer to be appointed by the said Commissioners: Provided also, that nothing in this Clause contained shall be construed to authorize the said Commissioners to divert or turn any Stream or Watercourse, or to withdraw the Water therefrom, without the Consent in Writing of the Owners and Occupiers of Lands and Works affected thereby.

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

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

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

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, during the making or repairing of the said Embankment and Works, to make any temporary Road or Way between any existing Road or Way and the said Reservoir, with the Consent in Writing of the Owners and Occupiers of the Premises through which the same shall be made, and also with the like Consent to make and maintain all such Roads and Ways as they may find necessary or expedient for enabling them, and their Engineers, Surveyors, Agents, Officers, Workmen, Servants,

Servants, and other Persons in their Employ, to have Access to the said Reservoir, Embankment, and other Works, or any of them, at all Times when necessary, with or without Cattle, Carts, or Carriages.

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

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

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

XXVII. And whereas there are Falls in the said Stream or Brook called the *Blackbourne*, which, being now wholly unoccupied, will not be assessed by the said Commissioners in virtue of this Act, and there are or hereafter may be other Falls which, from being only partially occupied, will not be assessed to the full Extent, but it is just and reasonable, if such Falls are subsequently occupied, or occupied to a greater Extent, that the same should be also assessed for the Expence of making and maintaining the Works constructed by virtue of this Act in fair and equitable Proportions to the Benefit to be derived therefrom: Be it therefore enacted, That Falls unoccupied when Assessment imposed to be afterwards assessed.

That it shall be lawful for the said Commissioners in every such Case to proceed from Time to Time in ascertaining such Benefit, and imposing such Assessment, in the same Manner as they are herein-before directed to proceed in ascertaining the Benefit to be derived by the Owners and Occupiers of the Falls now occupied, and assessing them accordingly, or as near thereto as Circumstances will permit.

The Rate assessed in any One Year not to exceed 20s. per Foot.

If Fall occupied for any Part of a Year to be assessed for the whole current Year.

Power of Distress on Nonpayment of Rates.

Power to borrow not exceeding 3,500l. on

XXVIII. Provided always, and be it further enacted, That no Rate to be levied or assessed as aforesaid shall exceed in any One Year the Sum of Twenty Shillings for every Foot of Fall hereby made liable to be rated (and so in proportion for any greater or less Quantity than a Foot), except when necessary to provide for the Interest of any Sum of Money which may be borrowed for compensating any Damages arising from the breaking down of the said Embankment, or otherwise, as herein-after mentioned: Provided also, that in case any Part of the said Stream or Fall thereof, or any Water derived therefrom, shall during any Part of the Year be so employed or applied as to become liable to be assessed to the Rates hereby authorized to be imposed, then and in every such Case the same shall continue liable to be assessed as aforesaid during the whole of the then current Year, such Year commencing on the First Day of *August* and ending on the last Day of *July* in each Year, it not being intended that any Allowance should be made for the preceding or subsequent Fraction of a Year during which the same shall not be so employed or applied as aforesaid.

XXIX. And be it further enacted, That if any Person rated as aforesaid shall, for the Space of Twenty-one Days after Demand made in Writing on him by the Collector or Receiver of Rates, either in Person, or left at the Mill, Manufactory, Dyehouse, or other Works in respect of the Fall of Water supplying which such Demand shall be made, refuse or neglect to pay any Sum of Money which shall be rated, assessed, or imposed on him under the Provisions herein contained, it shall be lawful for the said Commissioners, or their Collector or Receiver, or any Person acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Riding, or Place where the Defaulter shall reside (and which Warrant such Justice is hereby empowered and required from Time to Time to grant as Occasion shall require), to levy such Sum of Money so rated, assessed, or imposed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting to pay the same, returning the Overplus (if any) to the Owner of such Goods and Chattels, after the necessary Charges of making such Distress and Sale shall have been first deducted; and in case sufficient Goods and Chattels belonging to such Person to make Payment of such Rates and such Costs and Charges as aforesaid cannot be found, and the same or any Part thereof shall remain unpaid, then and in every such Case it shall be lawful to and for the said Commissioners to recover any such Rates by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

XXX. And for the more speedily raising Money for carrying the Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow and take up

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

Security of the Rates.

‘ **BY** virtue of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], we, the Commissioners of the *Deanhead* Reservoir, incorporated by virtue of the said Act, in consideration of the Sum of of lawful *British* Money to us paid by of in the County of do hereby assign unto the said Executors, Administrators, and Assigns, such Proportion of the Rates to be raised, levied, and collected by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or be charged on the Credit of the said Rates, to hold the same unto the said Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal this Day of in the Year of our Lord .’

Form of Mortgage.

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

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

Mortgages may be transferred.

‘ **I** in consideration of the Sum of to me paid by of do hereby transfer the within Mortgage [*or a certain Mortgage made to me by the Commissioners*] [Local.] 18 S .’

‘ sioners of the *Deanhead* Reservoir], bearing Date the _____ Day
 ‘ of _____ and the Principal Sum of _____ thereby secured;
 ‘ and the Interest now due and hereafter to become due for the same, and
 ‘ all my Right and Property therein, unto the said _____ his
 ‘ Executors, Administrators, and Assigns. In witness whereof I have
 ‘ hereunto set my Hand and Seal this _____ Day of _____ in the
 ‘ Year of our Lord _____ .’

Or in any other Form or to any other Effect which may be better adapted to the Circumstances under which any such Transfer may be made ; and every such Transfer shall, within Sixty Days next after the Date thereof, be produced and notified to the Clerk of the said Commissioners, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, such Memorial to contain the Dates and Names of the Parties and the Sums of Money therein transferred, for which Entry the said Clerk shall receive the Sum of Two Shillings and Sixpence, and no more ; and after such Entry shall be made, but not before, such Transfer shall entitle the Assignee therein named, his Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and the Principal and Interest Money thereby secured, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties* ; and it shall not be in the Power of any Person, except the Person to whom the same shall be last transferred, his Executors or Administrators, to make void, release, or discharge the original Mortgage, or the Monies due thereon, or any Part thereof.

When cer-
tain Holders
of Mortgages
may demand
Payment.

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

Commis-
sioners may
pay off Mort-
gages on
giving Six
Months No-
tice to Mort-
gagees.

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

For securing
Repayment
of Principal
Money bor-
rowed.

XXXIV. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid by virtue of this Act, or of any Part of such Principal Monies (not exceeding Five hundred Pounds in any One Year), at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Commissioners, it shall be lawful for Two or more Justices of the Peace acting for the said West Riding

Riding of the County of *York*, and not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any One or more of the Parties entitled to any such Mortgages or Assignments as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, by an Order under their Hands, to appoint some Person to receive the Whole or such Part of the said Rates or Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid; and after such Principal, Interest, and Costs shall have been paid and satisfied the Power and Authority of such Receiver, for the Purposes aforesaid, shall cease and determine.

XXXV. And be it further enacted, That in case the said Commissioners shall raise the Whole or any Part of the Money herein-before authorized to be raised by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part of the Principal Money so secured upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Commissioners immediately, or at any Time after, again to raise in lieu of the Principal Money so paid off by them such Sum or Sums of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen; but so nevertheless that the said Commissioners shall not in any Event (except for the Purpose of providing for Damages as herein-after mentioned) borrow upon Mortgage, Assignment, or Charge as aforesaid in such Manner or to such Extent as that no more than the Sum of Three thousand five hundred Pounds in the whole shall be owing at any one Time on Mortgage or Assignment of or as a Charge upon the said Reservoir.

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

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

Sums to be borrowed may be augmented, and the Rates augmented proportionably, with Consent.

XXXVII. And be it further enacted, That every Person who has already subscribed or agreed or who has signed his Name or signified his Consent in Writing to advance any Money, or who shall or may hereafter subscribe or agree to advance any Money for any of the Purposes of this Act, or for or towards the Expences, Costs, and Charges of obtaining this

For compelling Payment of Subscriptions.

this Act, and his Executors and Administrators, shall and he and they is and are hereby required to pay the Amount of such Money by such Person subscribed or agreed to be advanced, or such Part or Proportion of the Amount of such Money as shall remain unpaid, or as shall from Time to Time be called for by the said Commissioners, at such Times and Places and in such Manner as shall be directed by the said Commissioners by Notice in Writing under the Hand of their Clerk ; and in case any such Subscriber, his Executors or Administrators, shall refuse or neglect to pay the Amount of such Money so called for at the Time and Place and in manner required for that Purpose within Twenty-one Days next following, the said Commissioners are hereby empowered to sue for and recover the same in an Action of Debt or on the Case, or by Bill, Plaint, or Information, against the Persons so neglecting or refusing as aforesaid, his Executors or Administrators, in any of Her Majesty's Courts of Record at *Westminster*, and after Proof of such Person having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall pass and be given for the Plaintiff, with full Costs of Suit, and Execution shall issue thereupon as the Case may require.

Application
of Monies.

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

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

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

Sub-Committee of
Owners and
Occupiers to
be appointed

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

their first Meeting after the Completion of the said Reservoir and Works, or before the Completion thereof, when the same shall become useful, though only partially completed, and at their General Annual Meeting in each succeeding Year, to appoint Five of the said Commissioners, of whom Two shall be both Owners and Occupiers, and Three shall be Occupiers only, and not Owners, of the said Falls, (in case there shall be so many of such Characters from Time to Time capable of and willing to accept the Office, but in case there shall not be so many of either of the said Characters respectively capable of and willing to accept that Office, then the Deficiency shall be made up from the other of the said Characters,) as a Committee, who shall have the entire Management and Regulation of the said Sluices and other Works for regulating and insuring such Supply of Water, and shall have the Power of regulating at all Times the Flow of Water from the said Reservoir, so as best to insure a constant Supply of Water in the Stream and River for the Use of the said Mills, Manufactories, Dyehouses, and other Works; and for enabling the Committee more effectually to accomplish this Object, such Committee are hereby authorized and empowered to appoint a proper Person as Keeper of the said Reservoir and Works, with a competent Salary, (to be paid by the said Commissioners or their Treasurer, on producing an Order for Payment from the said Sub-Committee,) for the Protection and Management of the said Reservoir and Works connected therewith, who shall be entirely under their Authority, and shall constantly reside in the Dwelling House to be built near the said Reservoir as aforesaid, or, till the same be built, in some other Dwelling House in the immediate Vicinity thereof.

for Manage-
ment of
Sluices.

XLI. And be it further enacted, That in case it shall at any Time happen, from Floods or from any unforeseen Accident, that the Embankment of the said Reservoir shall give way or break down, whereby the adjacent Lands and Property might be subjected to Danger of great Damage or Injury unless the same shall be immediately repaired or rebuilt, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, by their Officers, Engineers, Surveyors, Agents, or Workmen, without any Delay or Interruption from any Person whomsoever, to enter into any Lands or other Property adjoining the said Reservoir or the said Stream or River, or any of them, (not being the Ground whereon any House stands, nor being an Orchard, Yard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House,) and to dig for, work, get, and carry away and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Occupier or other Persons interested in such Lands or other Property, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for such Damages as may be done to the Owners or Occupiers of or other Persons interested in such Lands and other Property by means of the digging for, getting, working, taking, and carrying away and using such Stones, Gravel, and Materials; which Damages, and the Satisfaction or Recompence for the same, shall be settled and determined by the Ways and Means herein-after prescribed with respect to other Damages done by the breaking down of the Embankment of the said Reservoir.

Power to
enter on
Lands and
get Materials
for Repairs in
case of sud-
den Damages.

[Local.]

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XLII. And

Compensation for Damages.

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

Settling Disputes as to Damages to a small Amount.

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

Power to borrow an additional Sum of Money for repairing Damages.

XLIV. And be it further enacted, That in order the better to enable the said Commissioners to provide for the Payment of any Damages which may arise or become payable by reason of the breaking down of the said Embankment or any of the Works hereby authorized to be made, it shall be lawful for the said Commissioners, in case the Amount of such Damages shall not be otherwise raised and paid by them, and they are hereby required, to borrow and take up at Interest, in such Manner as they shall think proper, upon the Credit as well of the Rates to be raised and levied by them by virtue of this Act, as of the Lands to be purchased by them and the Works to be erected by them under the Powers herein contained, but without Prejudice to any prior Mortgagee or Mortgagees, such additional Sum or Sums of Money (over and above the said Sum of Three thousand five hundred Pounds herein-before authorized to be raised as aforesaid) as shall be required to pay such last-mentioned Damages, and for repairing such Embankments and Works, which Mortgages shall be, as nearly as may be, in the Form and transferrable in like Manner as herein-

herein-before provided respecting the Securities for the said Sum of Three thousand five hundred Pounds ; and in order to provide for the Payment of the Interest of such additional Sum or Sums so to be borrowed as aforesaid, and (by Degrees) of the Principal of such additional Sum or Sums, One or more additional Rate or Rates shall be made, levied, and assessed by the said Commissioners in manner aforesaid, sufficient to pay and to be applied in the Discharge of such Interest ; and the Surplus (if any) of such additional Rate or Rates shall be applied in liquidation of the Principal of such additional Sum or Sums, provided that the Surplus to be applicable to such Liquidation shall not in any One Year exceed Five Pounds *per Centum* of such additional Sum or Sums so to be borrowed as aforesaid.

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

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

XLVI. 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 or Justices of the Peace it shall be lawful for any Justice or Justices of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him or them, 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 or Justices ; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing were exhibited.

Justices may proceed by Summons for the Recovery of Penalties.

XLVII. And

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

XLVII. And be it further enacted, That where 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 Offence, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges 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.

Recovery
and Applica-
tion of
Penalties.

XLVIII. And be it further enacted, That all Complaints and Informations of and for Offence against this Act (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed) shall and may be made before One Justice of the Peace for the said West Riding of the County of *York*, and such Justice is hereby authorized and empowered to take cognizance thereof, and to summon the Person complained of to appear before him, or, upon Complaint upon Oath, to issue his Warrant for the Apprehension of any such Person, and upon the Appearance or Nonappearance of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice shall think proper; and upon Conviction of any Person such Justice shall and may issue a Warrant under his Hand and Seal for levying the Penalty or Forfeiture by virtue of this Act imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid it shall be lawful for any such Justice to order any such Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before such Justice, or before some other Justice of the Peace for the said West Riding of the County of *York*, on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Seven Days from the taking of any such Security), and which Security the said Justice is 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 whereon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied;

and all such Fines, Penalties, and Forfeitures, when recovered, shall, when the Application is not directed otherwise by this Act, be paid into the Hands of the Treasurer of the said Commissioners, and shall be applied and disposed of towards defraying the Expences of carrying the Purposes of this Act into execution; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

XLIX. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, if they shall think fit, to pay and apply any Part of the said Penalties and Forfeitures to and for the Use of the Informer or other Person aiding or assisting in the Apprehension of any Offender therein.

Commis-
sioners may
apply Part of
Penalties to
reward In-
formers.

L. And be it further enacted, That it shall be lawful for any Person who shall see any Offence committed against this Act, by any Person destroying or doing any wilful Damage to the said Reservoir, Embankment, Conduit or Conduits, Feeder, Sluices, Pipes, or other Works by this Act authorized to be made, contrary to any of the Provisions hereinbefore contained, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the said West Riding of the County of *York*, who shall forthwith proceed against such Offender according to the Law in that Case made and provided.

For securing
transient
Offenders.

LI. And be it further enacted, That every Justice 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 in the following Form of Words, or any other Form of Words to the same Effect; (that is to say,)

Form of
Conviction.

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

LII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be

Distress not
unlawful for
Want of
Form.

[*Local.*]

18 U

deemed

deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Proceedings
not to be
quashed for
Want of
Form.

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

Penalty on
Witnesses
not appear-
ing.

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

Officers
under this
Act not to be
incompetent
Witnesses.

LV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates, or respecting any Matter or Thing relating to the carrying any of the Purposes of this Act into execution, no Persons acting by or under the Authority of the said Commissioners, or in the Service of the said Commissioners, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence.

Two Com-
missioners
authorized to
execute Re-
leases to Wit-
nesses, &c.

LVI. And be it further enacted, That in all Actions and Suits at Law or in Equity, and in all Prosecutions and Proceedings under this Act, or otherwise, for any Claim or Compensation against or for or on behalf of the said Commissioners, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the said Commissioners, in their own Names, for or on behalf of the said Commissioners, to make, sign, seal, execute, and deliver all such general or other Releases as may be deemed to be necessary for the Purpose of exonerating, releasing, or discharging all Persons who shall or may be produced as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid from all Claims and Demands which may be necessary to be released by the said Commissioners in order to qualify such Persons to give Evidence as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, and also to do any other Act, Matter, or Thing in such
2
Actions,

Actions, Suits, Prosecutions, or other Proceedings which any Plaintiff or Defendant may do in any Suits, Actions, Prosecutions, or other Proceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects and to all Intents and Purposes whatever as if the same were under the Seal of the said Commissioners.

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

Punishment
of Persons
giving false
Evidence.

LVIII. Provided always, and be it further enacted, That any Person thinking himself aggrieved by any Rate, Assessment, or Distress made by or under the Direction of the said Commissioners, or by the Order or Judgment of any Justice of the Peace in pursuance of this Act, may, within Four Calendar Months after such Order, Judgment, Rate, Assessment, or Distress shall be made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person appealing having first given at least Ten Days clear Notice in Writing of such Appeal, and of the Nature, Cause, and Matter thereof, to the Person appealed against, or to the Clerk of the said Commissioners (as the Case may be), and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said Riding, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or if they think proper may adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace, and if they see Cause may mitigate such Penalties and Forfeitures, and alter any Assessment, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Assessment, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Appeal.

LIX. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act the Court of General or Quarter Sessions of the Peace for the said West Riding shall and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the

Justices may
amend Rate,
or quash the
same.

the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Persons appealing, that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Notices how to be given to Commissioners.

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

As to Notices to be given by Commissioners.

LXI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Commissioners to give any Notice to or make any Requisition upon any Person whomsoever, or to publish any Advertisement, such Notice, Requisition, or Advertisement (except where a different Method is herein-before expressly provided) shall and may be in Writing signed by the Clerk of the said Commissioners.

Plaintiff not to recover without Notice after Tender of Amends.

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

Provisions for Deficiencies of Land Tax.

LXIII. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Townships through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted,
That

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

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

Works when
to be com-
pleted.

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

Rules of In-
terpretation
of this Act.

1646

1° & 2° VICTORIÆ, *Cap.*lxiv.

Public Act.

LXVI. 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.

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