HEWENDEN RESR

10 NOV 1995 12:35 FROM HQ LEEDS TO 01274692390 PAGE.002/005

Cut Channel, Feeder, or other Work connected therewith, or from improperly constructing the same, or from the Want of Repair thereof, or by reason of the cleansing or repairing of such Reservoir or any of the Works connected therewith, whether the same shall result from any Act or Negligence of the said Company, or their Agents, Servants, or Workmen, or from any inevitable Accident whatsoever.

Company to appoint a proper Person for regulating the Supply of Water from the said Reservoir.

CCXLVI. And be it enacted, That the said Company shall from Time to Time appoint a proper Person as Superintendent or Keeper of the said Reservoir and Works, with a competent Salary to be paid by them for the Protection and Management of the same, who shall at all Times reside in a Dwelling House to be built or provided near to the said Reservoir, and who shall draw up and put down and otherwise manage and regulate the said Cloughs, Sluices, Valves, Weirs, and other Works, and mete out the Water for the Use of the said Mills and Manufactories according to written Instructions to be drawn up for the Purpose by the Parties in the Manner herein-after mentioned; but in case such Superintendent or Keeper shall neglect or refuse to attend to or comply with such written Instructions, he shall, on Complaint being made to the Company, and Proof given by any of the said Owners or Occupiers of Mills or Manufactories of such Neglect or Refusal, be forthwith dismissed by the Company, who shall without Delay appoint some other Person in his Stead; and such other Person shall be liable to be dismissed in like Manner on a like Complaint being made and proved against him.

CCXLVII. And be it enacted, That it shall be lawful for the Owners and Occupiers for the Time being of the several Mills and Manufactories now or hereafter to be erected on the said Beck, in public Meeting, to be convened for the Purpose as herein-after mentioned, to make such Rules and Regulations for the Management of the said Reservoir, Sluices, Valves, and other Works, and for regulating at all Times the Flow of Water into and from the said Reservoir, as they may see fit, and from Time to Time to alter such Rules and Regulations in such Manner as to a Majority of such Owners and Occupiers so assembled shall seem most desirable or advantageous.

So soon as Reservoir is completed the Clerk to convene Meeting of Owners, &c. to draw Rules and Regulations.

CCXLVIII. And be it enacted, That when the said Reservoir and the several Works connected therewith shall be certified to be completed in manner herein-before mentioned, and before the Water of the said Springs shall be in any Manner diverted or appropriated by the Company, the Clerk of the said Company shall convene a Meeting of the Owners and Occupiers of the several Mills and Manufactories now or hereafter to be erected on the said Beck, to be held at some convenient Place within the Parish of *Bradford*, for the Purpose of framing such Rules and Regulations as aforesaid, by Notice or Letter signed by him, and sent by Post or otherwise, delivered to every such Owner or reputed Owner and Occupier at his last known Place of Abode, or at his said Mill or Manufactory, and also by inserting a Copy of such Notice Twice in One or more of the *Leeds* Newspapers, which Notice shall state the Time and Place of

HEWENDEN RECR
8 NOV '95 12:36 FROM YW HQ LEEDS TO 01274692390 PAGE.003/005

of the said intended Meeting, and the Object for which such Meeting shall be held, and shall be sent and advertised Fourteen Days at least before the Time fixed for holding such Meeting.

In case of Partnerships or joint Ownerships, one Notice to be sufficient.

CCXLIX. Provided always, and be it enacted, That in the Case of Partnerships, or where Two or more Parties are interested in respect of the same Premises, any Notice or other Document herein required to be sent to every Owner and Occupier of a Mill or Manufactory on the said Beck shall be deemed to have been so sent if it has been addressed to any such Firm by the Style or Title under which they may be carrying on Trade, or to the Party who is by common Report the Owner or Occupier (as the Case may be) of any such Mill or Manufactory.

Owners, &c. may draw up such Regulations.

CCL. And be it enacted, That the said Owners and Occupiers may meet according to such Notice, and may make such Rules and Regulations for the Management of the said Reservoir, Sluices, Valves, and other Works, and for regulating at all Times the Flow of Water into and from the said Reservoir, as they may think fit.

Clerk of the Company to convene a special Meeting, on Requisition.

CCLI. And be it enacted, That it shall be lawful for any Three of such Owners or Occupiers (not being Partners, nor interested in respect of the same Premises,) at any Time, by Notice in Writing under their Hands, to require the Clerk of the said Company to call a Meeting of the said Owners and Occupiers for any Purpose connected with the said Reservoir or with the Supply of Water to the said Mills and Manufactories; and the Clerk of the said Company shall upon Receipt of such Notice call such Meeting in the Manner herein-before directed.

Three Owners, &c. to constitute a Quorum.

CCLII. And be it enacted, That Three at least of such Owners or Occupiers (not being Partners, nor interested in respect of the same Premises,) shall be present in order to constitute a Meeting; and all Resolutions and Decisions which shall be come to at any such Meeting by a Majority of Votes, estimated in manner herein-after prescribed, shall be as valid and effectual as if the whole of such Owners and Occupiers had concurred therein.

Meetings, &c. to be adjourned.

CCLIII. And be it enacted, That the First and any other Meeting of the said Owners and Occupiers of Mills and Manufactories which may be convened under the Authority of this Act may be adjourned from Time to Time, and from Place to Place, as may be found expedient: Provided nevertheless, that if the said Mill Owners and Occupiers should omit or neglect to frame such Rules and Regulations at their First Meeting to be so convened as aforesaid, or at the first Adjournment thereof, or in case a Quorum of such Owners and Occupiers should not be present within Two Hours from the Time fixed for such Meeting or adjourned Meeting, then (the said Company having fully completed the said Reservoir and other Works in the Manner herein-before directed) it shall be lawful for them thereupon and thenceforward to divert and appropriate the Water of the said *Many Wells* for the Purposes of this Act: Provided also, that the Business to be transacted at any Meeting (where the Rights and

Privileges

HEWENDEN RESR
3 NOV '95 12:38 FROM YW HQ LEEDS TO 01274692390 PAGE.004/005

Privileges of the Company might be affected by Delay) shall not, without the Consent of the Company, be postponed over more than One Adjournment, and such Adjournment shall not take place for a longer Period than Three Weeks.

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

CCLIV. And be it enacted, That at every such Meeting One of the Parties present and entitled to vote shall be appointed Chairman; and such Chairman shall, in case of an equal Division on any Question, have the decisive or casting Vote, in addition to any other Vote or Votes which he may be otherwise entitled to give.

Rules and Regulations as to voting.

CCLV. And be it enacted, That at every Meeting of the said Owners and Occupiers of Mills convened in manner herein-before mentioned every Owner or Occupier present at such Meeting shall be entitled to give One Vote on any Proceeding or Question in respect of every complete Foot of Fall of Water appropriated as Power to any Mill or Water Wheel, whether occupied or not, of which he shall be the Proprietor, or which he shall occupy on the said Beck; and every Matter or Thing which shall be proposed, discussed, or considered in any such Meeting shall be determined by the Majority of Votes then given: Provided always, that in Cases where any Part of the said Beck or Falls shall be jointly owned by Two or more Persons, whether as Joint Tenants, Tenants in Common or Copartners, or shall be in the joint Occupation of Two or more Persons, such joint Owners or joint Occupiers, as the Case may be, shall for the Purpose of voting be considered as One Owner or One Occupier, and shall agree amongst themselves as to the Manner in which or as to the Persons by whom such Vote or Votes shall be given: Provided also, that where any Owner of any such Fall of Water shall attend and take a Part in the Proceedings of any Meeting, it shall be lawful for such Owner to vote in respect of such Fall, in case his Tenant shall be absent from such Meeting or shall waive his Claim to vote; but in case the Tenant or Occupier of such Fall shall be present, he alone shall have the Right to vote in respect thereof: Provided also, that in case the joint Owners or joint Occupiers of any Mill or Manufactory cannot agree amongst themselves as to the Manner in which or as to the Person by whom the Vote or Votes in respect of such Mill or Manufactory shall be given, such Vote or Votes shall not be received: Provided also, that Mistress *Sarah Ferrand* of *Saint Ives*, Widow, or other the Owner for the Time being of her Estate, shall at all Times be entitled to vote at any such Meeting, either personally or by her Agent duly appointed in Writing, and notwithstanding the Presence at such Meeting of the Tenant or Occupier of her said Mills, without Prejudice, nevertheless, to the Right of *John Garnett Horsefall* Esquire, or his Tenant, who shall be entitled to vote at any such Meeting, under the Provisions herein-before contained, during the Remainder of the Term granted to him of and in a certain Mill belonging to the said *Sarah Ferrand* and called the *Goit Stock Mill*; provided that nothing herein contained shall extend to enable both the said *Sarah Ferrand* or other the Owner for the Time being of her said Estate and her Tenant to vote at one and the same Meeting in respect of the same Mill.

CCLVI. And

HEWENDEN RECR
3 NOV '95 12:39 FROM YW HQ LEEDS TO 01274692390 PAGE.005/005

Minutes of Mill Owners Meetings to be kept in Books, and signed by the Chairman of the Meetings.

CCLVI. And be it enacted, That the Clerk of the Company shall attend at every Meeting of the Owners and Occupiers of the said Mills and Manufactories which shall be convened under the Authority of this Act, and shall enter, in proper Books to be provided for that Purpose by the said Company, full Minutes of all the Resolutions which shall be come to at such Meeting, and of all other Proceedings which shall take place thereat; and the Minutes of each Meeting shall be signed by the Chairman of such Meeting; and there shall be Two Minute Books kept, which shall be Transcripts or Copies of each other, both of which shall be signed by the Chairman, and shall be considered as Originals; and one of such Books shall be kept by the Clerk of the Company, and the other of such Books shall be kept by such Person as the said Mill Owners and Occupiers shall at any of their Meetings appoint to keep the same; and such Entries, when so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened, or of the Persons present at such Meeting being Owners or Occupiers of any Mill or Manufactory on the said Beck, or of the Signature of the said Chairman, all of which last-mentioned Matters shall be presumed.

Duplicate Copies of Regulations to be drawn up and signed by the Chairman.

CCLVII. And be it enacted, That a fair Copy of the Rules and Regulations to be so made by the said Mill Owners and Occupiers (in addition to the Copies entered in the Minute Books as herein-before prescribed) shall be written out by the Clerk of the Company, and be signed by the Chairman of such Meeting, which Copy (if such Regulations be accepted and adopted by the Company) shall be posted up in some convenient Place in or near to the Dwelling House of the Superintendent or Person who shall have Charge of the said Reservoir and the Works connected therewith.

If Regulations are not satisfactory to the Company they may propose to alter them, &c.

CCLVIII. And be it enacted, That if the Company shall object to any Rules or Regulations which may have been made by the said Owners and Occupiers, and whether the same shall have been put in force or not, it shall be lawful for them to give Notice in Writing to the Mill Owners and Occupiers that they object to and desire to alter or modify such Rules and Regulations, which Notice shall distinctly state the Grounds of the Company's Objections, and the Alterations which they desire to have made; and the Clerk of the Company shall convene a Meeting of the said Mill Owners and Occupiers in manner herein-before prescribed, for the Purpose of considering, and if they shall think fit so to do of adopting, such Alterations, or, in the event of their not agreeing to adopt such Alterations, or such a Modification thereof as may remove the Objections of the Company, then for the Purpose of concurring with the Company in adopting such Measures as may be necessary for referring the Matter in dispute to Arbitration in manner herein-after provided.

Arbitrators to be appointed.

CCLIX. And be it enacted, That for the Purpose of determining any such Dispute by Arbitration as aforesaid it shall be lawful for the Mill Owners and Occupiers present at the Meeting to be convened as aforesaid, or at some Adjournment thereof, either to agree with

3 NOV '95 12:45 FROM YW HQ LEEDS TO 01274692390 PAGE.002/004

with the said Company in the Nomination or Appointment of some competent Person to be sole Arbitrator, to decide the Matters in dispute between them, or otherwise to appoint some Person, not being interested in the Matter in dispute, to act as Arbitrator in their Behalf, and to meet an Arbitrator to be appointed by the said Company; and the said Two Arbitrators, before proceeding on such Reference, shall appoint some competent Engineer to act as Umpire between them.

If Mill Owners and Occupiers fail to meet, or to appoint an Arbitrator, the Company may refer the Matter to some disinterested Engineer.

CCLX. And be it enacted, That if at the Expiration of Two Hours from the Time appointed for such Meeting, Three or more of such Owners or Occupiers (not being interested in respect of the same Premises) shall not be present, of which a Declaration under the Hand of the Clerk of the said Company, entered in the Minute Book herein-before directed to be kept by him, shall be sufficient Evidence, or if the Owners and Occupiers present at such Meeting shall not agree with the said Company in the Appointment of some one Person to be sole Arbitrator between them, or shall not at such Meeting, or at some Adjournment thereof, appoint an Arbitrator to act in their Behalf, it shall be lawful for the said Company alone to appoint some Engineer not interested in the Question to decide the Matter in dispute, and the Award of such Engineer shall be final and conclusive, and the Rules and Regulations which may be approved of by such Engineer, being signed by him, and having the Corporate Seal of the Company affixed thereto, shall and may be acted on by them, and shall be of the like Force and Effect as if they had been agreed on with the said Owners and Occupiers; and all Expences attendant on any such Reference as aforesaid shall be borne by the Company.

Arbitrators to have full Power to alter or confirm the Rules and Regulations.

CCLXI. And be it enacted, That such Arbitrator or Arbitrators, or their Umpire, or such Engineer as aforesaid, shall have full Power and Authority to alter or confirm such Rules or Regulations as they may see fit; and duplicate Copies of such Rules and Regulations, when settled and approved of, and signed by the said Arbitrator or Arbitrators, or by their Umpire, or by such Engineer as aforesaid, shall be furnished to the said Company, and to the Chairman of the last previous Meeting of the said Owners and Occupiers, or in his Absence to some other resident Owner or Occupier of a Mill or Manufactory on the said Beck, or to some Person appointed by the said Owners and Occupiers to receive the same.

If Two Arbitrators named, they must appoint an Umpire.

CCLXII. And be it enacted, That in case an Arbitrator shall be named by and on behalf of each of the said Parties, such Two Arbitrators shall, within Fourteen Days from the Date of their Appointment, and before they shall enter upon the Business of the said Reference, proceed to nominate and appoint an Umpire, who shall be an Engineer by Profession, to decide and settle any Differences between them touching the Matters referred for their Arbitration.

If One Arbitrator named, to make his Award within 21 Days.

CCLXIII. And be it enacted, That in the event of One Arbitrator being named and agreed upon by and between the said Parties, or being appointed by the said Company, as aforesaid, he shall enter upon the Business of the said Reference, and make his Award therein within

3 NOV. '99 12:46 FROM YW HQ LEEDS TO 01274692390 PAGE.003/004

within the Space of Twenty-one Days from the Date of his Appointment, unless the Parties shall agree to extend such Period.

If Two Arbitrators named, they shall make their Award within One Month.

CCLXIV. And be it enacted, That in the event of Two Arbitrators being appointed as aforesaid they shall enter upon the Business of the said Reference as soon as may be after the Appointment of an Umpire as aforesaid, and shall make their Award therein within the Space of One Month from the Date of the Appointment of such Umpire, unless the Parties shall agree to extend such Period.

If either of the Parties neglect to attend, the Arbitrators may proceed to the Business.

CCLXV. And be it enacted, That if either of the said Parties neglect or refuse to attend before the said Arbitrator or Arbitrators, or Umpire, as the Case may be, on Seven clear Days Notice being given to him by the other of such Parties, it shall be competent for the Arbitrator or Arbitrators, or Umpire, to proceed *ex parte* in the Absence of the Party so neglecting to attend as aforesaid; and any Award made and signed by him or them shall be as valid and effectual and have the like Force as if both the said Parties had been heard.

Justices may appoint an Umpire, if Arbitrators cannot agree.

CCLXVI. And be it enacted, That in case the Two Arbitrators appointed as aforesaid shall not within Fourteen Days after their Appointment have agreed upon and appointed an Umpire, then it shall be lawful for either of the said Parties, on giving Three clear Days Notice to the other of such Parties, of their Intention so to do, and stating the Time and Place when and where such Application will be made, to apply to Two Justices in Petty Sessions assembled, and such Justices are hereby empowered and required to nominate and appoint some Engineer to be Umpire accordingly.

A Copy of the Rules and Regulations shall be fixed upon some conspicuous Place, and the Flow of Water regulated in compliance therewith.

CCLXVII. And be it enacted, That a Copy of the Rules and Regulations to be made or altered and confirmed as afosesaid, or of such other Rules and Regulations as may, under the Provisions of this Act, be from Time to Time substituted in their Stead, shall be posted up in some convenient Place in or near to the Dwelling House of the Superintendent or Person who shall have Charge of the said Reservoir and the Works connected therewith, and the Management of the said Reservoir and of the Works connected therewith; and the Flow of Water into and from the said Reservoir shall thenceforth be regulated by the Servants of the Company in strict Compliance with such Rules and Regulations, until the same shall be altered or varied in the Manner herein provided; and the said Company shall be responsible for all Damage or Injury which may be occasioned by the Neglect or Default of any of their Servants.

How Expenses of Meetings are to be paid.

CCLXVIII. And be it enacted, That the Expences of the First Meeting of Mill Owners for preparing the Rules and Regulations aforesaid, and of One Adjournment thereof (if such Adjournment take place), as well as the Expence of any further Meetings for considering or adopting any Alterations which the Company may propose in such Rules and Regulations, or for any other Purpose connected with the same Reservoir, or with the Supply of Water to the

3 NOV '95 12:47 FROM YW HQ LEEDS TO 01274692390 PAGE.004/004

the said Mills and Manufactories, shall be borne and paid by the said Company.

Company to pay Rates of Reservoir, &c.

CCLXIX. Provided also, and be it enacted, That all Rates, Assessments, and Impositions, whether parochial or otherwise, which shall or may at any Time hereafter be assessed or imposed upon the said Reservoir or other Works, or upon the Dwelling House to be appropriated to the Residence of the Superintendent or Keeper of the said Reservoir as herein-before mentioned, in whosoever's Occupation the same may be assessed or rated, shall be borne and paid by the said Company: Provided always, that if the said Reservoir and other Works shall be assessed or rated in the Names of the Occupiers of the said Mills, and the said Occupiers shall be called on to pay the same, then the said Company shall be bound to reimburse the said Occupiers to the full Amount of the Rate or Assessment so paid.

For Protection of the Waters supplying the Coke Mills and other Mills belonging to J. G. Smyth, Esq.

CCLXX. Provided always, and be it enacted, That it shall not be lawful for the said Company to take, divert, use, obstruct, or impound, and they are hereby restrained from taking, diverting, using, obstructing, or impounding, by any Means or Contrivances, or under any Pretence whatsoever, any of the Water now flowing in any Brooks, Rivulets, Becks, Streams, Springs, Drainages, Watercourses, Ponds, Dams, or Reservoirs to the *Coke Mills* or *Queen's Mills* at *Bradford* aforesaid, the Property of *John George Smyth* Esquire, as well as other Mills also his Property at *Bradford*, and in the Parish of *Bradford* aforesaid, or to divert, alter, change, or obstruct, otherwise than is herein-after mentioned, the Course of the Brook or Beck called *Chellow Dean Beck*, or other the said Brooks, Rivulets, Becks, Streams, Springs, Drainages, or Watercourses, or any of them, or to interfere with or injure the said Ponds, Dams, and Reservoirs, or any of them, but that the Water in the said several Brooks, Rivulets, Becks, Streams, Springs, Drainages, Watercourses, Ponds, Dams, and Reservoirs shall at all Times hereafter flow as freely and abundantly, and in as full, ample, and uninterrupted a Manner, as if this Act had not passed, and so that the Supply of Water to the said Mills and every of them, and any other Mills and Manufactories which shall or may be hereafter built or erected by the said *John George Smyth*, his Heirs or Assigns, upon or near and worked by means of the said Water, or any Part of it, shall not in any Manner be diminished, injured, or prejudiced.

Company may make a new Channel for Chellow Dean Beck.

CCLXXI. Provided nevertheless, That it shall be lawful for the Company to make and maintain a new Channel or Watercourse for conveying the Waters of the said *Chellow Dean Beck* along the Side of and past a Reservoir intended to be made at or near to *Hedgeside Farm*, as marked upon the said Plan of the proposed Works, but so as to connect the present Channel or Watercourse above the said Reservoir with the present Channel or Watercourse below the said Reservoir, and that without any Diminution of or Impediment or Obstruction to the Water usually flowing in the present Channel or Watercourse; and the said Company are hereby required, at their own Expence, from Time to Time, upon the Request of the said *John*