ANNO SECUNDO & TERTIO

GULIELMI IV. REGIS.

Cap. cviii.

An Act for discharging the Inhabitants of the Township of *Ossett-cum-Gawthorpe* in the Parish of *Dewsbury* in the County of *York* from the Custom of grinding Corn, Grain, and Malt at certain Water Corn Mills in the Townships of *Wakefield* and *Horbury*, and in the Parish of *Sandal* in the said County; and for making Compensation to the Proprietor of the said Mills. [4th *July* 1832.]

WHEREAS His late Majesty King *James* the First did, by his Letters Patent bearing Date on or about the Sixteenth Day of *March* in the Eighth Year of His Reign, and in the Year of our Lord One thousand six hundred and nine, give and grant unto *Robert Hungate* Esquire and *Henry Foxcroft* Gentleman, their Heirs and Assigns for ever, all those Two Grain Mills within the Town of *Wakefield* in the County of *York*, and One Fulling Mill with Two Stocks within the said Town of *Wakefield*, and also a Grain Mill and a Fulling Mill at *Horbury* in the said County of *York*, and also a Grain Mill in the Parish of *Sandal* in the said County of *York* called *New Mill-upon-the-Dam*, and the Fishery of all and singular the Waters of the same Mills, together

Letters Patent, 16th March, 1609.

together with all Manner of Suits, Soes, and Mulctures of the Tenants and others, and all other the Profits and Commodities to the same Mills, Fisheries, and other the Premises, or any or either of them, appertaining or belonging, and all Manner of Fines, Issues, Amerciaments, and Forfeitures in the Court of the Lordship of *Wakefield*, and other the Courts whatsoever of His said Majesty, His Heirs and Successors, for Default or Subtraction of Suit or Mulctures to the Mills aforesaid, or any or either of them, due, accustomed, or to be done, assessed, taxed, or affeered, and also all and singular Messuages, Mills, Mansion Houses, Edifices, Buildings, Barns, Stables, Dove Houses, Yards, Orchards, Gardens, Commons, Waste Ground, Ways, and Paths, together with the Willows, the Wears, Milldams, and Floodgates, Waters, Watercourses, Rivers, Rivulets, Pools, Banks, Ponds, Vivaries, Fisheries, Fishings, Wastes, Woods, Underwoods, and Trees, Suite to Mills, Soes, Tolls, Mulctures, Tributes, Customs, Rents, Revenues, Works of Tenants to and towards the Repairs of the Premises, together with the Rights, Jurisdictions, Franchises, Liberties, Privileges, Profits, Commodities, and Emoluments whatsoever, with all and singular their Rights, Members, and Appurtenants, of what Kind, Nature, or Sort soever they be, or by what Names or Additions of Names soever they are known, called, named, deemed, reputed, or acknowledged, situate, lying, and being, issuing, growing, renewing, happening, or arising, rightly and lawfully to be enjoyed or used within the County, Towns, Fields, Parishes, Places, or Hamlets aforesaid, or in or within either or any of them, or elsewhere wheresoever, to the aforesaid Mills, Messuages, Lands, Tenements, Feedings, Pastures, and other the Premises thereby granted, or to either or any of them, or to any Part thereof, in any Manner howsoever, rightfully and lawfully belonging, appertaining, incident, or appendant, or as being Part or Parcel of the said Mills, Messuages, Lands, Tenements, and all and singular other the Premises thereby granted, or with any or either of them at any Time theretofore rightly and lawfully had, known, accepted, occupied, used, demised, leased, enjoyed, or reputed; to have, hold, and enjoy the aforesaid Mills, Messuages, Houses, Edifices, Lands, Tenements, Meadows, Cottages, Closes, Waters, Watercourses, Wears, Banks, Pools, Woods, Underwoods, and the Soil or Ground of the same, Works of Tenants, Profits, Commodities, Advantages, Privileges, and Emoluments whatsoever, and all and singular other the Premises thereby given and granted or mentioned to be given and granted, with all Soes, Suit, Mulctures, Profits, and with all other their Rights, Members, and Appurtenants, unto the aforesaid *Robert Hungate* and *Henry Foxcroft*, their Heirs and Assigns, to the only and proper Use and Behoof of the same *Robert Hungate* and *Henry Foxcroft*, their Heirs and Assigns, in Fee Farm for ever; to hold the aforesaid Mills, Messuages, Houses, Lands, Meadows, Closes, Cottages, and all and singular other the Premises thereby granted, with their Appurtenances, of His said Majesty, His Heirs and Successors, as of His Manor of *Wakefield* in the County of *York*, by Fealty only, in Free and Common Socage, and not in Chief, nor by Knight's Service; yielding and paying to His said Majesty, His Heirs and Successors, Fifty Pounds of lawful Money of *England*, into the Hands of the Receiver General of the Duchy of *Lancaster* or his Deputy for the

Time being, or into the Hands of the particular Receiver of the same Premises or his Deputy in that Behalf for the Time being, at the Feast of the Annunciation of the Blessed Virgin *Mary* and *Saint Michael* the Archangel, by equal Proportions: And whereas it hath been and is alleged by the Owners and Proprietors of the said Mills, and the Tenants or Lessees thereof, that all the Freehold and Copyhold Tenants and Resiants and Inhabitants of and within the several Parishes, Villages Towns, Townships, and Places of *Wakefield, Horbury, Sandal, Crigglestone, Alverthorpe* otherwise *Alverthorpe-cum-Thornes, Ossett-cum-Gawthorpe,* and *Stanley,* and the Liberties, Precincts, and Territories thereof, by Tenure, or by Custom and Usage, Time out of mind, have been and are bound and obliged to grind at the said several Corn Mills, or some or One of them, all the Corn, Grain, and Malt sold ready-ground to others of the Resiants or Inhabitants of and within the said several Parishes, Townships, and Places, or the Liberties, Precincts, or Territories thereof, to be by such Inhabitants used and consumed in their respective Dwelling Houses within such several Parishes, Townships, and Places; and that all the Freehold and Copyhold Tenants or Resiants and Inhabitants of and within the said several Parishes, Townships, and Places, by Tenure, or by Custom and Usage, Time out of mind, have been and are bound and obliged to grind at the said several Mills, or some or One of them, all the Corn, Grain, and Malt used, consumed, or spent, ground by them, in their respective Dwelling Houses within the several and respective Parishes, Townships, and Places aforesaid, and the Liberties, Precincts, and Territories thereof, or made, baked, or brewed into Bread, Beer, or Ale, sold by them respectively within the several and respective Parishes, Townships, and Places aforesaid, and the Liberties, Precincts, and Territories thereof, and to pay a reasonable Toll or Mulcture for grinding the same; and that in consideration thereof the Owners and Farmers of the said Mills, or their Lessees and Tenants, are and immemorially have been bound to keep the same in good Repair, and proper Plight and Condition, for the Service of the Suitors thereto, so that the same or some of them may be sufficient for grinding, within Twenty-four Hours after the Delivery thereof, all the Corn, Grain, and Malt of all such Suitors which ought to be ground there; and that no Tenant, either Freeholder or Copyholder, or any Resiant or Inhabitant of or within the said Parishes, Townships, or Places aforesaid, or the Liberties thereof, ought to erect or use any Horse-mill, Hand-mill, Quern, or other Mill, Engine, or Instrument for grinding of Corn, Grain, or Malt within any of the Parishes, Townships, or Places aforesaid, or the Liberties thereof, to be used, spent, and consumed by the Inhabitants of or within the said Parishes, Townships, or Places in their respective Dwelling Houses within such Parishes, Townships, or Places, or to be sold to others of such Inhabitants, to be by them used and consumed in their respective Dwelling Houses within such Parishes, Townships, and Places; and that no Tenant, either Freeholder or Copyholder, or any Resiant or Inhabitant of or within the said Parishes, Townships, or Places, or the Liberties thereof, ought to grind, or send or deliver to be ground, at any other Mill, any Corn, Grain, or Malt to be sold ready-ground to others of the Resiants and Inhabitants of

or within the said several Parishes, Townships, and Places, to be used or consumed by such Resiants and Inhabitants in their respective Dwelling Houses within such Parishes, Townships, and Places, or any of them, or otherwise used, spent, or consumed ground in their respective Dwelling Houses, or to be made, baked, or brewed into Bread, Beer, or Ale for Sale within the several Parishes, Townships, or Places aforesaid, or the Liberties thereof, or to buy any Corn, Grain, or Malt ready-ground, to be sold, or to be made into Bread, Beer, or Ale for Sale, or otherwise used or consumed ground in their Dwelling Houses within any of the Parishes, Townships, or Places aforesaid, or the Liberties thereof, which have not been ground at the aforesaid Mills, or some or One of them, unless when all such Mills have not been capable of grinding the same, or the same have been refused or neglected to be ground within Twenty-four Hours after the same have been delivered to be ground; and that no Miller, Maltster, Carrier, or Dealer in Corn, Grain, Malt, or Meal, by themselves or any other Persons, ought to sell to any Tenant, either Freehold or Copyhold, or to any Resiant or Inhabitant of or within any of the Parishes, Townships, or Places aforesaid, or the Liberties thereof, any Corn, Grain, or Malt ready-ground, which hath been ground at any Mill or Mills other than the aforesaid Mills, to be used, spent, or consumed by them in their respective Dwelling Houses within any of the Parishes, Townships, or Places aforesaid: And whereas the Owners and Proprietors of the said Mills, under or by virtue of the Grant so made thereof by the said Letters Patent, have claimed the Right and Privilege of grinding at the said Mills all the Corn, Grain, and Malt which should be spent or used ground by the Tenants, Inhabitants, and Resiants of and within the said Township of *Ossett-cum-Gawthorpe*, and in prosecution of such Claim, and to enforce a Submission thereto, have at different Periods of Time commenced and carried on divers Suits in the Duchy Court of *Lancaster*, in which Suits Decrees have from Time to Time been obtained; and several fresh Suits have lately been instituted in the said Duchy Court of *Lancaster* against the Inhabitants of the said Township by the Proprietor of the said Mills, for the Purpose of compelling the said Inhabitants to render an Account of all the Corn, Grain, and Malt ground by them within the last Six Years at other than the said Corn Mills: And whereas by an Order of the High Court of Chancery, bearing Date the Second Day of *March* in the Year One thousand eight hundred and thirty, made in certain Causes then depending in the said Court, in the First of which Sir *William Pilkington* is Plaintiff, and Sir *Edward Smith* now Sir *Edward Dodsworth* Baronet, *Godfrey Wentworth Wentworth*, and others, are Defendants; in the Second of which said Causes *John Tyssen Tyrrell* and another are Plaintiffs, and the said Sir *William Pilkington* and others are Defendants; in the Third of which said Causes the said *John Tyssen Tyrrell* and another are Plaintiffs, and *Philip Bennet* the younger and others are Defendants; in the Fourth of which said Causes the said *John Tyssen Tyrrell* and another are Plaintiffs, and *James Ord* and others are Defendants; in the Fifth of which said Causes *John Humphrey St. Aubin* and others are Plaintiffs, and Sir *William Pilkington* and another are Defendants; it was ordered that the Plaintiffs and Defendants in the last of the said Causes should

should be at liberty to lay Proposals before the Master to whom the said Causes stood referred for Sale by private Contract of the Estates in question in the above Causes which remained unsold, or any Part or Parts thereof, to any Person or Persons willing to become the Purchaser or Purchasers thereof, with a Direction that the said Master should state his Opinion thereon to the Court: And whereas by another Order of the said Court, made on the hearing of the said Causes for further Directions, bearing Date the Ninth Day of *March* One thousand eight hundred and thirty, it was (amongst other things) ordered, that the Real Estates remaining unsold should be sold, with the Approbation of the said Master, who was to be at liberty to receive Proposals for Sale, by private Contract, as directed by the said Order dated Second Day of *March* One thousand eight hundred and thirty; and it was also ordered that the Money to arise by Sale of the said Estates should be paid into the Bank, with the Privity of the Accountant General of the said Court, to be there placed to the Credit of the last-named Cause, subject to the further Order of the said Court: And whereas the said Master made his Report, bearing Date the Twenty-first Day of *December* One thousand eight hundred and thirty, whereby he certified that he had been attended by the respective Solicitors for the Plaintiffs and for the Defendants, and that a Statement of Facts and Proposals having been laid before him by the said *Philip Bennet* and *Ann* his Wife, and *Catherine Pilkington*, together with the Probate of the Will therein mentioned, and an Affidavit of *William Rodwell* of *Ipswich* in the County of *Suffolk*, Gentleman, sworn on the Eleventh Day of *December* One thousand eight hundred and thirty, he found that Sir *Thomas Pilkington* Baronet, the Testator in the Pleadings of the above Causes named, by his Will, dated the Ninth Day of *July* One thousand eight hundred and eleven, gave and devised all his Manors, Messuages, Lands, Tenements, and Hereditaments unto the Defendants Sir *Edward Dodsworth*, *Godfrey Wentworth Wentworth*, and Sir *William Pilkington*, and their Heirs, in Trust to sell and dispose of the same, and to divide the Money to arise and be produced by the Sale thereof equally among his the said Testator's Children as they came of Age; and he found that a Part of the said Testator's devised Estate consisted of certain Mills called or known by the Name of the *Wakefield Soke Mills*, and sundry Fulling Cloth and Whiting Mills, Drying Kilns, with several Acres of Land, Dwelling Houses, Cottages, and Gardens belonging and appertaining to the said Mills, which were situated respectively in the Townships of *Horbury*, *Sandal-Magna*, and *Crigglestone* in the West Riding of the County of *York*; and that in pursuance of the said Order, on further Directions, the Real Estate of the said Testator then remaining unsold, including the Soke Mills and Premises above mentioned, were, on the Twenty-fourth Day of *August* One thousand eight hundred and thirty, offered for Sale at the public Sale Room of the said Court in *Southampton Buildings*, *Chancery Lane*, in the County of *Middlesex*, but the said Soke Mills and Premises were not sold; and the said Master further found, that the said *Philip Bennet* had offered to become the Purchaser of the said Mills, Hereditaments, and Premises at or for the Sum of Fifty thousand Pounds; and he further found, the said *William Rodwell*, by his Affidavit, had deposed that he had for several Years

past acted as Solicitor and Agent for the above-named Defendants *Philip Bennet* and *Ann* his Wife, *Louisa Dawson*, and *Catherine Pilkington*, Three of the Daughters of the said Testator Sir *Thomas Pilkington*, and Three of the Parties beneficially entitled to the Residue of the said Testator's Estates, and that he was well acquainted with that Part of the said Testator's Estates which consisted of certain Mills called or known by the Name or Description of the *Soke Mills*, and of sundry Fulling Cloth and Whiting Mills and Drying Kilns, together with divers Quantities of Land, Hereditaments, and Appurtenances to the said Mill, situated respectively in the Parish of *Wakefield*, and in the Townships of *Horbury*, *Sandal-Magna*, and *Crigglestone*, in the West Riding of the County of *York*, the Particulars of which Property were detailed in the Particulars of Sale of the said Testator's Estates approved of by the said Master in the Month of *August* then last, and that for several Years past the Year's Rental of the said Property had not exceeded the Sum of Two thousand Pounds, and that such Rental had been materially reduced by the Expence of Repairs of the said Mills, by the Fee-farm Rent of Forty Pounds *per Annum* payable thereout, by the Insurance of the said Mills and Outbuildings of Fifty-four Pounds Sixteen Shillings, and other Charges incidental thereto, and that, in the said Deponent's Opinion, the net Rental of the said Property was in future more likely to diminish than to increase; that the said Property was offered to Sale without Reserve, by public Auction, at the said public Sale Room in the Month of *August* then last, but that no *bonâ fide* Offer whatever was made for the same; and that the same Property was afterwards advertized for Sale by private Contract, but that no Offer was made, except a Proposal of the present Tenant of the said Property to purchase the same at the Sum of Forty thousand Pounds, which Sum was offered on condition that the Venders would allow Three Fourths of the Purchase Money to remain for Ten Years certain on the Security of a Mortgage of the said Property; and that from his the said Deponent's Knowledge of the Property, and of the obnoxious and unpopular Nature of the Custom of the Soke, and of the Expences attending the Maintenance and Enforcement of the said Custom, and of the Duties imposed by such Custom upon the Occupiers and Owners of the said Mill, and of the various incidental Expences and Charges attending the same, he was of opinion that the Sum of Fifty thousand Pounds offered by the said *Philip Bennet* was a full and ample Price for the Purchase of the whole of the said Property, and more than could reasonably be expected to be obtained from any other Person in case the same was to be again offered to public or private Sale; and the said Master further found, that the said *Philip Bennet* and *Ann* his Wife had proposed that the said Soke and other Mills, Hereditaments, and Premises, subject to the Fee-farm Rent of Forty Pounds a Year chargeable thereon, should be sold to the said *Philip Bennet*, subject to the Second, Third, and Fourth of the Conditions annexed to the printed Particulars of Sale of the said Estates, so far as the same might be applicable to the said *Philip Bennet*, for the Price or Sum of Fifty thousand Pounds, the said *Philip Bennet* by his said Proposal, and offering and undertaking to become the Purchaser thereof at the Price and subject as aforesaid, the said Master certified that he had duly considered such Proposal

and the Evidence aforesaid, and did approve thereof, and was of opinion that it would be for the Benefit of the several Parties interested in the said Estates that the said Soke and other Mills, Hereditaments, and Premises should be sold to the said *Philip Bennet*, subject as aforesaid, for the said Sum of Fifty thousand Pounds; and that in the Schedule to his said Report the said Master had set forth the Particulars of the said Soke Mills, Hereditaments, and Premises so agreed to be purchased by the said *Philip Bennet* as aforesaid: And whereas by another Order of the said Court, bearing Date the Twenty-third Day of *December* in the Year One thousand eight hundred and thirty, made in the said Causes, it was ordered that the Master's said Report, bearing Date the Twenty-first Day of *December* One thousand eight hundred and thirty, should be confirmed; and it was further ordered, that the said *Philip Bennet* should be at liberty to become and be confirmed the Purchaser of the Soke and other Mills, Hereditaments, and Premises comprised in the Schedule to the said Report, at or for the Sum of Fifty thousand Pounds, subject to the Fee-farm Rent of Fifty Pounds *per* Year chargeable upon or issuing out of the said Premises or Part thereof, and also subject to the Second, Third, and Fourth of the Conditions annexed to the printed Particulars of Sale in the said Report mentioned or referred to, so far as the same might be then applicable to the said *Philip Bennet*; and it was further ordered, that the said *Philip Bennet* should be let into Possession of said Hereditaments and Premises, and the Rents and Profits thereof, from the First Day of *January* One thousand eight hundred and thirty-one; and it was further ordered, that *Jose Luis Fernandez*, the Tenant of the said Mills, should, if necessary, attorn Tenant to the said *Philip Bennet*; and it was further ordered, that the said *Philip Bennet*, until he should have paid the Amount of his said Purchase Money, or until the further Order of the said Court, should be charged with Interest on his said Purchase at the Rate of Four Pounds *per Cent.*, amounting to the annual Sum of Two thousand Pounds, from the said First Day of *January* One thousand eight hundred and thirty-one; and it was further ordered, that the said *Philip Bennet* should pay, by equal half-yearly Payments, on the First Day of *July* and the First Day of *January* in each Year, the Sum of Five hundred Pounds, being One Fourth Part of the said annual Sum of Two thousand Pounds, to *Thomas Gardiner Bramstone*, the surviving Trustee of the Sum of Thirty thousand Pounds mentioned in the Settlement made on the Marriage of the said *John Tyssen Tyrrell* and *Elizabeth Ann* his late Wife, and the Sum of Five hundred Pounds, further Part, to the said Sir *William Pilkington* and *Charles Dawson*, the Trustees of the Settlement made on the Marriage of the said *George Augustus Dawson* and *Louisa* his Wife, late *Louisa Pilkington*, and the Sum of Five hundred Pounds, further Part thereof, to the said *Catherine Pilkington*; and it was further ordered, that the said *Philip Bennet* should retain the Sum of Five hundred Pounds, being the Remainder of the said Sum of Two thousand Pounds: And whereas in pursuance of the said recited Order the said *Philip Bennet* was let into the Possession of the said Soke Mills, Hereditaments, and Premises mentioned in the said Order, and into the Receipts of the Rents and Profits thereof, and hath duly paid the Interest of the said Sum of Fifty thousand Pounds in the Manner and Proportions and to the several

Parties

Parties as directed by the said Order: And whereas by a Contract in Writing, bearing Date the Third Day of *February* now last past, and made and entered into between the said *Philip Bennet* of the one Part, and the several Persons whose Names are thereunto subscribed, being Inhabitants of the Township of *Ossett cum Gawthorpe* in the West Riding of the County of *York*, of the other Part, after reciting the said Letters Patent, and that divers Suits had been commenced and carried on in the Duchy Court of *Lancaster*, in which Suits divers Decrees had been obtained, whereby the said Right had been in the whole or in part confirmed, and that on the Twenty-seventh Day of *September* last several fresh Suits had been instituted in the Duchy Court against several Inhabitants of the said Township for alleged Transgressions against the said Soke or Custom, and that the said *Philip Bennet* was the Owner or Proprietor of the said Mills, and the said *Jose Luis Fernandez* was the Occupier of the said Mills as Tenant to the said *Philip Bennet*, it was agreed, in order to avoid further Litigation, that the said Inhabitants of *Ossett cum Gawthorpe* should, at their own Expence, use their best Endeavours to obtain an Act of Parliament to authorize the said *Philip Bennet* to sell, and them to purchase, their Freedom from the said Soke, and that the said Inhabitants should pay to the said *Philip Bennet* the Sum of Three thousand five hundred Pounds, by Two equal Instalments of One thousand seven hundred and fifty Pounds each, at the Times following; *videlicet*, the first Instalment within Twelve Months from the passing of the said Act of Parliament, together with Twelve Months lawful Interest upon the said Sum of Three thousand five hundred Pounds, and the other Instalment or Sum of One thousand seven hundred and fifty Pounds within Twenty-four Months from the passing of the said Act, together with Twelve Months Interest on the last-mentioned Sum of One thousand seven hundred and fifty Pounds; and that the said *Philip Bennet* should release and give up all Claims and Demands which any previous, the present, or any future Owner or Owners, Lessee or Lessees, Tenant or Tenants of the said Mills or any of them, might have or claim to have against any of the said Inhabitants of the Township of *Ossett-cum-Gawthorpe* for or in respect of the said Soke Mills, or any Usage or Custom belonging thereto; and that the said Inhabitants should pay the Costs on both Sides of the Actions last commenced; and that if an Act of Parliament were not obtained in the Session of One thousand eight hundred and thirty-two, the said Agreement should be void to all Intents and Purposes whatsoever; and that if the said *Philip Bennet* should find it necessary to commence any other Actions or Suits against any other Inhabitants of *Ossett-cum-Gawthorpe* for infringing upon the said Soke before the Act should be obtained, the Costs of such Action should be paid on both Sides by the said Inhabitants: And whereas the said *Philip Bennet*, on the Fifth Day of *May* instant, preferred his Petition unto the Right Honourable the Lord High Chancellor, praying that he might be at liberty to carry the said Agreement with the Inhabitants of the Township of *Ossett-cum-Gawthorpe* into effect, and that the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, and all other necessary Parties, might be at liberty and directed to consent with the said *Philip Bennet* to the passing of the said Act of Parliament, and to do all other necessary Acts and Things for

for that Purpose, and that the said Sum of Three thousand five hundred Pounds, the Amount of the Purchase Money mentioned in the said Agreement, might be paid by the said Inhabitants to the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, Trustees for Sale of the said Testator's Real Estates, in part Discharge of the said Sum of Fifty thousand Pounds so agreed to be paid by the said *Philip Bennet* for the Purchase of the said Soke Mills, Hereditaments, and Premises, and to be paid into Court by them: And whereas by an Order of the said Court, bearing Date the Seventh Day of *May* instant, made upon the said Petition, it was ordered that the said *Philip Bennet* should be at liberty to carry the said Agreement with the Inhabitants of the Township of *Ossett cum Gawthorpe* into effect, but it was ordered that the Sum of Three thousand five hundred Pounds, the Amount of the Purchase Money mentioned in the said Agreement, and the Interest thereof, should be paid by the said Inhabitants of the Township of *Ossett cum Gawthorpe* into the Bank, with the Privity of the Accountant General of the said Court, to the Credit of the Cause *Pilkington* v. *Smith*, "The Account of *Philip Bennet*'s Purchase Money," subject to the further Order of the said Court, instead of being paid to the said *Philip Bennet;* and it was ordered, that the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, and all other necessary Parties, should be at liberty to consent with the said *Philip Bennet* to the passing of an Act of Parliament for carrying the said Agreement into effect as aforesaid, and to do all other necessary Acts and Things for that Purpose; and it was ordered, that the said *Philip Bennet* should pay all Parties their Costs of the said Application as between Solicitor and Client, to be taxed by the Master in case the Parties should differ about the same; and it was ordered, that the said *Philip Bennet* should also pay the Costs, Charges, and Expences of the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth* consenting to or in any way relating to the said Act of Parliament: And whereas *Jose Luis Fernandez* of *Wakefield* in the said County of *York*, Corn Miller, is the present Occupier of the said Mills, as Tenant to the said *Philip Bennet:* And whereas, in order to avoid further Litigation, and to put an End to all Disputes, and to prevent any Question hereafter arising, it hath been proposed, on behalf of the Inhabitants of the said Township of *Ossett-cum-Gawthorpe*, and agreed to by the said *Philip Bennet*, that the Inhabitants of the Township of *Ossett-cum-Gawthorpe* shall be emancipated from the said Soke, and from the Obligation of grinding any Corn, Grain, or Malt at the said Mills, in consideration of a Sum of Money to be paid by them to the said *Philip Bennet* at the Times and in the Manner herein-after mentioned: And whereas the said Agreement cannot be carried into effect without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all and every the Freehold and Copyhold Tenants, Resiants, and Inhabitants, and all and every other Person and Persons whomsoever, who now are or who shall

Inhabitants of Ossett cum Gawthorpe discharged from the

Obligation of grinding Corn at certain Mills, and empowered to erect Mills, &c.

shall at any Time hereafter be or become Resiants, Residents, or Inhabitants of and within the said Township of *Ossett cum Gawthorpe*, or the Liberties, Limits, Precincts, or Territories thereof, shall be and they are hereby freed, exonerated, discharged, and for ever exempted of and from the said Usage, Duty, Custom, and Obligation of grinding at the said Mills, or any of them, any Corn, Grain, or Malt whatsoever, and such Usage, Duty, Custom, or Obligation, so far as concerns such Resiants, Residents, and Inhabitants, shall from henceforth cease and determine and be for ever extinguished; and it shall be lawful for the said Freehold and Copyhold Tenants, Resiants, Residents, and Inhabitants, and all other Persons who now are or may hereafter be or become Resiants, Residents, or Inhabitants of and within the said Township of *Ossett-cum-Gawthorpe*, and the Liberties, Limits, Precincts, and Territories thereof, from Time to Time and at all Times hereafter to grind their Corn, Grain, and Malt at any Mill or Mills they may think fit, and to erect and use at their free Will and Pleasure, within the said Township of *Ossett cum Gawthorpe*, such and so many Steam-mills, Wind-mills, Water-mills, Horse-mills, Hand-mills, Querns, or other Mills or other Instruments for grinding Corn, Grain, or Malt, as they shall think proper, and to purchase for Sale, or for their own Consumption, Flour which may have been ground elsewhere than at the Soke Mills, and to deal with their Corn, Grain, Malt, and Flour in the same Manner in all respects as if the said Township of *Ossett-cum-Gawthorpe*, or any Part thereof, or any of the Precincts or Territories thereof, were not and had not at any Time been within the said Soke, or the Inhabitants thereof bound by or amenable to the Custom or Usage herein-before mentioned.

Suits now depending in the Duchy Court to be relinquished.

II. And be it further enacted, That all Suits commenced and prosecuted and now depending in the Duchy Court of the County Palatine of *Lancaster*, wherein Sir *Edward Dodsworth* of *Newland* in the County of *York*, Baronet, *Godfrey Wentworth Wentworth* of *Woolley Park* in the same County, Esquire, Sir *William Pilkington* of *Chivet* in the same County, Baronet, and *Jose Luis Fernandez* of *Wakefield* in the same County, Miller, and *Benjamin Priestley*, *Luke Scott*, *George Pickard*, *John Lawrence*, *Hannah Parker*, *John Senior*, *Charles Tolson*, *Francis Harrop*, *John Driver*, *James Anty*, *John Wilby*, and *Nathaniel Pickles*, or any of them, are Parties, and all other Suits now depending in the said Duchy Court against any Inhabitant or Inhabitants of the said Township of *Ossett-cum-Gawthorpe*, or the Liberties, Precincts, or Territories thereof, and all Claims and Demands which the present, previous, or any future Owner or Owners, Lessee or Lessees of the said Mills have or claim, or may have, make, or claim, upon or against any of the said Inhabitants of the Township of *Ossett-cum-Gawthorpe*, touching or in any ways concerning the said Usage, Duty, Custom, or Obligation herein-before mentioned, or any Breach or Nonobservance thereof, shall from and after the passing of this Act be stayed and fully relinquished, and no further Proceedings be had or taken therein or thereon upon any Pretence or Pretext whatever; and the Costs of the said Suits shall be paid by the Trustees out of the Monies to be raised by virtue or in pursuance of this Act: Provided always, that nothing in this Act contained shall be construed or taken in any

Manner to affect or interfere with the Right, Title, or Claim of the said *Philip Bennet*, his Heirs, Executors, Administrators, or Assigns, or the present or any future legal or equitable Proprietor or Proprietors of the said Mills, upon or against any of the Freehold or Copyhold Tenants, Resiants, and Inhabitants of or within any other Parish, Village, Township, or Place claimed to be within the Liberties of the said Soke Mills, and that the said Right, Title, and Claim shall continue, and may be alleged and pleaded in any Court of Record, and otherwise claimed, prosecuted, and enforced, in the same Manner and by the same Means as if this Act had not been passed.

Number of Trustees.

III. And be it further enacted, That Twenty Persons, to be elected and chosen in manner herein-after mentioned, shall be Trustees for carrying this Act into execution.

Qualification of Trustees.

IV. And be it further enacted, That no Person shall be elected and chosen a Trustee for carrying this Act into execution unless he shall be an Owner of Lands or Tenements within the said Township of the annual Value of Fifteen Pounds, or shall be an Occupier of Lands or Tenements within the said Township of *Ossett-cum-Gawthorpe*, or the Liberties, Precincts, or Territories thereof, rated to the Relief of the Poor within the said Township, or the Liberties, Precincts, and Territories thereof, at a Sum not less than Twenty Pounds *per Annum*.

Inhabitants to meet and choose Trustees.

V. And be it further enacted, That it shall be lawful for such of the Inhabitants of the said Township, and other Persons, who are rated to the Rate by this Act authorized, to assemble and meet together at the Church Sunday School-room in *Ossett* aforesaid, or at some other convenient Place within the said Township, on the Third *Friday* next after the passing of this Act, or as soon after as conveniently may be, at the Hour of Ten in the Forenoon, and after appointing a Chairman of such Meeting, (who shall have a second or casting Vote upon every Question where there shall be an equal Number of Votes, including the Chairman's first Vote,) then and there forthwith to elect and choose Twenty Persons, qualified as aforesaid, to be the Trustees for carrying this Act into execution; and every Person so to be chosen shall, upon his Acceptance of his said Office, signify the same by signing his Name in a Book to be provided for that Purpose.

Other Trustees to be elected in case of Vacancies.

VI. And be it further enacted, That whenever any of the Trustees to be elected and chosen for carrying this Act into execution, as herein-before is directed, or to be elected in manner herein-after mentioned, shall die, or refuse to act, or shall resign, or become bankrupt or insolvent, or incapable of acting, or shall cease to be the Owner of Lands or Tenements within the said Township of the annual Value of Fifteen Pounds *per Annum*, or shall cease to occupy Lands or Tenements within the said Township of *Ossett-cum-Gawthorpe*, or the Liberties, Precincts, and Territories thereof, rated to the Relief of the Poor within the said Township at a Sum less than Twenty Pounds *per Annum*, so as the Number of Trustees shall be reduced below Ten, it shall be lawful for such of the Inhabitants of the

the said Township, and other Persons, who are rated to the Rate by this Act authorized, at a Meeting to be convened for that Purpose, as herein-after mentioned, or for such of the said Inhabitants and other Persons as aforesaid as shall choose to attend such Meeting, to elect One or more substantial Inhabitant or Inhabitants, Owners of Lands or Tenements of the annual Value of Fifteen Pounds at least within the said Township, or occupying Lands or Tenements within the said Township rated to the Relief of the Poor of the said Township at a Sum not less than Twenty Pounds *per Annum*, so as to make up the Number of Ten Trustees; and every such Person so to be chosen hereafter shall, upon his Acceptance of his said Office, signify the same by signing his Name in a Book to be provided by the Trustees for that Purpose.

New Trustees, how to be elected.

VII. And be it further enacted, That when from any or either of the Causes aforesaid there shall be a Vacancy or Vacancies in the said Number of Ten Trustees, it shall and may be lawful for the Overseers of the Poor of the said Township, or One of them, or Two or more of the surviving or continuing Trustees, and they or he are and is hereby required, within One Calendar Month after any such Vacancy or Vacancies shall have taken place as aforesaid, by a public Notice in Writing to be affixed to the Door of the Church of *Ossett*, to require all Persons who are rated to the Rate by this Act authorized, and who at the Time of such Meeting shall have paid such Rate, if the same shall have been lawfully demanded, to meet together on some Day which shall be at least Three and not more than Ten Days next after such Notice shall have been given, at such Time and in such Place as in the said Notice shall be specified, for the Purpose of electing One or more Person or Persons, qualified as aforesaid, to be a Trustee or Trustees in the Room or Stead of the Trustee or Trustees so dying, resigning, or becoming disqualified to act as aforesaid.

P. Bennet or his Assigns to appoint Trustees if the Inhabitants neglect.

VIII. Provided always, and be it further enacted, That if the Inhabitants of the said Township and other Persons rated to the Rate by this Act authorized shall not, within the Space of Three Calendar Months next after the passing of this Act, elect and choose Twenty Persons, qualified as aforesaid, to be the Trustees for carrying this Act into execution, and who shall accept the said Office, then and in such Case it shall be lawful for the said *Philip Bennet*, his Heirs or Assigns, by any Deed or Instrument in Writing under his or their Hand and Seal or Hands and Seals, to nominate and appoint Twenty Persons, qualified as aforesaid, to be the Trustees for carrying this Act into execution; and such Persons, when so nominated and appointed, shall have the same Powers and Authorities, and be subject to the same Penalties for Refusal or otherwise, and to the same Liabilities in all respects, as if they had been elected and chosen at a public Meeting of the Inhabitants of the said Township and other Persons rated to the Rate by this Act authorized; and in case any of the Persons to be so nominated and appointed by the said *Philip Bennet*, his Heirs or Assigns, shall refuse or neglect to act, or from any other Cause shall cease to be a Trustee or Trustees for the Purposes of this Act, it shall be lawful for the said *Philip Bennet*, his Heirs or Assigns, by any Deed

or

or Instrument in Writing under his or their Hand and Seal or Hands and Seals, from Time to Time to nominate and appoint some other Person or Persons, being duly qualified as aforesaid, to be a Trustee or Trustees for the Purposes of this Act in the Room of the Person or Persons so refusing, neglecting, or ceasing to be a Trustee or Trustees.

Trustees to take an Oath.

IX. And be it further enacted, That no Person hereby appointed or who shall hereafter be chosen or appointed a Trustee shall be capable of acting as a Trustee in the Execution of this Act, except in administering the Oath or Affirmation herein-after mentioned, until he shall have taken and subscribed the Oath (or, being one of the People called *Quakers*, made and subscribed the Affirmation) following, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same in the Words following; (that is to say,)

Form of Oath.

'I do swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I am rated to the Relief of 'the Poor of the Township of *Ossett-cum-Gawthorpe* at the Sum of 'Twenty Pounds at the least, *or* that I am Owner of Lands or 'Tenements within the said Township of the annual Value of Fifteen 'Pounds at the least, [*as the Case may be*,] and that I will truly, 'honestly, and impartially act in the Execution of the Trusts and 'Powers reposed in me by virtue of an Act of Parliament passed in 'the Second Year of the Reign of His Majesty King *William* the 'Fourth, intituled *An Act* [*here insert the Title of this Act*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

Penalty in case of Trustees acting without taking Oath.

And if any Person shall act as a Trustee in the Execution of this Act (except in administering the Oath before mentioned) before he shall have taken and subscribed the said Oath, (or, being of the People called *Quakers*, have made and subscribed such Affirmation,) every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take or subscribe the said Oath (or, being of the People called *Quakers*, to make and subscribe the Affirmation,) by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath or made such Affirmation previously to his having acted as such Trustee as aforesaid.

Penalty on Persons elected not serving the Office of Trustee.

X. And be it further enacted, That if any Person, duly qualified to fill the Office of Trustee according to the Provisions of this Act, shall be elected a Trustee in manner aforesaid, and shall refuse to accept such Office, or neglect, for the Space of Ten Days after he shall

shall have been personally served with a Notice in Writing, signed by the Clerk to the said Trustees for the Time being, of his Election to such Office, to signify his Acceptance thereof in manner herein-before mentioned, and to take the Oath herein-before appointed to be taken, or having accepted such Office shall, within the Space of Twelve Calendar Months after such Acceptance resign the same, being at the Time of such Resignation duly qualified as aforesaid to hold such Office, every Person so offending shall, upon the Complaint of any Person who shall be then Owner of Lands or Tenements in the said Township of the annual Value of Fifteen Pounds, or who shall be rated to the Relief of the Poor of the said Township in the said Sum of Twenty Pounds at the least, and upon Conviction of such Offence before any Two Justices of the Peace for the West Riding of the County of *York*, forfeit and pay the Sum of Twenty Pounds, to be recovered, together with the Expences attending the Recovery thereof, by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices, and which Warrant such Justices are hereby empowered and required to grant; and the Overplus (if any) of the Money so recovered or levied, after discharging such Penalty or Forfeiture and Costs and Expences aforesaid, shall be rendered to the Owner of the Goods and Chattels so seized and distrained; which Penalty, when recovered, shall be paid to the Trustees for the Time being, and shall be applied by them in aid of the Assessments herein-after required to be made by them.

Lists of Trustees to be delivered when required.

XI. And be it further enacted, That the said Trustees, whenever they shall be required so to do by Writing under the Hand of the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, their Heirs or Assigns, or other the Trustees or Trustee for the Time being of the Real Estate of the said Sir *Thomas Pilkington* deceased, or by Writing under the Hand of any Ten Persons liable to be charged to any Proportion of the Assessments to be made in pursuance of this Act, shall, within Seven Days next after they shall have been required so to do by Notice in Writing left with the Clerk of the said Trustees and with any One of the said Trustees, deliver to the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, their Heirs or Assigns, or other the Trustees or Trustee for the Time being of the Real Estates of the said Sir *Thomas Pilkington* deceased, or to such Person or Persons as they or he or any such Ten Persons as aforesaid shall respectively appoint, a true List of all the Trustees for the Time being, with their respective Descriptions and Residences, signed by Two at least of the said Trustees, which List, so signed, shall be conclusive Evidence that the several Persons therein named were Trustees at the Time of the Delivery of such List in all Proceedings to be had against the said Trustees, or any or either of them, except in such Proceedings as may be had by any One or more of the said Trustees against any One or more of their own Body.

First Meeting of Trustees.

XII. And be it further enacted, That the First Meeting of the Trustees to be elected and chosen for carrying this Act into execution shall be held at the Church Sunday School-room in *Ossett* aforesaid, or

or at some other convenient Place within the said Township, within One Calendar Month next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon; and the Trustees then and there present, being at least Five in Number, shall proceed in the Execution of this Act, and shall and may then and from Time to Time thereafter adjourn to and meet at such Time or Times, and at such Place or Places within the said Township, as the said Trustees or the major Part of them present at any such Meeting shall think proper and appoint; and if it shall happen that a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting within the Space of One Hour from the Time appointed for the holding of such Meeting, then and so often as the Case shall happen such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, at the same Place and at the same Hour, until a sufficient Number of Trustees shall attend at such Meeting, when they shall proceed to Business, and not before.

Meetings on Emergencies.

XIII. And be it further enacted, That if for Want of a proper Adjournment at any Meeting of the said Trustees there shall be no Time fixed for their next Meeting, or if at any Time it shall be thought necessary that a Meeting of the Trustees should be holden after any Adjournment on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case it shall be lawful for the Chairman who may have resided at the last Meeting, or for any Two of the Trustees, to direct the Clerk of the Trustees (or if there shall be no Clerk, then by some Writing under the Hand or Hands of such Chairman or of such Two Trustees,) to summon the Trustees to meet at such Place, being within the said Township, and at such Time as he or they shall think proper, either to transact the usual and ordinary Business of this said Trust or any special Business which may be specified in such Summons; and all Acts done by the Trustees present at any such Meeting shall be as valid and effectual to all Intents and Purposes as they would have been in case such Trustees had met in pursuance of a regular Adjournment, and on the adjourned and regular Day of Meeting, provided that Notice of such Meeting, written or printed, signed by the Clerk or by the Chairman of the last Meeting, or by any Two of the Trustees, shall have been sent by the Post, or given to or left at the last known Place of Abode of each of the said Trustees, Two Days at least before every such Meeting.

Notice of Meetings.

XIV. Provided always, and be it further enacted, That previously to any Meeting of the said Trustees in pursuance of this Act, except the first acting Meeting, there shall from Time to Time be sent to each of the said Trustees, through the Post Office or by special Messenger, a Notice, written or printed, signed by the Clerk to the said Trustees or by any Two of the said Trustees, of the Time and Place of such intended Meeting, which Notice shall be so sent Two Days at least before every such Meeting.

XV. And

Majority of Trustees may act.

XV. And be it further enacted, That all the Powers given by this Act to the said Trustees may be exercised by the Majority of such of them as shall be present at any Meeting to be holden or convened in manner herein-before mentioned (the Number of the said Trustees at such Meeting not being less than Five, provided there be then so many Persons holding the said Office of Trustee); and that at each and every such Meeting One of the Trustees, to be nominated by a Majority of the Trustees then present, shall preside and take the Chair as Chairman of such Meeting; and in all Cases in which the Number of Votes, including the Vote of the Chairman, shall happen to be equal, the Chairman shall have another or the casting Vote.

Proceedings to be entered.

XVI. And be it further enacted, That fair and regular Entries shall be made in a proper Book or Books to be provided for that Purpose of the Names of the Trustees who shall attend the respective Meetings hereby authorized to be held under this Act, and of all their Acts, Orders, and Proceedings relative to the Execution of this Act; and such Entries shall be signed by the Chairman of each respective Meeting; and all Entries in such Books, being so signed as aforesaid, shall be deemed and taken to be original Acts, Orders, and Proceedings, and shall be allowed to be produced and read in Evidence in all Causes, Suits, and Actions, and in all Proceedings, Civil and Criminal, touching or relating to any thing done in pursuance or by virtue of this Act, without Proof of such Meeting having been duly convened; and every such Book shall at all reasonable Times be open to the Inspection of all the said Trustees, and of every Person rated or assessed for the Purposes of this Act, on Tender or Payment of One Shilling each Person; and if the Clerk or Person having the Custody thereof shall not permit the said Trustees or Persons to peruse and inspect such Book or Books, such Clerk or Person shall for every such Offence forfeit and pay the Sum of Five Pounds.

Books to be kept of Receipts and Payments.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required to cause some Book or Books to be provided and kept, and true and regular Accounts to be from Time to Time entered therein of all Sums of Money which shall have been received by or shall have come to the Hands of them the said Trustees, or to the Hands of any Person or Persons for their Use, under or by virtue and for the Purposes of this Act, and of the Names of the Persons from whom the same shall have been received, and also a like Account of all Monies which shall have been paid or disbursed by the said Trustees, and of the Names of the Persons to whom and upon what Occasion they shall have paid or disbursed the same, and also an Account of the Names of all such Persons as shall have neglected to pay their respective Rates, and of the Monies due from them respectively, which Book and Books, and all other Accounts and Papers in the Possession of the said Trustees, shall at all such seasonable Times be open to the Inspection of every Person paying the Rates or Assessments hereby authorized to be made, or otherwise affected thereby, on Tender or Payment of One Shilling each Person; and the said Trustees, and every Person paying the Rates

or Assessments hereby authorized to be made, and any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Officer or Person with whom or in whose Custody the said Books, Accounts, and Papers shall have been or may be deposited, or who may be appointed to keep the same, shall refuse to permit or shall not permit the said Trustees or any of them, or the Persons paying the Rates or Assessments hereby authorized or any of them, to inspect the same at all seasonable Times, or take such Copies or Extracts as aforesaid, such Officer or Person so refusing or offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be levied, recovered, and applied in manner herein-after provided.

For appointing Officers.

XVIII. And be it further enacted, That the said Trustees may from Time to Time appoint a Treasurer and a Clerk, and also a Collector or Collectors of the Rates or Assessments to be made as herein-after mentioned, and all such other Officers, for the Execution of this Act, as they shall think proper, and shall and may from Time to Time suspend, displace, or remove such Treasurer, Clerk, Collectors, and Officers, or any of them, and appoint others in the Room or Stead of those suspended, displaced, or removed, or who may die or relinquish their Offices, and shall and may, out of the Monies to be received by virtue of this Act, pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable.

Prohibiting the same Person from acting as Clerk and Treasurer.

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

Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Security to be taken from Treasurer and Collectors.

XX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby required to take good and sufficient Security from the Treasurer, and also from all and every such Collector or Collectors to be appointed by virtue of this Act, for the due Execution of their respective Offices of Treasurer and Collectors, according to the true Intent and Meaning of this Act, which Security shall be to the full Amount of the Sum likely to be in the Hands of the Treasurer and Collectors respectively at any one Time; and such Security shall be given to the said Trustees by the Style and Title of "The Trustees for carrying into execution an Act "passed in the Second Year of the Reign of His Majesty King *William* "the Fourth, intituled [*here set forth the Title of this Act,*]" and shall remain valid and subsisting Security, notwithstanding any Change of Trustees or Re-appointment of the said Officer or Officers, and may be sued upon by the Trustees for the Time being, when required, by the Style and Title aforesaid; and in case any such Treasurer or Collector shall neglect or refuse, or shall be unable, for the Space of Fifteen Days next after his Appointment, to give or offer such Security to the Satisfaction of the said Trustees, then the Appointment of every such Person shall be null and void to all Intents and Purposes, and the said Trustees shall forthwith appoint some other fit and proper Person to the Office of Collector or Treasurer, as the Case may be, instead of the Person or Persons so refusing or neglecting or being unable to give such Security as aforesaid, and so from Time to Time, until some Person shall be found who shall be willing and able to give sufficient Security for the due Execution of his Office.

Requiring Officers to account.

XXI. And be it further enacted, That every such Treasurer, Clerk, Collector, and other Officer and Person so to be appointed, shall, under his Hand, and at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the said Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all such Matters and Things as may be committed to his Charge, and also of all Monies which shall have been by him received by virtue and for the Purposes of this Act, and how much thereof shall have been expended and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain in his Hands or due from him to such Person or Persons and at such Time and Place as the said Trustees shall from Time to Time direct or appoint; and if any such Treasurer, Clerk, or Collector, Officer or Person, shall refuse or wilfully neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Three Days next after being thereunto required by the said Trustees or any Three of them, by Notice in Writing signed by the said Trustees or any Three or more of them, and given to or left at the last known or usual Place of Abode of

Proceedings in case Officers refuse to account.

such Treasurer, Clerk, Collector, Officer, or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or any Duplicates or Copies thereof respectively, or to give Satisfaction to the said Trustees, or such other Person or Persons aforesaid, respecting the same, then and in any of the Cases aforesaid the said Trustees may and they are hereby authorized and empowered to cause an Action to be brought against the Treasurer, Clerk, Collector, Officer, or Person so neglecting or refusing as aforesaid, for Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Trustees, or by any Person or Persons on their Behalf, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace of the West Riding of the County of *York*, such Justice may and he is hereby authorized and required to issue a Summons under his Hand and Seal for the Treasurer, Clerk, or Collector, or other Officer or Person, so neglecting or refusing as aforesaid, to appear before him; and upon the said Treasurer, Clerk, Collector, Officer, or Person appearing, or having been so summoned and not appearing, without some sufficient and reasonable Excuse, or not being to be found, it shall be lawful for the said Justice to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, which Oath or Affirmation such Justice is hereby empowered to administer, it shall appear to such Justice that any Monies remain due from such Treasurer, Clerk, Collector, Officer, or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Clerk, Collector, Officer, or Person; and if no Goods and Chattels of such Treasurer, Clerk, Collector, Officer, or Person shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the Distress, or if it shall appear to such Justice that any such Treasurer, Clerk, Collector, Officer, or Person had refused or wilfully neglected to render and give such Accounts as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Custody or Power of such Treasurer, Clerk, Collector, Officer, or Person, and he refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice shall and he is hereby required to commit such Offender to some Gaol, Prison, or House of Correction, there to remain without Bail or Mainprize until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Money as aforesaid, or shall have compounded for such Money with the said Trustees, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive,) and until he shall deliver up all such Books, Papers, Writings, or Duplicates, or Copies of the same as aforesaid: Provided always, that no such Person who shall be committed for Want of such Distress alone shall be committed by virtue of this Act for any longer Space of Time than Six Calendar Months: Provided further, that it shall and may be

be lawful to and for such Justice of the Peace, if he think fit, before committing such Offender, to issue his Warrant to search for such Vouchers, Books, Papers, or Writings so withheld by any such Treasurer, Clerk, Collector, or Officer, or other Servant of the Trustees, under which Warrant the Officer or Officers thereby authorized shall enter into and search the Dwelling House or other Premises of such Treasurer, Clerk, Collector, or Officer, or other Servant, or such other Place or Places as the Justice shall authorize to be entered or searched, and take away and deliver to the Trustees any of the said Vouchers, Books, and Papers that may be found.

For Recovery of Books from Executors or Assignees of Officers.

XXII. And be it further enacted, That in case of the Death of any such Treasurer, Clerk, Collector, Officer, or other Person so to be appointed or of his becoming bankrupt, before he shall have delivered up all Books, Papers, Writings, and other Things concerning his Office or relating to the Execution of this Act, the Executors or Administrators of such Treasurer, Clerk, Collector, Officer, or Person, or the Assignees of his Estate and Effects, or other Persons possessing the same, or in whom the same have or has been vested, shall, upon Demand, deliver up to the said Trustees, or to any Person appointed by them, all such Books, Papers, Writings, and other Things; and in case of the Nondelivery thereof for the Space of Five Days next after the same shall have been demanded, it shall be lawful for the said Trustees to proceed, in any of His Majesty's Courts of Record at *Westminster*, against such Executor or Administrator or Assignees, or other Persons possessing the Estate and Effects which did belong to such deceased or bankrupt Officer or Person, for Recovery of such Books, Papers, Writings, and Things, or for the Damage for the Nondelivery thereof, together with full Costs of Suit in each Case.

Commitment of Offender not to discharge his Surety.

XXIII. And be it further enacted, That no Prosecution or Commitment, under the Provisions of this Act, of any Treasurer, Clerk, Collector, or other Officer or Person to be appointed under the Powers of this Act, shall acquit or discharge any Surety or Security that shall or may have been taken by or given to the said Trustees for the due and faithful Execution by such Treasurer, Clerk, Collector, or other Officer or Person, of his or their Office, or for the Payment of the Monies received or to be received by him or them respectively.

Collector not to retain above 10*l.* at One Time.

XXIV. And be it further enacted, That if any Collector to be appointed as aforesaid shall at any Time keep or retain in his Hands more than the Sum of Ten Pounds for any longer Space of Time than Ten Days (provided that the Treasurer for the Time being shall within that Time be ready to receive the same), he shall forfeit a Sum not exceeding Twenty Shillings for every Day that he shall retain any Sum exceeding the said Sum of Ten Pounds beyond the said Period of Ten Days.

How Notices may be served.

XXV. And be it further enacted, That in all Cases in which it may be necessary for any Person or Persons to serve any Notice or

or Notices, or Writ or Writs, or other legal Proceedings, upon the said Trustees, the Service thereof upon the Clerk of the said Trustees, or upon any One of the said Trustees, shall be deemed good and sufficient Service of the same respectively on the said Trustees.

Trustees may sue and be sued in the Name of their Clerk or of any Trustee.

XXVI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being or in the Name of any of the Trustees; and all Actions and Proceedings which it may be necessary to bring or institute for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or in respect of any Matter or Thing arising out of this Act, may be brought and instituted in the Name of their Clerk for the Time being, or in the Name of any One or more of the said Trustees; and no Action, Suit, or other Proceeding which may be so brought or instituted by or against the said Trustees shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death, Resignation, or Disqualification of such Trustee, or by any Act or Default of such Clerk or Trustee done or suffered without the Consent or Direction of the said Trustees, but such Clerk, or Trustee or Trustees, shall be deemed Plaintiff or Defendant, Plaintiffs or Defendants, in any such Action or Suit (as the Case may require): Provided always, that in all Cases wherein the Clerk for the Time being, or any Trustee or Trustees as aforesaid, shall be Plaintiff or Defendant or Plaintiffs or Defendants on the Record in any Action or Proceeding, in which in effect the said Trustees shall be suing or sued in the Name of such Clerk or of such Trustee or Trustees as aforesaid, such Clerk, or such Trustee or Trustees, may and shall, if not otherwise interested, be a good and competent Witness or Witnesses in such Action or Proceeding either for or against the Trustees; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk, or such Trustee or Trustees, as the Case may be, notwithstanding he or they shall be nominal Plaintiff or Defendant or Plaintiffs or Defendants on the Record as aforesaid: Provided also, that every such Clerk, or Trustee or Trustees, in whose Name or Names any Action or Proceeding shall be instituted or defended as aforesaid, shall always be reimbursed, out of the Monies to be received by virtue of this Act, all such Damages, Costs, and Expences as he or they shall incur or become chargeable with by reason of his or their being so made Plaintiff or Defendant or Plaintiffs or Defendants, and shall not be personally answerable or liable for the same unless such Action or Proceeding shall arise in consequence of his or their own wilful Neglect or Default, or have been instituted or defended without the Order or Direction of the said Trustees.

Compensation to be paid to Philip Bennet Esq., the Proprietor of the Mills.

XXVII. And be it further enacted, That the said Trustees shall pay or cause to be paid into the Bank of *England*, in the Manner herein-after directed, the Sum of Three thousand five hundred Pounds of lawful current Money of the United Kingdom of *Great Britain* and *Ireland*, as a Compensation for the Emancipation of the

Inhabitants of the said Township of *Ossett-cum-Gawthorpe*, and the Liberties, Precincts, and Territories thereof, from the said Soke, and in full Satisfaction for all Loss, Injury, and Diminution of Income or Profit, which he the said *Philip Bennet*, his Heirs or Assigns, or any previous or future Proprietor or Lessee of the said Mills, claiming under the Will of the said Sir *Thomas Pilkington*, may have sustained or incurred or shall sustain or incur by reason or in consequence of the Tenants, Resiants, Residents, and Inhabitants of the said Township, and the Liberties, Precincts, and Territories thereof, being exonerated and discharged from the Usage, Custom, or Duty of grinding Corn, Grain, or Malt at the said Mills, which said Sum of Three thousand five hundred Pounds shall be paid by Two equal Instalments of One thousand seven hundred and fifty Pounds each, on the Days and Times following; that is to say, the first Instalment or Sum of One thousand seven hundred and fifty Pounds within Twelve Calendar Months from the passing of this Act, together with Twelve Calendar Months lawful Interest upon the said Sum of Three thousand five hundred Pounds, and the other Instalment or Sum of One thousand seven hundred and fifty Pounds within Twenty-four Calendar Months from the passing of this Act, together with Twelve Calendar Months lawful Interest for the last-mentioned Sum of One thousand seven hundred and fifty Pounds.

Purchase Money to be paid into the Bank of England,

XXVIII. And be it further enacted, That the said Sum of Three thousand five hundred Pounds, and the Interest thereof, shall be paid by the said Trustees, by such Instalments as aforesaid, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, and be placed to his Account there to the Credit of the Cause *Pilkington* v. *Smith*, "the Account of *Philip Bennet*'s Purchase Money," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, Chapter Twenty-four; and the Certificate or Certificates to be given by the said Accountant General, together with the Receipt or Receipts of the Cashier or Cashiers of the said Bank of *England*, to be thereto annexed and therewith filed in the Register's Office of the said Court of Chancery, of the Payment into the Bank of *England* by the said Trustees of any such Instalment, shall from Time to Time and at all Times thereafter be deemed and taken to be a good and sufficient Discharge to the said Trustees for so much Money as shall therein be expressed to be received; and that upon filing such Certificate and Receipt of the Cashier of the Bank as aforesaid the said Trustees shall be and they are hereby acquitted and discharged of and from the same Sum and every Part thereof, and shall not be answerable for any Loss, Misapplication, or Non-application thereof or of any Part thereof.

subject to the Order of the Court of Chancery,

XXIX. And be it further enacted, That the said Sum of Three thousand five hundred Pounds, and the Interest thereof, when paid into the Bank of *England* by the Instalments and in the

Manner herein-before directed, shall be subject to the Order, Controul, and Disposition of the said Court of Chancery, and shall be paid, transferred, and applied, under the Orders and Directions of the said Court of Chancery, in the said Suit, *Pilkington* v. *Smith.*

Assessments may be made.

XXX. And to the end that the said Trustees may be enabled to raise and pay the said Sum of Three thousand five hundred Pounds, and the Interest thereof, into the Bank of *England*, by the Instalments and at the Times and in the Manner aforesaid; be it further enacted, That it shall be lawful for the said Trustees and they are hereby required, once or oftener in every Year, as they shall see Occasion or shall think fit, to make and sign a sufficient Rate or Assessment, to be called "The Soke Rate," upon all Persons, Owners, Inhabitants, and Occupiers of Lands, Tenements, Hereditaments, and Premises within the said Township of *Ossett-cum-Gawthorpe*, and the Liberties, Precincts, and Territories thereof, for raising from Time to Time the said several Instalments and Interest herein-before directed to be paid into the Bank of *England*, and also all Costs, Charges, and Expences of making or incident to or attending upon the collecting the same, and the carrying the Purposes of this Act into execution, and the Costs, Charges, and Expences incident to or attendant upon the obtaining this Act, and also the Costs and Expences of the Suits so instituted by the said *Philip Bennet* as aforesaid, and which are now in progress, and also such a Sum, not exceeding Nine hundred Pounds, towards defraying the Costs which have been already incurred by the said Inhabitants relating to the said Soke, as the said Trustees shall think proper: Provided always, that no such Rate or Assessment or Rates or Assessments shall in any One Year exceed the following Sums; that is to say, the Sum of Two Shillings and Sixpence in the Pound upon all the rateable Property in the said Township, exclusive of Land, as rated for the Relief of the Poor, which shall be paid by the Occupier of such Property; the Sum of One Shilling in the Pound upon all occupied Buildings (except Mills) in the said Township, which shall be paid by the Owner of all such occupied Property; the Sum of One Shilling and Three-pence in the Pound upon all Land in the said Township, which shall be paid by the Owner of such Land; the Sum of Four Shillings for each inhabited House in the said Township, which shall be paid by the Occupier of such House; every such Rate or Assessment to be made according to the Proportion to which such Person shall have been rated in the Rate last made and acted upon for the Relief of the Poor of the said Township of *Ossett-cum-Gawthorpe* previously to the making such Rate or Assessment; and in case at any Time or Times the Sum or Sums of Money which shall be so assessed and paid over to the said Trustees shall not be sufficient for the Purposes for which such Rate or Assessment or Rates or Assessments were respectively made, it shall be lawful for the said Trustees, and they are hereby required, either to make and sign such additional Rates or Assessments or Rate or Assessment as shall be sufficient to make up the Deficiency of such original Rate or Assessment in manner aforesaid, or to add the Amount of such Deficiency to the Amount to be raised by the next succeeding Rate

or

or Assessment; and in case at any Time or Times the Sum or Sums of Money so assessed and paid over to the said Trustees shall be more than sufficient for the Purposes aforesaid, the said Trustees shall and they are hereby empowered to apply the same in aid of the next Rate or Assessment to be made for the Purposes aforesaid; provided that all Persons who shall become resident within the said Township, and liable to be rated to the Soke Rate, after the making of any such Rate, and during the Period for which the said Rate was made, shall, in the Soke Rate made next after they shall become resident, be rated and assessed from the Day they became resident.

Poor Rate and Valuation Book to be produced to Trustees.

XXXI. And for the Purpose of enabling the said Trustees to make such Rates and Assessments as aforesaid, be it further enacted, That it shall be lawful for the said Overseers of the Poor, and also for the Person having the Possession of the Town's last Valuation Book for the Time being, and they are hereby authorized and required, to produce for the Inspection of such Trustees, upon receiving Three Days Notice in Writing, signed by any Two of the said Trustees or by the Clerk of the said Trustees, requiring them so to do, at any Meeting of the said Trustees in such Notice specified, the Rate for the Relief of the Poor of the said Township last made and acted upon before the Time of giving such Notice, and also such Valuation Book as aforesaid; and if the said Overseers for the Time being, or the Person or Persons having such Valuation Book in his or their Possession, shall refuse or neglect to produce such Rate or Book after such Notice, each and every of the said Overseers or Persons so offending shall forfeit and pay the Sum of Five Pounds for every such Offence, to be recovered upon the Complaint of any Two of the said Trustees, and upon a Conviction of any such Offence before any Two Justices of the Peace for the said West Riding of the County of *York*, by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices, which Warrant such Justices are hereby empowered and required to grant; and the Overplus, if any, of the Money so to be recovered or levied, after discharging such Penalty or Forfeiture and Costs and Expences aforesaid, shall be rendered to the Owner of the Goods and Chattels so seized and distrained; which Penalty, when recovered, shall be paid to the said Trustees for the Time being, to be applied by them in aid of the Assessments herein-before required to be made by them.

Assessments, how to be collected.

XXXII. And be it further enacted, That the said Trustees for the Time being shall from Time to Time, within Ten Days after such respective Rates or Assessments shall have been made, as herein-before mentioned, deliver a Copy thereof to the Collector or Collectors for the Time being, and such Collector or Collectors is and are hereby required to collect the Sums therein assessed accordingly, in the same Manner as the Rates made for the Relief of the Poor.

Recovery of Assessments.

XXXIII. And be it further enacted, That in case at any Time or Times any Person or Persons shall refuse or neglect to pay any such Sum

Sum or Sums of Money at which they shall be severally rated or assessed by virtue of this Act, and all Arrears, it shall be lawful for any One of His Majesty's Justices of the Peace for the said West Riding of the County of *York*, and he is hereby authorized and directed, by Writing under his Hand, on Complaint made by the said Trustees for the Time being, or any Five of them, or any Officer or other Person appointed by them, to summon all and every Person and Persons who shall have refused and neglected as aforesaid to appear, at a Time and Place to be mentioned in such Summons, before such Justice, or before any Justice or Justices of the Peace for the said Riding who shall be then and there present, the Collector or Collectors of such Rate or Assessments having previously made Oath that he or they had duly demanded the said Rate or Assessments, and that the same were then in arrear and unpaid; and it shall be lawful for any Person appointed to collect and receive such Rate or Assessments, or for any other Person authorized by the said Trustees, to serve all and every such Summons and Summonses upon all and every Person and Persons so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his or their last known or usual Place or Places of Abode; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he or they shall attend, and shall not show good and sufficient Cause to such Justice or Justices as may be then and there present that he or they is or are not chargeable with or liable to pay such Rate or Assessment or Rates or Assessments, then and in every such Case every such Person or Persons shall pay the Rate or Assessment or Rates or Assessments in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Rate or Assessment, Rates or Assessments, or any of them, shall not be paid upon the Return of such Summons, it shall be lawful for the Justice who shall have signed and issued such Summons or Summonses, or who shall have directed such Summons or Summonses to be signed and issued as aforesaid, or for any other Justice of the Peace for the said Riding, and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons or Summonses by the Person who shall have served the same, and Proof on Oath that such Rate or Assessment, Rates or Assessments, is or are actually due and owing, to grant a Warrant under his Hand and Seal, authorizing or directing any such Person appointed to collect such Rate or Assessment or Rates or Assessments as aforesaid, or other Person, to levy such Rate or Assessment or Rates or Assessments, and all Arrears thereof, and the said Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs and Charges of every such Warrant, and also the Costs and Charges and Expences of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing; and if within Five Days next after any Distress shall be made the said Rate or Assessment or Rates or Assessments, with all Arrears due thereon, together with all the said Charges for the said Warrant, and the Charges and Expences of executing the same Warrant, and of making such Distress, and of keeping such Goods

and Chattels, shall not be paid, then the said Person appointed to collect as aforesaid, or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by One or more Appraiser or Appraisers, and to be sold either on the Premises where the same shall be distrained or elsewhere, or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay the said Rate or Assessment or Rates or Assessments, together with all Arrears due thereon, and the said Costs, Charges, and Expences of the said Summons, Warrant, Distress, Removal, or keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs and Charges of appraising and selling the same, and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him or them; and in case no such Goods and Chattels can be found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up or secured, or shall be removed, so that such Person appointed to collect the said Rate or Assessment as aforesaid, or such other Person authorized by the said Warrant, cannot distrain the same, or in case, after such Distress and Appraisement or Sale as herein-before are directed, the Proceeds thereof shall not be sufficient to pay such Rates or Assessments, with the Arrears due thereon, and all the said Costs, Charges, and Expences as aforesaid, then and in every such Case, upon Information thereof given to any Justice of the Peace for the said West Riding of the County of *York*, it shall be lawful to and for any such Justice of the Peace, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal for the Apprehension of any such Person or Persons making default in Payment of such Rate or Assessment, and the Arrears thereof or of any Part thereof, and of such Costs, Charges, and Expences, or any of them, and to commit such Person or Persons to any Common Gaol, Prison, or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding the Space of Three Calendar Months, unless such Rates or Assessments, and all Arrears thereof, and all Costs, Charges, and Expences, or so much thereof as shall remain unsatisfied by any such Distress or Distresses, or otherwise, shall be sooner paid.

Form of Warrant of Distress.

XXXIV. And be it further enacted, That every Warrant of Distress for the Nonpayment of any such Rate or Assessment or Rates or Assessments, to be made under this Act, shall be in the Words or to the Effect following:

‘ West Riding of Yorkshire, to wit. } To the Collector or Collectors of the Soke Rate in the Township of *Ossett-cum-Gawthorpe* in the West Riding of the County of *York*, and to all Constables and other Peace Offiers acting for the same Riding:

‘ WHEREAS the under or herein-after mentioned Persons [*or* Person] were and are [*or* was and is] duly assessed or liable to an Assessment duly made for the Purposes of an Act made in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*]: And whereas the said Persons [*or* Person]

'Person] have [*or* has] refused or neglected to pay the said several 'Sums [*or* the Sum] of Money at and against their [*or* his *or* her] 'Names [*or* Name] hereunder or herein-after respectively set down, 'for Money due from them [*or* him *or* her] for or towards the Purposes 'in the said Act mentioned, and the said several Sums [*or* the said 'Sum] are [*or* is] still remaining due, in arrear, and unpaid, as appear-'eth upon Oath to *A. B.*, one of His Majesty's Justices of the Peace 'for the said Riding; and the said several Persons [*or* Person] having 'been summoned to appear before me to answer the Premises, as also 'appeareth to me, the said Justice, upon Oath, and the said several 'Persons [*or* Person] so summoned [*or* any of them] not having 'shown any sufficient Cause why such Sums [*or* Sum] of Money 'should not be paid: These are therefore, in His Majesty's Name, 'to will and require you or any of you forthwith to levy the said 'several Sums [*or* Sum] due from the said Persons [*or* Person], or 'hereafter set at and opposite to their [*or* his *or* her] Names [*or* 'Name] respectively, by Distress and Sale of their [*or* his *or* her] 'respective Goods and Chattels, such Goods and Chattels being kept 'for the Space of Five Days before the same are sold, rendering to 'them respectively [*or* him *or* her] the Overplus (if any); the rea-'sonable Charges of such Distress, Sale, and keeping being first 'deducted; and if no sufficient Distress can be had or taken, that 'then you certify the same, to the end that such further Proceedings 'may be had therein as to the Law doth appertain: And I do hereby 'strictly charge and command all and singular the Constables and 'other His Majesty's Peace Officers acting for the said Riding to be 'aiding and assisting in all Things relating to the Premises. Given 'under my Hand and Seal this Day of

'in the Year of our Lord

'*A. B.* (L.S.)'

For recovering Assessments in case of Removal of Goods, &c.

XXXV. And for the better enforcing the Payment of the Assessments to be made by virtue of this Act, be it further enacted, That if any Person or Persons liable to pay any of the said Rates or Assessments shall at any Time begin to remove his, her, or their Goods or Furniture from his, her, or their House and Premises within the Township aforesaid, or to sell or dispose of such Goods or Furniture by public Auction, or to sell or dispose of or carry away his, her, or their Goods or Furniture as aforesaid, without paying all Arrears then due or assessed in respect of or by virtue of this Act, in which the current Quarter shall be considered as due, that then and in any of the said Cases it shall be lawful for the Collector or Collectors for the Time being to the said Trustees to collect and levy such Rates or Assessments, and all Arrears due thereon, (the Rate or Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid to be considered as due although previous to the Time for Payment of the Rate or Assessment for such Quarter, by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rates or Assessments, and all Arrears due thereon, together with the reasonable Charge of taking and keeping the said Distress, shall not

not be paid, the said Collector or Collectors shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rates or Assessments, together with all Arrears due thereon, and the reasonable Charges of making such Distress and of keeping and selling the same, returning the Overplus, if any, to the Owner or Owners of such Goods and Chattels respectively.

For the Recovery of Rates from Persons quitting their Premises.

XXXVI. And be it further enacted, That in case at any Time or Times hereafter any Person or Persons who hath or have been rated and assessed to or who is or are liable to the Payment of any Rates or Assessments which shall be made by virtue of this Act, shall quit his, her, or their Houses, Tenements, or Hereditaments within the said Township for or in respect whereof he, she, or they shall be rated or assessed, before he, she, or they shall have paid any such Rates or Assessments, then and in every such Case it shall be lawful for any Person or Persons appointed to collect or receive any such Rates or Assessments, (Oath being made by him or them that he or they doth or do suspect that such Person or Persons hath or have removed his, her, or their Goods and Chattels,) by Warrant under the Hand and Seal of any One or more of His Majesty's Justices of the Peace for the West Riding of the County of *York*, and which Warrant such Justice or Justices is and are hereby authorized and required to grant, to distrain and appraise and sell the Goods and Chattels of such Person or Persons who shall have so quitted the said Messuages, Tenements, or Hereditaments before he, she, or they shall have paid such Rates or Assessments, for the Sum or Sums of Money due from any such Person or Persons by virtue of such Rates or Assessments, or any of them, or any Part thereof, and for all Costs, Charges, and Expences occasioned by such Warrant, Distress, Appraisement, and Sale, in any County, City, or Place to which such Person or Persons shall have removed, in such and the same Manner as if the same Person or Persons had continued in the said Township of *Ossett-cum-Gawthorpe*, or any of the Precincts, Liberties, or Territories thereof.

Persons may compound.

XXXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, at any Meeting to be held for the Purposes of this Act, from Time to Time to compound with any Person or Persons whatsoever for the Rates or Assessments to be made in pursuance of this Act, and to take such Sum or Sums of Money in lieu thereof as the said Trustees so assembled, or the greater Number of them, shall think proper.

Tenants may pay the Rates, and deduct them from their Rent.

XXXVIII. And be it further enacted, That the Goods and Chattels of each and every Person renting or occupying any Lands or Farms, Messuages, Cottages, or Dwelling Houses, in the said Township, shall be liable to be distrained and sold for the Payment of the said Rates or Assessments respectively; and that every Person who shall pay any of such Rates or Assessments hereby charged on his or her respective Landlord or Landlords, Receiver or Receivers, or upon whose Goods and Chattels the same shall be levied in pursuance of this Act, shall and may deduct the same from and out of the Rent due and payable from Time to Time to his or her Landlord or Receiver; and the Receipt

Receipt for such Payment shall be a sufficient Discharge to his or her Landlord or Receiver for so much Money as he or she shall have so paid, or which shall have been levied on his or her Goods and Chattels in pursuance of this Act.

If Sums payable to Philip Bennet shall be in arrear, the same may be recovered from any Two of the Trustees.

XXXIX. And be it further enacted, That in case any of the Instalments by which the said Sum of Three thousand five hundred Pounds is herein-before directed to be paid into the Bank of *England*, or any Part thereof, or the Interest thereof respectively, shall be in arrear or unpaid for more than Twenty-one Days after the same respectively shall become due, then and so often as the Case shall happen it shall be lawful for the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, their Heirs and Assigns, or other the Trustees or Trustee for the Time being of the Real Estates of the said Sir *Thomas Pilkington* deceased, or for any or either of the Parties, Plaintiffs or Defendants, in the said Cause of *Pilkington* versus *Smith*, or in any of the said other Causes in Chancery herein-before mentioned, or in any renewed or supplemental Cause, to apply to the High Court of Chancery, by Motion or Petition in the said Causes, or any or either of them, for an Order that the Trustees elected or appointed or to be elected or appointed by virtue of this Act, or any Two or more of them, may pay such Instalment or Interest; and thereupon, and upon due Notice to the said Trustees, or such Two or more of them against whom the said Application shall be made, it shall be lawful for the Court of Chancery, and the said Court is hereby required, to hear such Application in a summary Way, and to order that the said Trustees, or such Two or more of them against whom the said Application shall be made, shall, within such Time as the said Court shall appoint for that Purpose, personally pay the said Instalments and Interest, or as much thereof as shall be in arrear and unpaid, with Interest thereon at Five Pounds *per Centum per Annum* from the Time of the same becoming due, into the Bank of *England*, with the Privity of the Accountant General of the said Court, to the Credit of the said Cause, *Pilkington* versus *Smith*, "The Account of *Philip Bennet*'s Purchase Money," and to enforce such Order by Process of Commitment, Attachment, Sequestration, or otherwise.

Actions or Suits not to abate by Death of any of the Defendants.

XL. Provided always, and be it further enacted, That if any Action or Suit shall be brought, commenced, or instituted by the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, their Heirs and Assigns, or other the Trustees or Trustee for the Time being of the Real Estates of the said Sir *Thomas Pilkington* deceased, against any One or more Trustees, and any or either of such Trustees shall die pending such Action or Suit, leaving One or more Defendant or Defendants surviving, such Action or Suit shall not abate by reason thereof, but may be proceeded in as if no such Event had happened.

Trustees may reimburse themselves from the next

XLI. And be it further enacted, That in case any Trustee or Trustees against whom the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, their Heirs and Assigns, or

Assessment all Monies recovered against them.

or other the Trustees or Trustee for the Time being of the Real Estates of the said Sir *Thomas Pilkington* deceased, shall so recover Judgment as aforesaid, shall not have received from the Treasurer, Collector or Collectors, the Sum of Money for which any such Action or Suit was brought, then and in every such Case it shall be lawful for such Trustee or Trustees to reimburse himself and themselves, out of the next Rate or Assessment which shall be made under or by virtue of this Act, all such Sum and Sums of Money as he or they shall have been compelled to pay to the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, their Heirs and Assigns, or other the Trustees or Trustee for the Time being of the Real Estates of the said Sir *Thomas Pilkington* deceased, over and above what they or he shall have received from the said Treasurer, Collector or Collectors, together with all Damages and Losses, Costs, Charges, and Expences, incurred therein or occasioned thereby.

Persons aggrieved may appeal to Quarter Sessions.

XLII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or they having first paid the said Rate or Assessment, or if any Person shall think himself or herself aggrieved by any other Matter or Thing to be done in pursuance of this Act, every such Person may appeal to the Justices at any General or General Quarter Sessions of the Peace to be holden for the West Riding of the County of *York* within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Ten Days Notice at the least, in Writing, of his or her Intention to make such Appeal, and of the Cause and Matter thereof, to the said Trustees, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace of the said Riding, with Two sufficient Securities, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded against him or her at such Sessions; and the Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and, if they see Cause, may order any Money to be returned which shall have been paid and levied in pursuance of such Assessment, and shall and may also award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination therein shall be final, binding, and conclusive to all Parties to all Intents and Purposes; and it shall be lawful for such Justices, and they are hereby required, by Warrant under the Hands and Seals of any Two or more of them, to cause the Costs which shall be awarded to be levied by Distress and Sale of the Goods of the Party or Parties liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Assessments may be amended at Quarter Sessions.

XLIII. And be it further enacted, That from and after the passing of this Act, upon all Appeals from any Rate or Assessment made for the Purposes of this Act, the Court of General or Quarter Sessions of the Peace for the West Riding of the County of *York* shall, and such

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 or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Person or Persons appealing, that the Rate or Assessment shall be wholly quashed, then the said Court may quash the same; but nevertheless all and every the Sum or Sums of Money in and by such Rate or Assessment charged on any Person or Persons shall and may be levied and recovered by such Ways and Means, and in such and the same Manner, as if no Appeal had been made against such Rate or Assessment; and all and every the Sum and Sums of Money which any Person or Persons charged in such Rate or Assessment shall pay, or which shall be levied upon or recovered from him, her, or them, shall be deemed and taken as Payments on account of the next effective Rate or Assessment or Rates or Assessments which shall be made for the Purposes of this Act.

Directing how Assessments may be recovered when increased by Quarter Sessions.

XLIV. And be it further enacted, That if upon the hearing of any Appeal from or against any Rate or Assessment the said Court shall order the Name or Names of any Person or Persons to be inserted therein, and him, her, or them to be rated or assessed at any Sum or Sums of Money, or shall order the Sum or Sums at which any Person or Persons is or are therein rated or assessed to be raised or increased, then and in such Case all and every the Sum and Sums of Money at or to which such Person or Persons shall be so ordered to be rated or assessed, or to be raised or increased, or so much thereof as shall not have been already paid, shall and may be recovered in such and the same Manner and by such and the same Means as if he, she, or they had been originally named in such Rate or Assessment, and rated and assessed therein at such Sum or Sums of Money.

Proceedings not to be quashed for Want of Form.

XLV. And be it further enacted, That no Assessment or other Proceeding to be had touching any Order made, or other Matter or Thing to be done or transacted, in or relating to any Complaint or Appeal, or any Order or Determination thereon, in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or removable into any of His Majesty's Courts of Record by Certiorari, or any other Writ or Process whatsoever, any Law, Statute, or Usage to the contrary notwithstanding.

Distress not unlawful for Want of Form.

XLVI. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers,

Trespassers, *ab initio*, on account of any Irregularity which shall afterwards be done or committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

Plaintiff not to recover after Tender of sufficient Amends.

XLVII. Provided always, and be it further enacted, That no Plaintiff shall recover any Damages in any Action for any Irregularity, Trespass, or wrongful Proceedings made or committed in execution of this Act, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or cause to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants 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 or they shall see fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

No Action to be brought after Satisfaction or Tender of sufficient Amends, or after Six Calendar Months.

XLVIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of this Act, or of the Powers hereby given, or in anywise relating to the Premises, after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, or after the Expiration of Six Calendar Months next after the Cause of Action shall have arisen; and every such Action or Suit shall be brought and tried in the County, Riding, or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if the same shall appear to have been so done, and if such Action or Suit shall be brought after sufficient Satisfaction or Tender of Amends shall have been made as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other Riding, County, or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases of Law.

General Power to Justices to administer Oaths.

XLIX. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter of Complaint, it shall be lawful for such Justice, and he is hereby required, to administer an Oath or to receive the Affirmation of any Person

Person before such Person shall be examined by or before such Justice.

Persons not disqualified from giving Evidence by reason of their paying Rates.

L. And be it further enacted, That in all Actions, Prosecutions, Appeals, and Proceedings whatever relating to or concerning the Execution of this Act, no Person shall be disqualified from giving Evidence by reason of such Person being charged with or being liable to pay any Rate or Assessment, or any other Sum or Sums of Money, charged by or by virtue of this Act.

Form of Conviction.

LI. And be it further enacted, That in all Cases wherein any Person or Persons shall be convicted of any Offence against this Act, or any Matter in pursuance thereof, the Conviction shall be in the Words or to the Effect following; *videlicet*,

‘ to wit. } BE it remembered, That on this Day of in the Year of our Lord *A. B.* is duly convicted before me [*or* us], ‘ One [*or* Two] of His Majesty's Justices of the Peace for the West ‘ Riding of the County of *York*, of having [*here state the Offence*] ‘ against the Act [*as the Case may be*], contrary to the Form of the ‘ Statute in that Case made and provided; and I [*or* we] do hereby ‘ declare and adjudge that the said *A. B.* hath forfeited for his [*or* ‘ her] said Offence the Sum of . Given under my ‘ [*or* our] Hand and Seal [*or* Hands and Seals] the Day and Year ‘ first above written.’

Expences of Act how to be paid.

LII. And be it further enacted, That the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act shall be paid by the Trustees out of the first Monies to be raised by virtue of this Act; and in case any Person or Persons shall advance and pay or have already advanced and paid any Money in discharge of the Expences of applying for and obtaining this Act, such Person or Persons shall be repaid the same by the said Trustees, with lawful Interest thereon.

General Saving.

LIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said *Philip Bennet*, his Heirs and Assigns, and the said Sir *William Pilkington*, Sir *Edward Dodsworth*, and *Godfrey Wentworth Wentworth*, their Heirs and Assigns, and other the Trustees and Trustee for the Time being of the Real Estates of the said Sir *Thomas Pilkington* deceased, and the Heirs, Executors, and Administrators of the said Sir *Thomas Pilkington*, and all Persons claiming or deriving any Estate, Right, Title, or Interest under or by virtue of the Will of the said Sir *Thomas Pilkington*, or by, from, through, under, or in Trust for him, or by, from, through, or under or in Trust for Sir *Lionel Pilkington* deceased, the Father of the said Sir *Thomas Pilkington*, and other than and except the said *Joze Luis Fernandez*, his Executors, Administrators, and Assigns, and other the Lessees, Tenants, and Occupiers for the Time being of the said Mills,) all

such Estate, Right, Title, Interest, Claim, and Demand as they or any of them had before the passing of this Act, or could or might have had or enjoyed in case this Act had not been passed.

Public Act. LIV. 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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