



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xcvi.

An Act for the Improvement of the Town of *Great Malvern* in the County of *Worcester*, and for supplying the same with Water.

[24th July 1851.]

WHEREAS it would be of great public Advantage if the Town of *Great Malvern* were sufficiently drained, cleansed, lighted, watched, regulated, and otherwise improved, and effectually supplied with Sewers and Water; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. That the several Acts of Parliament following, (that is to say,) "The Commissioners Clauses Act, 1847," "The Lands Clauses Consolidation Act, 1845," "The Towns Improvement Clauses Act, 1847," (except the Clauses of that Act which in the Copies thereof printed by the Queen's Printers are distinguished by the Numbers XXXVI., XXXVII., XXXVIII., XXXIX., XL., XLI., LVII., LVIII., LIX., [Local.] 17 L LX.,

Certain Provisions of 8 & 9 Vict. cc. 16. 18. and 10 & 11 Vict. cc. 15. 17. 18. 34. 89. incorporated with this Act.

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LX., and CVIII.,) “The Town Police Clauses Act, 1847,” (except the Clauses which in the Copies of the last-mentioned Act printed by the Queen’s Printers are distinguished by the Numbers LI. and LII.,) “The Waterworks Clauses Act, 1847,” and “The Gasworks Clauses Act, 1847,” shall be incorporated with and form Part of this Act: Provided always, that (except for the Purposes of the Sewers, Sewerage Works, and Waterworks defined upon the Plans herein-after mentioned and referred to, and for the Purposes of any Works which may be made or executed under the Powers of any Act or Part of an Act incorporated herewith,) nothing in this Act or in the said “Lands Clauses Consolidation Act, 1845,” contained, shall authorize the Commissioners to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Lands not to be taken compulsorily, except for certain Purposes.

Short Title. II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression “The *Malvern* Improvement Act, 1851.”

Limits of Act.

III. That the Limits of this Act shall comprise and include so much of the Parish of *Great Malvern* in the County of *Worcester* as is situate within the Boundaries following; (that is to say,) from the North-east Corner of the Common or Waste Land called the *Link Common*, along the Northern Boundary Side of the said Parish of *Great Malvern*, towards and unto the extreme North-west Corner of the said Parish; thence along the Western Boundary Side of the said Parish to the North-west Corner of certain Land now belonging to *Thomas Charles Hornyold* Esquire, called the *Palings*; thence along the North Side of the said Land, and across the Turnpike Road leading from *Great Malvern* to *Ledbury*, through the *Wyche*, to the North-east Corner of the same Land; thence along the North-east and South-east Sides of the same Land, and along Part of the Eastern Side of the said Turnpike Road, to the Southern Boundary Side of the said Parish; thence along the Southern Boundary Side of the said Parish to a Point about One hundred and eighty-three Yards from the South-west Corner of a certain Garden called *Dance’s*, situate on the South-east Side of Part of the Common or Waste Land called *Malvern Chase* or *Great Malvern Common*, and now or late in the Occupation of *Benjamin Curtis* and *George Hooper*, in a straight Line with the Fence on the West Side of the said Garden; thence in a straight Line to the said South-west Corner of the said Garden; thence along the Eastern Side of such Part of the last-mentioned Common or Waste Land to the North-east Corner of the same near the Entrance therefrom to the Highway called *Pullen Street*; thence in a straight Line to the North-west Corner of a certain Messuage or Dwelling House called the *Court Farm House*, now or late in the Occupation of *Edward Young*; thence in a straight Line to the Junction of the

Turnpike

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Turnpike Road leading from *Great Malvern* towards *Barnard's Green* with the Highway leading therefrom to the said *Link Common* near a Messuage or Dwelling House now or late in the Occupation of *William Young*; thence along the last-mentioned Highway, on the Eastern and North-eastern Sides thereof, including the same Highway, to the South-east Corner of the said *Link Common*; and thence along the East Side of the said *Link Common* to the aforesaid North-east Corner of the said *Link Common*.

IV. That the Commissioners and their Successors, to be appointed and qualified as herein-after mentioned, shall be the Commissioners for the Purpose of this Act, and for making and maintaining all Works and Conveniences and doing all Acts and Things which they may deem necessary for such Purposes, subject to the Provisions contained in this Act and the Acts or Parts of Acts incorporated herewith, by the Name of "The *Malvern Improvement Commissioners*," and shall have Power to purchase, take, and hold Lands for the Purposes of this Act, and of the Acts and Parts of Acts incorporated herewith, and such Lands shall be vested in the said Commissioners and their Successors for the Time being.

Act to be carried into execution by Commissioners appointed as after mentioned.

V. That the Number of the Commissioners shall be Twelve.

Number.

VI. That every Commissioner under this Act shall have the following Qualification; (that is to say,)

Qualification.

He shall be resident within the Limits of this Act, and shall either be rated to the Relief of the Poor in the Parish of *Great Malvern* in respect of Property within the Limits of this Act in the annual Sum of Fifty Pounds or upwards, or be seised or possessed of the Rents or Profits of Lands within the Limits of this Act of the annual Value of Thirty Pounds or upwards for an Estate of Freehold, or shall be possessed of Personal Estate of the Value of One thousand Pounds over and above all Debts and Engagements.

VII. That the First Election of Commissioners shall take place within Six Calendar Months next after the passing of this Act, and the Churchwardens and Overseers of the Poor for the Time being of the Parish of *Great Malvern* shall, as soon as conveniently may be after the passing of this Act, appoint a Day (not being less than Thirty Days after the passing of this Act) and a Place (within the Limits of this Act) for such Election, and at such First Election only (and not at any other Election) the said Churchwardens and Overseers shall be the returning and presiding Officers, and shall and may perform all such Functions and do all such Acts as by the said

First Election of Commissioners.

"Com-

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“Commissioners Clauses Consolidation Act, 1847,” are directed or authorized to be done by the Returning Officer with reference to the Election of Commissioners, and the Expenses of or incident to such First Election incurred by the said Churchwardens and Overseers shall be repaid to them by the Commissioners out of the Monies arising from the General Improvement Rate herein-after authorized to be levied: Provided always, that if any or either of the said Churchwardens and Overseers shall refuse or neglect to perform the Duties by this Act imposed upon them or him with reference to such First Election, the others or other of the said Churchwardens and Overseers may act alone in the Performance of such Duties, and such others or other of the said Churchwardens and Overseers so acting alone shall have all the same Powers, Duties, and Authorities as all of them, if acting together, would have had by virtue of this Act.

Qualification
of Electors.

VIII. That every Person who at the Time of any Election of Commissioners under this Act shall be the Owner of any Lands within the Limits of this Act, and every Person who at the Time of any such Election shall be rated to the Relief of the Poor in respect of any Lands within the Limits of this Act, and who shall Seven Days at least before such Election have paid all Poor Rates (if any) which shall have become payable by him in respect of such rating at any Time previously to the Commencement of the Sixth Month before such Election, shall be entitled to vote at any Election of Commissioners under this Act.

Power to
Voters to
nominate
Candidates.

IX. That any Person qualified to vote at any Election of Commissioners under this Act may, at any Time, not more than Ten nor less than Seven Days before such Election, by a written Notice signed by him or her, and delivered to the Returning Officer, nominate for Election thereat any duly qualified Person or Persons (not exceeding in Number the Commissioners to be elected at such Election), and such Returning Officer shall, within Two Days after the Receipt of any such Notice, give Notice thereof to the Person or Persons thereby nominated: Provided always, that no Election of any Commissioner under this Act shall be avoided or impeached on the Ground that such Commissioner was not previously nominated under the foregoing Power.

Power to
borrow cer-
tain Sums to
be borrowed
on Mortgage
of the Rates.

X. That it shall be lawful for the Commissioners to borrow on Mortgage of the Rates authorized to be levied by virtue of this Act the Sums herein-after mentioned; (that is to say,)

On Mortgage of the General Improvement Rate herein-after mentioned, any Sum not exceeding Ten thousand Pounds:

On

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On Mortgage of the Highway Rate herein-after mentioned, any Sum not exceeding Three thousand Pounds :

On Mortgage of the Sewer Rates by this Act or any Act incorporated herewith authorized to be levied, any Sum not exceeding Seven thousand five hundred Pounds :

On Mortgage of the Waterworks Rate herein-after mentioned, and of the Water Rates or Rents, and of the Reservoirs, Pipes, and Waterworks, any Sum not exceeding Seven thousand five hundred Pounds.

XI. That all Monies borrowed by the Commissioners as aforesaid shall be applied as follows ; (that is to say,) Application of Monies borrowed.

All Monies borrowed on Mortgage of the General Improvement Rate shall be applied for the Purposes to which the General Improvement Rate is herein-after directed to be firstly, thirdly, and lastly applied and disposed of ;

All Monies borrowed on Mortgage of the Highway Rate shall be applied for the Purposes to which the Highway Rate is herein-after directed to be secondly and lastly applied ; and

All Monies borrowed on Mortgage of the Waterworks Rate shall be applied for the Purposes to which the Waterworks Rate is herein-after directed to be secondly and lastly applied and disposed of.

XII. That the Sum to be set apart and appropriated out of the General Improvement Rate, the Highway Rate, the Sewer Rates, and the Waterworks Rate respectively, as a Sinking Fund, to be applied in paying off the Principal Monies which shall have been borrowed on Mortgage of such Rates respectively, shall be in each Year One Thirtieth Part of the Monies from Time to Time borrowed or secured thereon respectively. Certain Sums to be set apart out of Rates to pay off Monies borrowed.

XIII. That the Commissioners may, subject to the Provisions of this Act, and of the Acts and Parts of Acts incorporated herewith, cause to be drained, cleansed, lighted, watched, regulated, and otherwise improved the Town of *Great Malvern* within the Limits of this Act, and do all necessary Acts for promoting the Health and Convenience of the said Town, and for that Purpose may exercise all the Powers vested in them by this Act, and the Acts and Parts of Acts incorporated herewith. Power to Commissioners to cause the Town to be drained, &c.

XIV. That in the Acts incorporated herewith the Word "Owner" shall include the Agent or Trustee for any Person being an Owner within the Meaning of the said Acts or any of them. Meaning of the Word "Owner."

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10 & 11 Vict.
c. 34. ex-
tended to
this Act.

XV. That for the Purposes of this Act the Clause of the said "Towns Improvement Clauses Act, 1847," which in the Copies of that Act printed by the Queen's Printer is distinguished by the Number XXIV., shall be read and construed as if the Word "may" were substituted therein for the Word "shall" in the First Line of the said Clause; and the Clause of that Act which in the Copies thereof so printed as aforesaid is distinguished by the Number XXXV. shall be read and construed as if the Words "Two hundred Yards" were substituted therein for the Words "One hundred Feet" wherever the said Words "One hundred Feet" occur therein; and the Clause of the said last-mentioned Act which in the Copies thereof so printed as aforesaid is distinguished by the Number CIII. shall be read and construed as if the Words "Four Feet" were substituted therein for the Words "Thirty Inches" wherever the Words "Thirty Inches" occur therein.

Owners of
private
Roads may
dedicate them
to public
Use, with
Consent of
Justices.

XVI. That if the Owner of any private or occupation Road now made or hereafter to be made within the Limits of this Act shall be desirous of dedicating the same to the Use of the Public, and shall give One Month's Notice in Writing to the Commissioners of such his Desire, any One Justice shall, upon the Application in Writing of any such Owner, summon the Commissioners to appear before any Two Justices to show Cause why any such private or occupation Road should not become a public Highway, and be kept in repair by the Commissioners; and in case such Two Justices shall determine that such private or occupation Road ought to become a public Highway, the same shall for ever thereafter be a public Highway, and be kept in repair by the Commissioners.

Power to
levy a
General
Improve-
ment Rate.

XVII. That it shall be lawful for the Commissioners from Time to Time to make, assess, and levy such equal Rate, to be called the "General Improvement Rate," as may be necessary for the Purposes to which the said Rate is herein-after made applicable, not exceeding in any One Year Two Shillings in the Pound of the full net annual Value of the Property included in such Rate.

Provision for
rating certain
Lands, Nur-
series, &c.

XVIII. That every Person occupying Lands used as Arable, Meadow, or Pasture Ground only, or as Wood Lands, Market Gardens, or Nursery Grounds, shall be rated in respect of the same to the Rates by this Act, or any Act or Part of an Act incorporated herewith, authorized to be levied, (except the Highway Rate herein-after mentioned,) in the Proportion of One Sixth Part only of the net annual Value thereof, and shall be rated in respect of the same to the said Highway Rate in the full net annual Value thereof.

XIX. That

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XIX. That all Monies which shall come to the Hands of the Commissioners from the General Improvement Rate shall be applied and disposed of as follows : Application of General Improvement Rate.

Firstly, in defraying the Charges and Expenses which shall have been incurred in or incident to the obtaining and passing this Act ;

Secondly, in paying the Interest of all Monies borrowed and which shall from Time to Time be due and owing on the Credit of the General Improvement Rate ;

Thirdly, in carrying all the Purposes of this Act into execution (except the Purposes to which the Highway Rate, the Sewer Rates, and the Waterworks Rate, and any Rates for Drains and private Improvements, are by this Act, or any Acts or Parts of Acts incorporated herewith, made applicable) ;

Fourthly, in setting apart and appropriating the Sum herein-before directed to be set apart and appropriated for paying off the Principal Monies which shall have been borrowed or secured on "the General Improvement Rate ;" and,

Lastly, in paying off all Monies due on the Credit of the General Improvement Rate.

XX. That it shall be lawful for the Commissioners from Time to Time to make, assess, and levy an equal Rate, to be called "The Highway Rate," to be applied for the Purposes to which the said Rate is herein-after made applicable. Power to levy "Highway Rate."

XXI. That all Monies which shall come to the Hands of the Commissioners from the Highway Rate shall be applied as follows : Application of "Highway Rate."

Firstly, in paying the Interest of all Monies borrowed and which shall from Time to Time be due and owing on the Credit of the Highway Rate ;

Secondly, in altering, improving, maintaining, and repairing the public Streets, Roads, Highways, and Bridges within the Limits of this Act ;

Thirdly, in setting apart and appropriating the Sum herein-before directed to be set apart and appropriated for paying off the Principal Monies which shall have been borrowed or secured on the Highway Rate ; and,

Lastly, in paying off all Principal Monies due on the Credit of the Highway Rate.

XXII. That, notwithstanding anything to the contrary contained in this Act, or any Act or Part of an Act incorporated herewith, the Trustees for the Time being having the Care or Management of the Roads Trustees of Roads acting under 5 & 6 W. 4. c. 63. to continue to

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repair the same, and take Tolls for a limited Period.

Roads comprised in an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act for improving and more effectually repairing the several Roads leading into and from the City of Worcester*, and also in "The *Worcester Turnpike Roads Amendment Act, 1848*," shall continue to repair such Part or Parts of the said Roads as are situate within the Limits of this Act, and may collect such Tolls at such Gates as they are or may be authorized to collect thereon, and may lay out Money thereon, until the Expiration of Five Years from the passing of this Act, unless all Monies now due and owing on the Credit of the Tolls arising on the said Roads shall be sooner paid off or otherwise discharged.

Regulations as to Carriages drawn by Asses, &c.

XXIII. That for the Purposes of this Act every Carriage drawn by any Ass, Mule, Goat, or other Animal adapted to the Conveyance of Persons, and used or licensed for plying for Hire, shall be deemed to be a Hackney Carriage within the Meaning of "The Town Police Clauses Act, 1847," in addition to the Carriages therein specified; and the Distance within which any Hackney Carriages may be licensed to ply for Hire shall be Nine Miles from the Parish Church of *Great Malvern*.

Saddle Horses, &c. to be licensed.

XXIV. That the Commissioners may from Time to Time license to ply for Hire within the said Distance such Number of Horses, Mules, and Asses adapted for riding as they think fit.

Fees payable on Licences.

XXV. That for every such Licence there shall be paid to the Clerk of the Commissioners such Sum as the Commissioners shall direct, not exceeding Two Shillings and Sixpence.

Licences to be registered.

XXVI. That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, with the Name and Surname and Place of Abode of the Person receiving such Licence, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending any such Horse, Mule, or Ass; and any Person may at any Time inspect such Book, without Fee or Reward.

Licences to be in force for One Year.

XXVII. That every such Licence shall be signed by Two or more of the Commissioners, and shall be in force for One Year only from the Day of the Date of such Licence.

Penalty for plying without a Licence.

XXVIII. That if the Owner, Driver, or Person attending any such Horse, Mule, or Ass shall be found standing or plying for Hire, or shall

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shall let out any such Horse, Mule, or Ass for the Purpose of Hire or Reward, within the Limits of this Act, without having a Licence for that Purpose from the Commissioners then in force, the Owner, Driver, or Person attending such Horse, Mule, or Ass shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

XXIX. That any such Licence may, for the Misconduct of the Owner, Driver, or Person attending any such Horse, Mule, or Ass, be suspended or revoked by the Commissioners as they shall deem right. Licences may be suspended or revoked.

XXX. That if the Driver or Person attending any such Horse, Mule, or Ass be intoxicated whilst driving or attending, or if any such Driver or other Person, by wanton or furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, such Driver or other Person shall be liable to a Penalty not exceeding Five Pounds; and in default of Payment thereof the Justice before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months; and if such Driver or other Person demand or receive more than the legal Fare, or the Sum agreed for, he shall be liable to a Penalty not exceeding Forty Shillings. Penalty on Drivers misbehaving.

XXXI. That any Driver or Person attending any such Horse, Mule, or Ass, who shall refuse to give way, if he conveniently can, to any other such Horse, Mule, or Ass, or who obstructs or hinders the Driver or Person attending any such other Horse, Mule, or Ass, in taking up or setting down any Person upon or from any such Horse, Mule, or Ass, or who wrongfully in a forcible Manner prevents or endeavours to prevent any such other Horse, Mule, or Ass from being hired, shall be liable to a Penalty not exceeding Twenty Shillings. Obstructing other Drivers or Attendants.

XXXII. That if any Person shall refuse to pay, on Demand, to the Owner, or to any Driver or Person attending any such Horse, Mule, or Ass, the regular Fare due to him for the Hire or Service thereof, such Fare may, together with Costs, be recovered as a Penalty. Penalty on Persons refusing to pay Fares.

XXXIII. That every Owner, Driver, or Attendant of any Horse, Mule, Ass, or Carriage used or licensed for plying for Hire, or other Person who shall lead, ride, drive, or attend upon any such Horse, Mule, Ass, or Carriage, along any Street, Road, Place, or public Highway within the Limits of this Act, for the Purpose of procuring the Hiring or Engagement of the same respectively, or for any Purpose connected therewith, and every such Owner, Driver, or other Person who shall solicit or apply to any Person in any such Street, Penalty for certain Offences.

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Road, Place, or public Highway, to hire or engage any such Horse, Mule, Ass, or Carriage, and every such Owner, Driver, or other Person who shall wilfully molest or annoy, impede or delay, any Person in any such Street, Road, Place, or public Highway, or shall use any insolent or insulting Language towards any Person, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; and the Powers by the "Railways Clause Consolidation Act, 1845," given to any Two Justices, with reference to Penalties, may, as regards the Penalty hereby imposed, be exercised by any One Justice for the County of *Worcester*.

Power to
make Bye-
laws for
regulating
Owners of
Animals,
Drivers, &c.

XXXIV. That the Commissioners may from Time to Time make such Byelaws as they shall think fit for all or any of the Purposes following; (that is to say,)

For regulating the Conduct of the Owners, Drivers, and Persons attending such Horses, Mules, and Asses, and for distinguishing the same respectively by any Badges or Numbers:

For regulating the Hours within which they may exercise their Calling:

For regulating the Numbers of such Animals:

For fixing the Stands for such Animals, and the Distance to which the Owners, Drivers, or Persons attending such Animals shall be obliged to drive or go:

For fixing the Rates or Fares to be paid for the Hire of such Animals.

Power to
make Sewers
and Water-
works ac-
cording to
deposited
Plans.

XXXV. And whereas Plans and Sections, showing the Lines and Levels of certain Sewers and Sewerage Works, and of certain Waterworks, intended to be constructed under the Powers of this Act, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Houses, Lands, and Streams in or through which the same Works respectively are intended to be made or pass, have been deposited with the Clerk of the Peace of the County of *Worcester*: Be it enacted, That it shall be lawful for the Commissioners, subject to the Powers, Provisions, and Restrictions in this Act, and in the Acts and Parts of Acts incorporated herewith contained, to make and maintain the said Sewers and Sewerage Works, and also the said Waterworks, in the Lines and on the Levels and upon the Lands respectively delineated on the said Plans of the said respective Works, and respectively described in the said Books of Reference, and to enter upon, take, and use such of the Lands, Streams, and Waters delineated on and mentioned in the said Plans and Books of Reference respectively as shall be necessary for the respective Purposes aforesaid, and to agree for a Lease of any such Lands and Streams, and to take therefrom such
Water

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Water as the Commissioners may require for the Purposes of this Act, and of the said Acts and Parts of Acts incorporated herewith.

XXXVI. That nothing in this Act contained shall authorize the Commissioners to take or use a certain Tank or Reservoir on *Malvern Common* erected by *William Webb Essington* Esquire, now deceased, near the present *Ledbury Terrace* Turnpike Gate, or the Pipes or Culverts connected therewith, and from which said Tank or Reservoir and Pipes or Culverts a Supply of Water is now derived to a certain Messuage or Dwelling House and Grounds, called the *Firs House* Estate, late the Property of the said *William Webb Essington*, deceased, without the Consent of the Owner and Occupier of the same.

Tank for supplying Firs House not to be taken or used without Consent.

XXXVII. That wherever and so far as the Line of any Work as shown upon the said Plans passes along any Road, Highway, or Footpath, and no Lines of Deviation are marked thereupon, the Commissioners may, in the Construction of such Works, deviate from the Line laid down on the said Plans to the Extent only of the Boundaries of such Road, Highway, or Footpath; and in other Places the Commissioners may, in constructing the said Works, deviate from the Line thereof laid down in the said Plans to the Extent of One hundred Yards, but not beyond the Line of lateral Deviation described in the said Plans.

Limits of Deviation.

XXXVIII. That the Persons empowered by the said "Lands Clauses Consolidation Act, 1845," to convey Lands, shall have full Power to grant Leases of any Lands and Streams, or any Easement, Power, or Authority in or over such Lands or Streams, for any of the Purposes of this Act, for any Term not exceeding Sixty Years: Provided always, that in all such Leases or Grants, when made by any Person under any Disability or Incapacity to sell or convey, as defined by the said "Lands Clauses Consolidation Act, 1845," there be reserved the best yearly Rent that can reasonably be gotten for the Premises thereby demised or granted, payable half-yearly or oftener, and that no Premium, Fine, or Foregift be taken for making the same: Provided also, that the Commissioners may purchase the Reversion of and in any such Lands or Streams, or the Rent or Remuneration reserved by any such Lease or Grant.

Owners may grant Leases.

XXXIX. That the Amount of the General Sewer Rate to be levied by virtue of this Act shall not exceed in any One Year the Amount of One Shilling in the Pound of the full net annual Value of the Property included in such Rate.

Limiting Amount of Sewer Rate.

XL. That it shall be lawful for the Commissioners to make, assess, and levy such equal Rate, to be called "The Waterworks Rate," as may

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may be necessary for the Purposes to which such Rate is herein-after made applicable, not exceeding in any One Year One Shilling in the Pound of the full net annual Value of the Property included in such Rate: Provided always, that no Person shall be liable to pay the Waterworks Rate in respect of any Property not being within One hundred Yards of any Main Pipe belonging to the said Commissioners from which a Supply of Water can be afforded to such Property.

Provisions
11 & 12 Vict.
c. 34. as to
making and
recovering
Rates ex-
tended to
Rates made
by this Act.

XLI. That the Clauses in the " Towns Improvement Clauses Act, 1847," with respect to the Manner of making Rates authorized by that and the Special Act, and with respect to the Appeal to be made against any Rate, and with respect to the Recovery of Rates, shall extend and apply to the Waterworks Rate by this Act authorized to be made, assessed, and levied, as well as to the General Improvement Rate, the Highway Rate, and the Sewer Rates in this Act mentioned.

As to Re-
covery of
Rents for
Water.

XLII. That the Clauses of the said Waterworks Clauses Act with respect to the Payment and Recovery of the Water Rates shall apply only to such Rates or Rents for the Supply of Water as shall be specially agreed upon between the Commissioners and the Person requiring such Supply for other than domestic Use or Purposes.

All Persons
rated to
Waterworks
Rate to be
entitled to
communicate
with Mains.

XLIII. That the Commissioners shall, upon the Request of any Person rated to the Waterworks Rate under the Provisions of this Act in respect of any Property the annual Value of which shall not exceed Ten Pounds, lay down Communication Pipes and other necessary Works for the Supply of such Property with Water for domestic Use or Purposes: Provided always, that the Clauses of the Waterworks Clauses Act, 1847, " with respect to the Communication Pipes to be laid by the Undertakers," and " with respect to the Communication Pipes to be laid by the Inhabitants," as amended by this Act, shall, so far as applicable, extend and apply to the Communication Pipes and other necessary Works aforesaid to be laid down under the Provisions of this Act, and shall for the Purposes of this Act be read and construed as if the Words " refuse to pay the Waterworks Rate" were substituted therein for the Words " refuse to pay for a Supply of Water," and as if the Words " within One hundred Yards of any Main Pipe belonging to the said Commissioners" were substituted therein for the Words " within the Limits of the Special Act;" and in order to enable any Person to avail himself of the Provisions of the said Clauses it shall not be necessary that such Person should pay or tender the whole or any Portion of the Waterworks Rate in advance.

Rates may
levied on
separate
Districts.

XLIV. That the Commissioners may order that the General Improvement Rate, the Sewer Rates, and the Waterworks Rate, or any any or either of them, shall be levied by Assessments to be made for
separate

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separate and distinct Districts, and may from Time to Time vary such Districts and exempt any such Districts from any such Rates respectively.

XLV. That all Monies which shall come to the Hands of the Commissioners from the Waterworks Rate, and all Rents or Payments which shall be made to the Commissioners in respect of Water supplied by them, shall be applied and disposed of as follows:

Application
of Water-
works Rate,
&c.

Firstly, in paying the Interest of all Monies borrowed and which shall from Time to Time be due and owing on the Credit of the said Waterworks Rate, and of the Water Rents and Payments, or either of them, or of the Reservoirs, Pipes, and other Waterworks;

Secondly, in making and maintaining the Waterworks to be made, maintained, or purchased under the Powers of this Act, or of any Act or Part of an Act incorporated herewith;

Thirdly, in setting apart and appropriating the Sum herein-before directed to be set apart and appropriated for paying off the Principal Monies which shall have been borrowed or secured on the said Waterworks Rate, and of the said Water Rents and Payments, or either of them, or of the Reservoirs, Pipes, and other Waterworks;

And lastly, in paying off all Principal Monies due on the Credit of the said Waterworks Rate, and of the said Water Rents and Payments, or either of them, or of the said Reservoirs, Pipes, and other Waterworks.

XLVI. That a Supply of Water for domestic Use or Purposes shall not include a Supply of Water for Baths, or for any manufacturing or hydropathic Purposes, or for watering Gardens, or for Fountains, or for any other ornamental or horticultural Purposes.

What shall
be deemed
domestic
Purposes.

XLVII. That the Commissioners may supply Water for other than domestic Use or Purposes upon such Terms, but according to One uniform Rate according to the Quantity used, as may be agreed upon between them and the Person requiring such Supply.

Water for
other Pur-
poses.

XLVIII. That the Water to be supplied by the Commissioners need not be constantly laid on under Pressure.

Constant
Pressure.

XLIX. Provided always, That the Commissioners shall not be compelled to supply with Water any Water-closet or Bath or other convenience, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the waste or undue Consumption of the Water of the Commissioners, and the Return

For prevent-
ing Impu-
rities to
Water.

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of foul Air and other noisome or impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Commissioners.

Power to
construct
Gasworks.

L. That, subject to the Provisions contained in this Act, and the Acts and Parts of Acts incorporated herewith, it shall be lawful for the Commissioners from Time to Time to construct and maintain such Gasworks and Apparatus, and such Buildings, with Approaches thereto, upon the Lands specified in the Schedule to this Act annexed, and to purchase the same Lands, or take the same on Lease, with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof, and so purchase any Gasworks, Apparatus, and Buildings from any Person willing to sell the same, and to do all such other Acts as they shall think necessary for supplying the Inhabitants, and lighting the Streets, Passages, and public Places within the Limits of this Act with Gas, and to supply such Gas to such Inhabitants upon such Terms, but according to One uniform Rate for the Quantity used, as shall be agreed upon between the Commissioners and the Persons supplied therewith, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as the Commissioners may think proper: Provided always, that every Fireplace or Furnace which may be constructed by the Commissioners or other Persons in order to be used, within the Limits of this Act, in the Manufacture of Gas, shall be so constructed or used as to consume, as far as possible, the Smoke arising from the Combustibles used in such Fireplace or Furnace, and shall be carefully attended to.

Power to lay
Pipes for
lighting
Buildings.

LI. That, subject to the Provisions contained in this Act, and in the Acts and Parts of Acts incorporated herewith, it shall be lawful for the Commissioners to lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipes into, through, or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Application
of Monies
received for
Supply of
Gas.

LII. That all Monies received by the Commissioners in respect of Gas supplied by them, or of Coke and other Residuum disposed of by them, under the Powers of this Act, shall be applied, in the first place, in Payment of all Expenses connected with the Manufacture and Supply of Gas, and, subject thereto, shall fall into and become Part of the General Improvement Rate herein-before mentioned, and shall be applicable as Part thereof.

LIII. That

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LIII. That the Rate at which the Commissioners shall supply Gas shall not exceed Ten Shillings for every One thousand Cubic Feet of Gas.

Limiting
Rate for
Gas.

LIV. That every Fireplace or Furnace which may be constructed by the Commissioners in order to be used within the Limits of this Act in the working of any Engine by Steam shall be so constructed and used as to consume, as far as possible, the Smoke arising from the Combustibles used therein, and shall be carefully attended to.

Engine Fur-
naces belong-
ing to Com-
missioners to
consume
their own
Smoke.

LV. That in case any Fireplace or Furnace constructed by the Commissioners in order to be used in the working of any Engine by Steam within the Limits of this Act, or constructed by the Commissioners or other Persons in order to be used in the Manufacture of Gas within the Limits of this Act, shall not be so constructed as to consume as far as possible the Smoke arising from the Combustibles used therein, the said Commissioners or other Person so offending shall be liable to a Penalty of Forty Shillings for every Day during any Part of which such Fireplace or Furnace shall be used, after One Month's Notice in Writing shall have been given to such Commissioners or other Person, by any Person complaining of the same, to remedy or discontinue the Use of the same; and in case any Person in charge of any such Fireplace or Furnace duly constructed so as to consume as far as possible the Smoke arising from the Combustibles used therein shall use the same negligently, so that the Smoke arising therefrom shall not as far as possible be consumed, every Person so offending as last aforesaid shall be liable to a Penalty not exceeding Forty Shillings for every Day during any Part of which such Fireplace or Furnace shall be so negligently used as aforesaid.

Penalties for
Misconstruc-
tion or Mis-
use of Fur-
naces.

LVI. That if at any Time or Times hereafter any Five Householders resident within the Limits of this Act, and rated to the General Improvement Rate, shall by Writing under their Hands, left at the Office of the Commissioners, or delivered or sent to their Clerk for the Time being, complain that any Fireplace or Furnace used in or belonging to any Mill, Factory, Dyehouse, Brewery, Bakehouse, or any Manufactory whatsoever (other than Gas), or used for working any Engine by Steam, within the Limits of this Act, is a Nuisance or offensive to the Neighbourhood, the Commissioners shall give Notice in Writing to the Person using such Mill, Factory, Dyehouse, Brewery, Bakehouse, Manufactory, or Steam Engine, either by leaving such Notice thereat, or by delivering the same to such Persons, requiring that the said Fireplace or Furnace shall forthwith be so altered in its Construction as to consume so far as possible its own Smoke; and if on the Expiration of One Calendar Month after such Notice shall have been

On Com-
plaint, Fur-
naces may
be compelled
to consume
their own
Smoke.

Penalty on
Neglect, after
Notice.

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been given such Fireplace or Furnace shall not be constructed so as to consume as far as possible its own Smoke, or being so constructed shall be so negligently used as not to consume as far as possible its own Smoke, every Person so using the same shall be liable to a Penalty of Forty Shillings for every Day during any Part of which he shall Use such Fireplace or Furnace, so long as the same shall remain so constructed, or be so negligently used as not to consume as far as possible its own Smoke.

For Recovery
of Rates, &c.

LVII. That all Water Rates or Rents, Gas Rents, and Remuneration for the Purchase or Hire of Meters and Fittings due to the Commissioners, and also all Damages, Costs, and Expenses by this Act, or any Act incorporated herewith, directed to be paid, and although the Amount thereof shall not be disputed, may be levied by Distress, and any Justice of the Peace, on Application, shall issue his Warrant accordingly.

Costs of
Proceedings
for Recovery
of Rates to
be included
in Distress
Warrant.

LVIII. That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate or other Monies payable under this Act, or any Acts or Parts of Acts incorporated herewith, to order that the Costs of the Proceedings for the Recovery of such Rate or other Monies shall be paid by the Person failing to pay such Rate or other Monies; and such Costs shall be ascertained by such Justice, and levied by Distress, and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate or Monies the Amount of such Costs, and shall issue his Warrant accordingly.

Power to
Justices to
remit Rates.

LIX. That any Two Justices in Petty Sessions assembled may, with the Consent of the Commissioners, reduce, remit, or give Time for the Payment of any Rate, on account of the Poverty or Sickness of any Person liable to pay the same, such Consent to be signified in Writing signed by the Clerk to the Commissioners.

Sums not
exceeding
50*l.* may be
recovered in
the County
Court.

LX. That the Commissioners may, if they think fit, sue for and recover any Monies due or payable to them, not exceeding Fifty Pounds, by Action or Proceeding in such Courts and in such Manner as by Law provided for the Recovery of Debts not exceeding Fifty Pounds; but this present Provision shall not in anywise prejudice any other Remedy which the Commissioners may have for the Recovery of such Monies.

Application
of Produce
of super-
fluous Lands.

LXI. That all Monies which shall come to the Hands of the Commissioners in consequence of the Sale of any superfluous Lands, under the Provisions of this and the said "Lands Clauses Consolidation Act, 1845," shall be applied and disposed of in paying off any
Principal

The Malvern Improvement Act, 1851.

Principal Monies at the Time due and owing on the Credit of the General Improvement Rate.

LXII. That nothing in this Act contained shall be deemed or construed to exempt the Commissioners from the Provisions of the "Public Health Act, 1848," or of any General Act relating thereto or to the Subject Matter thereof, which may pass during the present or any future Session of Parliament.

Undertaking
not exempt
from Pro-
visions of
11 & 12 Vict.
c. 63., or of
any Act
relating
thereto.

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SCHEDULE referred to in the foregoing Act.

Description of the Lands to be used for the Gasworks.

A Piece or Parcel of Land called Hilly Meadow, situate at or near to Sherard's Green in the Parish of Great Malvern in the County of Worcester, now or late belonging to the Lady Emily Foley, and now or late in the Occupation of John Meek.

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