



ANNO DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. xlii.*

An Act to amend “*The Lancaster Waterworks and Gas Act, 1852,*” and to raise an additional Sum of Money for the Purposes of the said Act ; and for other Purposes.

[15th *June* 1855.]

**W**HEREAS an Act was passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled *An Act for supplying the Borough of Lancaster in the County Palatine of Lancaster and adjacent Places with Water, and for other Purposes,* (the Short Title of which is “*The Lancaster Waterworks and Gas Act, 1852,*”) whereby the Local Board of Health for the District of *Lancaster* aforesaid were authorized to construct Waterworks for supplying the said Borough of *Lancaster* and the adjacent Townships and Places of *Skerton, Scotforth, and Poulton Bare* and *Torrisholme*, with pure and wholesome Water : And whereas the said Local Board of Health, with the Sanction of the General Board of Health, were empowered to borrow at Interest, on Mortgage or Assignment of all or any of the Rates authorized to be made and levied by that Act, or by “*The Public Health Act, 1848,*” or any of the Acts incorporated with the said first-mentioned Act,

[*Local.*] 6 P any

15 & 16 Vict.  
c. lxvii.

*The Lancaster Waterworks and Gas Amendment Act, 1855.*

any Sum or Sums of Money not exceeding the Sum of Twenty thousand Pounds which might be necessary for the Purposes of "The Lancaster Waterworks and Gas Act, 1852," or any of them, and all Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, so far as the same are not varied by the Provisions of that Act, were incorporated with that Act: And whereas the Local Board of Health have proceeded to put the said Act into execution, and have made great Progress in executing the Works thereby authorized, and they have raised and expended upon their Undertaking the whole of the said Sum of Twenty thousand Pounds, and have, in addition, expended certain other Sums of Money which still remain owing by the said Local Board of Health; and the said Waterworks are not yet completed, and it is expedient that the said Local Board of Health should have Power to raise a further Sum of Money: And whereas the Objects and 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,

Local Board  
of Health  
empowered  
to raise the  
further Sum  
of 20,000*l*.

I. That it shall be lawful for the said Local Board of Health, with the Sanction of the General Board of Health, from Time to Time to borrow at Interest, on Mortgage or Assignment of all or any of the Rates authorized to be made and levied by "The Lancaster Waterworks and Gas Act, 1852," or any of the Acts incorporated therewith, or this Act, or by "The Public Health Act, 1848," in addition to the said Sum of Twenty thousand Pounds so authorized to be raised under "The Lancaster Waterworks and Gas Act, 1852," such further Sum or Sums of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, as may be necessary for the Purposes of the said last-mentioned Act or of this Act; and all the Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall, so far as the same are not varied by "The Lancaster Waterworks and Gas Act, 1852," or this Act, be incorporated with this Act, and such Clauses shall be construed as if the Expression "the Local Board of Health" had been inserted therein instead of the Word "Commissions," or where any Act is required or authorized to be done by or to a certain Number of Commissioners as if the Words "the Local Board of Health" had been inserted therein instead of such Number of Commissioners.

Existing  
Mortgages  
to have  
Priority.

II. Provided always, That all Mortgages granted by the said Local Board of Health, by virtue of "The Lancaster Waterworks and Gas Act,



*The Lancaster Waterworks and Gas Amendment Act, 1855.*

Act, 1852," or any of the Acts incorporated therewith, or of "The Public Health Act, 1848," and subsisting at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages which may be granted under the Provisions of this Act.

III. That all Mortgages granted under this Act shall be subject and without Prejudice to all Rentcharges or yearly Sums granted by the Local Board under "The *Lancaster Waterworks and Gas Act, 1852*," and the Powers, Rights, and Remedies for the Recovery of the same.

Mortgages not to prejudice any Rentcharge granted under recited Act.

IV. That all Monies to be raised under the Provisions of this Act shall be applied in carrying into full and complete Effect the Objects and Purposes of "The *Lancaster Waterworks and Gas Act, 1852*," and in discharging the Debts and Liabilities of the said Local Board of Health in respect thereof.

Application of Monies to be raised under this Act.

V. And whereas by "The Commissioners Clauses Act, 1847," so as aforesaid incorporated with "The *Lancaster Waterworks and Gas Act, 1852*," Provision is made for the Repayment of borrowed Monies, by the Appropriation and setting apart every Year of a Sum equal to the prescribed Part, and if no Part be prescribed One Twentieth Part of the Sums borrowed respectively as a Sinking Fund to be applied in paying off the respective Principal Monies borrowed: And whereas the said Local Board of Health have also borrowed Monies on Mortgage under the Powers of "The Public Health Act, 1848," and Provision is thereby made for the Repayment thereof by the Appropriation and setting apart as a Sinking Fund such Sums as, together with Interest from Time to Time to accrue thereon, will in the Period of Thirty Years amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage: And whereas it is expedient that the Periods of Repayment of Monies borrowed under "The *Lancaster Waterworks and Gas Act, 1852*," and of those borrowed under "The Public Health Act, 1848," as aforesaid, should be uniform, and that such Periods of Repayment should be altered and extended as herein-after mentioned: Be it therefore enacted, That so much of "The *Lancaster Waterworks and Gas Act, 1852*," and of any of the Acts incorporated therewith, as relates to the Period of Repayment of Monies borrowed thereunder, shall be altered and amended in the Manner herein-after provided, so far as the same relates or is applicable to Monies borrowed or to be borrowed by the said Local Board of Health, under the said Acts or either of them, or under this Act.

Repayment of borrowed Monies.

VI. That in order to pay off any Monies borrowed and secured or hereafter to be borrowed and secured by any Mortgage under "The

Sinking Fund.

*The Lancaster Waterworks and Gas Amendment Act, 1855.*

“The *Lancaster Waterworks and Gas Act, 1852*,” or any of the Acts incorporated therewith, “The *Public Health Act, 1848*,” or this Act, the Local Board of Health shall, for a Period of Five Years commencing on the First Day of *January* One thousand eight hundred and fifty-seven, appropriate and set apart as a Sinking Fund the Sum of One thousand Pounds during each Year of the said Period, and shall thenceforth in every succeeding Year until the same be fully paid off in like Manner appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the further Period of Thirty Years, with the Sums so previously set apart, amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Mode prescribed by “The *Public Health Act, 1848*,” in reference to the Sinking Fund thereby directed to be raised for the Repayment of Monies borrowed under the said Act: Provided always, that nothing herein contained shall enable the said Local Board of Health to reborrow any Sum or Sums of Money which shall have been paid off by means of the Sinking Fund herein-before mentioned.

Power to  
borrow  
Money to  
pay off  
Mortgages.

VII. That if at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the said Local Board of Health are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed under “The *Lancaster Waterworks and Gas Act, 1852*,” or any of the Acts incorporated therewith, “The *Public Health Act, 1848*,” or this Act, or any or either of them.

So much of  
15 & 16 Vict.  
c. lxvii. s. 18.  
as relates to  
Water-  
closets  
repealed.

VIII. That so much of Section Eighteen of “The *Lancaster Waterworks and Gas Act, 1852*,” as relates to the Charge to be made for Waterclosets, shall be and the same is hereby repealed.

Charge for  
Water-  
closets, if  
more than  
One.

IX. That the Charges made by the said Local Board of Health, under the Authority of “The *Lancaster Waterworks and Gas Act, 1852*,” for Water supplied to any House for domestic Purposes, shall include a Supply of Water for One Watercloset in or connected with any such House; and where there shall be more than One Watercloset in or connected with any such House, the said Local Board of Health shall be entitled to charge for Water supplied for each such additional Watercloset any Sum not exceeding the Sum of Six Shillings *per Annum*.

X. That



*The Lancaster Waterworks and Gas Amendment Act, 1855.*

X. That nothing in "The *Lancaster Waterworks and Gas Act, 1852*," or any of the Acts incorporated therewith, or in this Act, contained, shall take away, lessen, or abridge the Powers of the said Local Board of Health to raise Money under "The *Public Health Act, 1848*," to the Extent thereby authorized, for any of the Purposes of the said last-mentioned Act, the Amount of such Money being exclusive of any Monies borrowed or raised or to be borrowed and raised under "The *Lancaster Waterworks and Gas Act, 1852*," or this Act.

Reserving  
Powers of  
Local Board  
of Health.

XI. And whereas by the said "*Lancaster Waterworks and Gas Act, 1852*," it is enacted, that the said Local Board of Health shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the said Local Board Health shall be laid, or of any Person who, under the Provisions of that Act or any Act incorporated therewith, shall be entitled to demand a Supply a Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses at the annual Rates therein specified, and it is expedient that the said Local Board of Health should be empowered to compound for the Payment of such Rates in manner herein-after mentioned: Be it therefore enacted, That when the Rent or annual Value of such House or Part of a House does not exceed the Sum of Ten Pounds, or whenever such House or Part of a House be let to weekly or monthly Tenants or in separate Apartments, and the Rents become payable or be collected at any shorter Period than quarterly, the Local Board of Health may from Time to Time, if they shall think fit, compound with the Owner of such House or Part of a House for the Payment of all or any of the said Rates, such Composition to be paid whether such House or Part of a House be occupied or not; but such Composition shall in no Case be less than Two Thirds of the full Amount of such Rates; and any such Owner who shall refuse to enter into such Composition shall be rated to and pay the said Rates chargeable under the said recited Act; and the Powers and Provisions in the said Act or in any Act incorporated therewith contained, for the Recovery of Rates from Occupiers, shall be construed to apply to the Owners of any such House or Part of a House; and the Person collecting or receiving the Rents of any such House or Part of a House from the Occupier thereof, either on his own Account or as Agent or Receiver for any Person interested therein, shall be deemed the Owner thereof.

Local Board  
of Health  
may com-  
pound for  
Water Rate.

XII. That Section Nineteen of "The *Lancaster Waterworks and Gas Act, 1852*," shall be and the same is hereby repealed.

Section 19. of  
15 & 16 Vict.  
c. lxvii. re-  
pealed.

[*Local.*]

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XIII. That

*The Lancaster Waterworks and Gas Amendment Act, 1855.*

What shall  
be deemed  
domestic  
Purposes.

XIII. That a Supply of Water by the said Local Board of Health for domestic Purposes shall not include a Supply of Water for Railways, or Cattle, or for Horses, or washing Carriages, when such Horses or Carriages are kept for Hire, or by any Dealer in Horses or Carriages, or for any Trade or Business whatsoever, or for watering Streets or Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

Power to  
Corporation,  
with Sanc-  
tion of the  
Treasury,  
to lend  
Money to  
Local Board  
of Health.

XIV. And whereas the Mayor, Aldermen, and Burgesses of the said Borough of *Lancaster* are possessed of certain Monies arising from the Sale of Lands and otherwise, and may hereafter become possessed of other Monies, and it is desirable that they should be authorized and empowered to lend the same or any Part thereof to the said Local Board of Health, for such Period, at such Rate of Interest, and upon such other Terms and Conditions, as the said Mayor, Aldermen, and Burgesses, and the said Local Board of Health, may, subject to the Restrictions herein-after mentioned, mutually agree upon: Be it therefore enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Burgesses, subject to the Approval of the Lords Commissioners of Her Majesty's Treasury (who are hereby authorized to give such Approval, if they shall think proper so to do), testified by the Signature of the said Lords Commissioners or any Two of them, from Time to Time to advance and lend to the said Local Board of Health such Sum and Sums of Money as they may think proper, for such Period, at such Rate of Interest, and upon such other Terms and Conditions as the said Mayor, Aldermen, and Burgesses, and the said Local Board of Health, may mutually agree upon, and to take a Mortgage or Mortgages, under "The *Lancaster* Waterworks and Gas Act, 1852," "The Public Health Act, 1848," or this Act, for securing the same, together with Interest thereon.

Saving  
Rights of  
R. Garnett.

XV. Provided always, That this Act or anything therein contained shall not take away, lessen, or prejudice, or alter or enlarge, any of the Estates, Rights, Interests, Powers, or Privileges to which by or by virtue of "The *Lancaster* Waterworks and Gas Act, 1852," *Robert Garnett* therein named, or any Person claiming or to claim by, from, through, or under him, was, is, or may, or but for this Act might be in any way entitled.

Saving  
Rights of the  
Crown and  
the Duchy  
of Lancaster.

XVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

XVII. That



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*The Lancaster Waterworks and Gas Amendment Act, 1855.*

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XVII. That the Costs, Charges, and Expenses of applying for and obtaining this Act and preparatory and incident thereto shall be paid by the said Local Board of Health. Expenses of Act.

XVIII. That this Act may be cited for all Purposes as “The Short Title. *Lancaster Waterworks and Gas Amendment Act, 1855.*”

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