



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. lxxxix.

An Act for the better Supply of the City of *Gloucester* and the Neighbourhood thereof with Water, and for other Purposes. [26th *June* 1855.]

WHEREAS by an Act passed in the Fourteenth Year of the Reign of King *George* the Second, intituled *An Act for supplying the City of Gloucester with fresh Water*, the Mayor, Aldermen, and Common Council of that City were empowered to contract with any Persons for a Supply of Water, and Powers were given to the Undertakers to make and maintain Reservoirs and other Works for conveying Water to the City: And whereas that Act was put in execution, and Waterworks were established accordingly: And whereas by an Act passed in the Sixth Year of King *William* the Fourth, intituled *An Act for better supplying with Water the City of Gloucester and Parishes and Places in the County of Gloucester near thereto*, a Company was incorporated by the Name of the *Gloucester Water Company* (in this Act called "the Company"), with Powers to purchase the then existing Waterworks, and make additional Waterworks for the Supply of Water to the City and its Suburbs, and to raise a Capital of Fifteen thousand Pounds by Shares, and to borrow not exceeding Five thousand Pounds on the Credit of

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the Undertaking: And whereas the Company purchased those then existing Waterworks, and made additional Waterworks, and raised and expended the whole Amount which they were authorized to raise by Shares and by borrowing: And whereas the Mayor, Aldermen, and Citizens of the City of *Gloucester* in the County of the City of *Gloucester* (in this Act called the Corporation) are by the Council of the City constituted the Local Board of Health for the City, under the Provisional Order of the General Board of Health dated the Twenty-first Day of *July* in the Year of our Lord One thousand eight hundred and forty-nine, of which a Copy is given in the Schedule A. to this Act annexed, and which Provisional Order was confirmed by "The Public Health Supplemental Act, 1849," and in their Capacity of such Local Board the said Mayor, Aldermen, and Citizens are in this Act called the Local Board: And whereas by Articles of Contract dated the Seventh Day of *March* in the Year of our Lord One thousand eight hundred and fifty-four, with the Sanction of the General Board of Health, a Contract, subject to the Approval of Parliament, was entered into between the Company and the Local Board, for the Purchase by the Local Board of the Waterworks, Property, and Undertaking of the Company, for a Consideration and on Terms to be settled by Arbitration, as thereby provided: And whereas by Indenture dated the Third Day of *June* in the last mentioned Year an Award under such Arbitration was made, and was agreed to by the Company and the Local Board: And whereas those Articles of Contract and that Indenture are described in Schedule B. to this Act annexed, and it is expedient that the Contract and Award thereby respectively made be confirmed: And whereas it is expedient that Provision be made for the Transfer of the Undertaking of the Company to the Local Board, and for the Dissolution of the Company, and that the recited Acts be repealed: And whereas since the passing of the secondly-recited Act the Population of the City and the Neighbourhood thereof has greatly increased, and the present Waterworks are inadequate to supply the requisite Amount of Water thereto, and it is expedient that the Local Board be authorized to make new Waterworks, and to improve the existing Waterworks: And whereas it is expedient that the Limits within which the Local Board may supply Water be extended beyond the Limits of the secondly-recited Act: And whereas the Corporation are seised and possessed of certain Lands and Property which could advantageously be made available for the Purposes of this Act, and they are willing to apply the same or some Part thereof to such Purposes, subject to the Approval of Parliament: And whereas the Objects of this Act cannot be attained 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 of the Commons, in this present

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present Parliament assembled, and by the Authority of the same, as follows ; that is to say,

I. This Act may be cited for any Purpose as “ *Gloucester Water-* Short Title.
works Act, 1855.”

II. This Act shall commence and have Effect on and from the Third Commence-
Thursday next after the passing thereof. ment of Act.

III. Any Summons, Demand, or Notice, or other such Document Authentication
under this Act, or “ *The Public Health Act, 1848,*” or any Act for tion of
amending or altering the same, may be in Writing or Print, or partly Notices, &c.
in Writing and partly in Print ; and if the same require Authentication
by the Local Board, the Signature thereof by the Clerk to the Local
Board shall be a sufficient Authentication.

IV. The Limits within which this Act shall be put in force for the Limits of
Supply of Water are the City of *Gloucester*, and the several Parishes, Act for
Townships, Hamlets, and Places of *Great Witcombe, Little Witcombe,* Water
Badgworth, Brockworth, Hucclecote, Churchdown, Barnwood, Supply.
Part
of *Wotton* (extra-parochial), *Wotton, Vill of Wotton, Wotton Saint*
Mary, Wotton Saint Catherine, Longford Saint Mary, Longford
Saint Catherine, Kingsholm Saint Mary, Kingsholm Saint Catherine,
Saint Michael, Saint Mary de Lode, Saint Catherine, the North
Hamlet, the *South Hamlet, Hempstead, Barton Saint Mary, Barton*
Saint Michael, Saint Mark's, Saint Luke's, Saint James's, Saint
Matthew's, Matson, Twigworth Saint Mary, Twigworth Saint Cathe-
rine, Sandhurst, Tuffley, and *Upton Saint Leonards,* in the County of
Gloucester, the County Hall, the Gaol in and for the said County, and
all Buildings and Lands adjacent thereto respectively, and belonging
to that County, and all extra-parochial and other Places or Parts
thereof adjoining to or lying intermixed with those several Parishes
or Places.

V. So far as this Act is to be executed by the Local Board, and Act to be
except as is by this Act otherwise provided, this Act shall be executed executed by
by them according to the Powers and Provisions of the “ *Public Local Board.*
Health Act, 1848,” and of the several Acts supplemental thereto, or
otherwise relating to the Public Health, and from Time to Time in
force within the Limits of this Act.

VI. “ *The Lands Clauses Consolidation Act, 1845,*” and “ *The 8 & 9 Vict.*
Waterworks Clauses Act, 1847,” save so far as the Clauses and Pro- c. 18. and
visions thereof respectively are excepted or varied by this Act, are 10 & 11 Vict.
respectively incorporated with this Act: Provided always, that the c. 17. incor-
Clauses “ with respect to the Amount of Profit to be received by the porated.
Undertakers

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Undertakers when the Waterworks are carried on for their Benefit," of the "Waterworks Clauses Act, 1847," are not incorporated with this Act: Provided also, that the several Expressions "the Undertakers" and "the Undertaking" in that Act mean respectively for the Purposes of this Act the Local Board and the Waterworks by or under the Provisions of this Act vested in or authorized to be made by the Local Board, and the Expression "the Waterworks" in that Act and this Act means the Waterworks and the Works connected therewith by this Act vested in or authorized to be constructed by the Local Board.

Same Meanings to Words in incorporated Acts as in this Act.

VII. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

As to Provisions of incorporated Acts being repugnant to 11 & 12 Vict. c. 63.

VIII. Provided always, That in any Case in which any of the Provisions of the Acts incorporated with this Act are repugnant to or inconsistent with any of the Provisions of the "Public Health Act, 1848," such Provisions of such incorporated Acts respectively are repugnant to or inconsistent with the Provisions of this Act.

Contract and Award confirmed.

IX. Subject to the Provisions of this Act, the recited Contract and Award are respectively confirmed and shall be carried into effect accordingly.

Waterworks of Company vested in Local Board.

X. Upon the Completion of the Purchase by the Local Board (of which Completion a Deed of Conveyance under the Common Seal of the Company shall be sufficient Evidence), all the Waterworks, Reservoirs, Streams, Springs, Waters, Mains, Pipes, Apparatus, Works, Conveniences, Lands, Buildings, Estates, Rights, Easements, Privileges, and Securities, Choses in Action, Books, Writings, Goods, Chattels, and Effects, Claims and Demands whatsoever, of or to which the Company immediately before the Commencement of this Act were by virtue of the recited Acts or either of them, or otherwise howsoever, seised, possessed, or in any way entitled, at Law or in Equity or otherwise, and generally the whole Undertaking of the Company, with the Appurtenances, save only such of the Property and Effects of the Company as by the Contract and Award are expressly excepted from the Purchase, shall be absolutely transferred unto and shall be vested in the Local Board as Part of their Estate, but not so as to be Part of the Municipal Corporate Estate or City Fund of the City, but subject to all Mortgages, Charges, Incumbrances, Liabilities, Claims, and Demands whatsoever immediately before the Commencement of this Act affecting the same Premises.

XI. From

Gloucester Waterworks Act, 1855.

XI. From and after the Commencement of this Act, but subject to the Provisions thereof, the recited Acts are by this Act repealed. Recited Acts repealed.

XII. Notwithstanding such Transfer, Vesting, and Repeal, the Company shall continue incorporated for the Purpose of receiving, recovering, and distributing the Monies which according to the recited Contract and Award and this Act are payable to them by the Local Board, or are otherwise to be received by the Company, and for the auditing of their Accounts, and for such of the Purposes of this Act as relate to the Company, and for enabling the Company to wind up their Affairs, and for the Security and Indemnification of their Mortgagees and other Creditors, and of their Committee of Management, Officers and Servants, and for all incidental Purposes: Provided always, that when the Affairs of the Company are finally wound up the Company shall by force of such Repeal be dissolved and wholly cease to exist. Company to continue incorporated till their Affairs wound up.

XIII. Provided always, That, notwithstanding such Transfer and Vesting of the Undertaking of the Company to and in the Local Board, and notwithstanding such Repeal of the recited Acts, and notwithstanding such Dissolution of the Company, and except only as is by this Act expressly otherwise provided, everything before the Commencement of this Act done and suffered respectively under the recited Acts or either of them shall be as valid and effectual as if this Act were not passed, and such Transfer, Vesting, and Repeal, and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Transfer, Vesting, and Repeal had not happened, and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands, the Local Board shall to all Intents and Purposes represent the Company: Provided always, that the Generality of this Enactment shall not be restricted by any other of the Clauses and Provisions of this Act. Rights, Liabilities, &c. under repealed Acts to continue.

XIV. Notwithstanding such Transfer, Vesting, Repeal, and Dissolution, all Conveyances, Leases, Grants of Easements and Rights, affecting Lands, Streams, Springs, and Waters, Mortgages, Bonds, Covenants, Securities, Awards, Contracts, Agreements, and other Instruments, made or entered into before the Commencement of this Act to, with, in favour of, or by, for, or on behalf of the Company, or any Person on their Behalf, shall be and remain good, valid, and effectual in favour of, against, and with reference to the Local Board, and may be proceeded on and enforced accordingly. Conveyances, &c. to remain.

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XV. Notwith-

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Actions, &c.
not to abate.

XV. Notwithstanding such Transfer, Vesting, Repeal, and Dissolution, any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect in favour of and against the Local Board.

Penalties to
be recover-
able.

XVI. Notwithstanding such Repeal, all Penalties, Damages, Monies, Costs, and Expenses which if this Act had not been passed would under the recited Acts or either of them have become payable to or recoverable by any Person, shall, after the Commencement of this Act, be payable and recoverable in like Manner and by like Ways and Means as if this Act had not been passed.

Debts due to
and by Com-
pany to be
paid.

XVII. Notwithstanding such Transfer, Vesting, Repeal, and Dissolution, all Persons who immediately before the Commencement of this Act owed any Sum of Money to the Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Local Board or the Company, according to the Terms and Conditions of the recited Contract and Award, and all Debts and Monies which immediately before the Commencement of this Act were due or owing to or recoverable from the Company, or for the Payment of which the Company were or but for this Act would have been liable, shall be paid, with all Interest (if any) payable or accruing for the same, by or be recoverable from the Local Board or the Company, according to the Terms and Conditions of the same Contract and Award.

Water Rates,
&c. due at
Commence-
ment of Act
to be re-
covered.

XVIII. Notwithstanding such Transfer, Vesting, Repeal, and Dissolution, all Water Rates or Rents and Charges for Water which immediately before the Commencement of this Act were due and payable or accruing or becoming due and payable to the Company, shall, as the Terms and Conditions of the recited Contract and Award require, be payable to and may be collected and recovered by the Local Board or the Company, in like Manner as the Water Rates by this Act granted, or, as the Case may be, according to the Provisions of the secondly-recited Act.

Maps, &c.
to remain in
Custody
of Clerk of
Peace.

XIX. Notwithstanding such Transfer, Vesting, Repeal, and Dissolution, all Maps, Plans, and Books of Reference, and all Corrections and Certificates of Corrections thereof, respectively deposited for the Purposes of the secondly-recited Act or any other Purposes of the Company with any Clerk of the Peace, shall remain in his Custody, as if they were deposited for the Purposes of this Act, according to the Provisions of the Act of the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chap. 83, and every such Clerk

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Clerk of the Peace shall accordingly permit the same to be inspected, and Copies thereof and Extracts therefrom to be taken.

XX. Notwithstanding such Transfer, Vesting, Repeal, and Dissolution, all Certificates, Sales, Transfers, and Dispositions before the Commencement of this Act made or executed under the recited Acts or either of them, of or with respect to any Shares of the Company, shall for the Purposes of this Act remain in full Force and continue and be available in all respects.

Certificates and Transfers of Shares in Company to remain in force.

XXI. Notwithstanding such Transfer, Vesting, Repeal, and Dissolution, all Books, Writings, and Documents by the recited Acts or either of them directed or authorized to be kept or made, and which if this Act were not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Books to be Evidence.

XXII. Notwithstanding such Transfer, Vesting, and Repeal, the Company shall be kept by the Local Board indemnified against all Losses, Costs, Damages, and Penalties whatsoever by reason of any Act or Default of the Local Board, or their Officers, Agents, or Servants, in any way concerning the Waterworks and Undertaking by this Act vested in the Local Board, or of any Corporation or Person with reference thereto.

Local Board to indemnify the Company.

XXIII. All Monies payable according to the Terms and Conditions of the recited Contract and Award by the Local Board to the Company shall be paid to the Company accordingly, and the Local Board shall not be bound to see to the Application of any Money so paid.

Purchase Money to be paid to Company.

XXIV. Forthwith after the Commencement of this Act, the Company shall collect, recover, and convert into Money all such Parts of their Property and Effects as are not by this Act vested in the Local Board, and shall do all other Things requisite and proper for winding up with all convenient Speed all their Affairs.

Company to realize their Assets and wind up their Affairs.

XXV. The Company shall apply the Money paid to them in pursuance of the recited Contract and Award, and all other Sums of Money which after the Commencement of this Act shall be in their Hands or Power or under their Control, in the first place in paying or providing for all the Debts, Liabilities, and Engagements of the Company then outstanding, which are not to be, according to the recited Contract and Award, undertaken by the Local Board, and shall divide and pay the Surplus of such Monies to and among the Shareholders of the Company rateably according to their respective Shares therein.

Application of Purchase and other Monies by Company.

XXVI. The

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Receipts of
Executors,
&c. to be
a Discharge
to the Com-
pany.

XXVI. The Receipt of any Executor, Administrator, Committee, or Guardian of any Person entitled to any Share of such Monies shall be a good Discharge to the Company for so much Money as shall be paid by or for them to such Executor, Administrator, Committee, or Guardian, in respect of such Share, and as shall be expressed in any such Receipt to have been received.

Committee
to advertise
Shares not
claimed.

XXVII. If at the Expiration of Six Months next after the Company begin to make such Division and Payment to and among the Shareholders, Application to them for the whole of the Monies to be so distributed shall not have been made, they shall cause Notices to be inserted in Three successive Weeks in some Newspaper circulating in *Gloucester*, containing the Names in alphabetical Order of the several Shareholders of the Company who have not made such Application, and stating that if they or their Representatives shall not make and substantiate their Claims to their Shares of such Monies within Six Months from the Day of the Publication of the last of such Notices the Amount of such Money due to them respectively will be paid into the Bank of *England*, pursuant to the Act of the Session of the Tenth and Eleventh Years of Her present Majesty, Chapter 96, for better securing Trust Funds and for the Relief of Trustees, and a Copy of such Notice shall be given to every such Shareholder, or sent by the Post unto or left for him at his Place of Abode appearing in the Register of the Company.

Purchase
Money not
claimed
within One
Year to be
paid into
the Bank.

XXVIII. If at the Expiration of Six Months from the Day of the Publication of the last of such Notices any Money divisible among the Shareholders, and for which a Claim shall not have been made and substantiated to the Satisfaction of the Committee of Management of the Company, shall remain undistributed, they may pay the same into the Bank of *England*, pursuant to that Act for the Relief of Trustees, and the Company shall not afterwards be liable to see to the Application of such Monies, or be answerable or accountable for any Loss, Misapplication, or Nonapplication of the same.

Power for
Local Board
to maintain
and improve
existing and
new Water-
works, and
supply
Water.

XXIX. Subject to the Provisions of this Act, the Local Board from Time to Time may maintain and repair the existing Waterworks by this Act vested in them, and extend and improve the same; and make, alter, and discontinue in connexion therewith, and with the new Waterworks by this Act authorized from, in, through or into the Lands shown on the Plans deposited for the Purposes of this Act, and the Streets and Roads and Bridges within the Limits of this Act, with respect to Water Supply, such Mains, Pipes, and other Conveniences as they may from Time to Time think fit, and may, upon any Lands from Time to Time vested in them for the Purposes of the Waterworks, make such Buildings and Works, and may do all
such

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such other Things as they may from Time to Time think proper for collecting and storing Water, and supplying Water within the Limits in that Behalf of this Act, and may sell and dispose of the Water as they from Time to Time think fit.

XXX. Whereas Plans and Sections showing the Situation, Lines, and Levels of the new Waterworks by this Act authorized; and the Lands in and through which the same are proposed to be made, together with Books of Reference thereto, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of those Lands, have been deposited with the respective Clerks of the Peace for the County of *Gloucester* and the County of the City of *Gloucester*: Therefore, subject to the Provisions of this Act, the Local Board may make and maintain those new Waterworks in the Lines and on the Levels shown by those Plans and Sections, and upon the Lands shown by those Plans and referred to by those Books of Reference respectively, and may enter upon, take, and use such of those Lands as they may think requisite for that Purpose.

Power for
Local Board
to make new
Waterworks
and take
Lands for
the Purpose.

XXXI. The Works by this Act authorized comprise, together with all necessary and convenient Embankments, Roads, Weirs, Watercourses, Gauges, Tunnels, Conduits, Pipes, and other proper Works and Buildings, Machines and Conveniences, the following Works; to wit,

New Water-
works autho-
rized.

First, Two or more Reservoirs adjoining one another on the *Witcombe Brook* near *Witcombe Farmhouse*, in the Parish of *Witcombe* otherwise *Great Witcombe* in the County of *Gloucester*, in the Occupation of *William Bubb*:

Secondly, an Aqueduct or Conduit commencing near *Abbotswood Farm* at *Abbotswood Brook* in a Close called *Turner's* otherwise *Lilley's*, belonging to the Bishop of *Gloucester and Bristol*, and his Lessee *Henry Jones*, and in the Occupation of *Thomas Buckle*, situate in the Parish of *Brockworth* in the County of *Gloucester*, and terminating at those intended Reservoirs or One of them:

Thirdly, an Aqueduct or Conduit commencing at or near the Village of *Little Witcombe* in the Parish of *Badgworth* in the County of *Gloucester* in a Close belonging to and in the Occupation of *John Chandler*, called *Elmbridge Field*, situate in the Hamlet of *Little Witcombe* in that Parish, and terminating at those intended Reservoirs or One of them:

Fourthly, an Aqueduct or Line of Main Pipes commencing at those intended Reservoirs or One of them, passing thence through Inclosures in *Great Witcombe* and *Brockworth* respectively, to the Road leading from *Cirencester* to *Gloucester*, and thence along or near the Course of that Road and certain Streets

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in the City of *Gloucester* to, at, or near to the Cross near *Saint Michael's Church* in the City of *Gloucester*.

Limit of
lateral
Deviation.

XXXII. Wherever, and so far as the Line of any Works as shown upon the deposited Plans passes along any Road or Street, and no Line of lateral Deviation is marked thereon, the Local Board may in the making of such Work deviate from the Line laid down on those Plans to the Extent only of the Boundaries of such Road or Street; and in other Places the Local Board may in the making of their Works deviate from the Line thereof laid down on those Plans to any Extent not beyond the Line of lateral Deviation shown on those Plans.

Limits of
vertical
Deviation.

XXXIII. In making any of the Works by this Act authorized the Local Board may deviate vertically from the Levels thereof as shown on the deposited Sections to any Extent not exceeding in the Construction of the said Reservoirs Three Feet.

Power for
Local Board
to take
Waters of
Witcombe
Brook and
Abbots
Wood Brook.

XXXIV. Subject to the Provisions of this Act, and doing as little Damage as may be, and making Compensation by Water or otherwise to all Mill Owners or others for any Loss or Inconvenience they in that Behalf sustain, the Local Board from Time to Time may take and appropriate for the Purposes of their Waterworks the Waters of *Witcombe Brook* and *Abbots Wood Brook* respectively, and all other Waters that can or may be intercepted or impounded by means of the Aqueducts and Reservoirs by this Act authorized, or any of them, and which Waters now flow or proceed directly or derivatively into the River *Severn*.

Local Board
not to take
Water from
Abbots Wood
Stream
unless a cer-
tain Quantity
of Water is
flowing down
the Stream.

XXXV. Provided always, That nothing in this Act contained shall authorize the Local Board at any Time to take for the Purposes of this Act any Water from the *Abbots Wood Stream* at or near the Point marked (M) on the Plan deposited as in this Act mentioned, where the Conduit leading to the intended Reservoirs diverts the said Stream, until there is flowing down at such Point of Diversion a Quantity of Water after the Rate of Thirty thousand Gallons *per Diem* of Twenty-four Hours, for the Use of the Owners and Occupiers of Lands and other Persons interested in the Water of such Stream.

Gauge Weir,
&c. to be
constructed.

XXXVI. And for the Protection of the said Owners and Occupiers and other Persons, and for effectually preventing the Local Board from taking into the said Conduit any of the Water from the said Stream, until there is more than the before-mentioned Quantity flowing down that Stream, the Local Board shall, before they take for the Purposes of this Act any Water from the said Stream at the
Point

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Point marked (M) in the Plan deposited as in this Act mentioned, or above that Point, erect, fix, set up, and for ever thereafter maintain, on or near to the said Stream, a durable and substantial Measuring Guage Weir and Side Weir of suitable Materials and perfectly Water-tight, and the said Quantity of Water, after the Rate of Thirty thousand Gallons *per Diem* as aforesaid shall flow through a square Aperture in an Iron Plate, the Top of which Aperture shall be level with the Top of the Side Weir over which the Surplus Water shall flow to the said Conduit, and the Local Board shall for ever thereafter keep the said Weir perfectly Water-tight, and the Sill of the said Side Weir at the Level specified, and so that no Water from the said Stream shall at any Time flow over such Side Weir until the said Guage Aperture is filled, and until the said Quantity is flowing through such Aperture; and the said Local Board shall not by any Works or otherwise diminish or reduce the natural Flow of the said *Abbot's Wood Stream* above the said Point marked (M) where the said Guage is to be fixed.

XXXVII. If at any Time the Gauge or Side Weir by this Act directed to be fixed on or adjoining the said *Abbot's Wood Brook* shall be in an unfit State of Repair or Condition for the Purpose for which it is intended, the same shall be forthwith put into a proper and effectual State of Repair and Condition, by and at the Expense of the Local Board, or if they fail to do so within Ten Days after Notice in Writing given to them on behalf of any Person or Persons interested in such Supply of Water to pass through or over the same, requiring the Local Board so to do, it shall be lawful for such Person or Persons or any of them to cause such Repairs to be done and performed in connexion with the said Guage and Side Weir as shall be necessary for placing them in a proper and efficient State and Condition, and to recover the Expense of such Repairs, with full Costs of Suit, against the Local Board, in any Court of competent Jurisdiction.

Repairs of Weirs, &c.

XXXVIII. In case of any Failure, Neglect, or Default, by or in consequence of which the Quantity of Water required by this Act to flow or to be discharged through or over the said Guage shall not so flow or be discharged, the Local Board shall, for every Day on which such Failure, Neglect, or Default shall occur, forfeit and pay by way of Penalty, to any Person or Persons who shall have actually received Damage or incurred any Loss by reason of such Failure, Neglect, or Default as aforesaid, and who may sue for and recover the same, a Sum not exceeding Five Pounds *per Day*.

Damages in case of Failure or Default.

XXXIX. The Local Board may purchase and take by Compulsion or otherwise Two Mills called respectively *Brockworth Mill*, in the Parish of *Brockworth*, belonging to *James Boulter*, and in the Occu-

Power for Local Board to take Brockworth
pation

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Mill and Pitt
Mill.

pation of himself and *Frederick Boulter*, or One of them, and *Pitt Mill* in the Hamlet of *Hucclecote* and Parish of *Churchdown*, belonging to *Thomas Matthews* and in the Occupation of *Edmund John Smith*, with all Houses, Lands, and Appurtenances usually occupied with those Mills respectively.

General
Power to
purchase
Lands and
Waters by
Agreement.

XL. The Local Board from Time to Time may by Agreement purchase any other Lands, and any Ways, or any Easement, Right, Power, or Privilege in, over, or affecting any Lands, which they may think requisite for any of the Purposes of this Act, and may purchase the same on such Terms and Conditions as they may think fit.

Incapaci-
tated Persons
may make
Grants of
Ways, &c.

Rents, &c.
in Grants
from in-
capacitated
Persons.

XLI. The Persons by this Act empowered to sell and convey Lands shall have full Power to make to the Local Board Grants of any Rights of Way or other Easements, Rights, Powers, and Privileges in, over, and affecting any Lands, and the Consideration for any such Grant may be either a Sum in gross or a perpetual annual Rentcharge, and the Local Board may secure any such Rentcharge by all usual and proper Powers of Distress or otherwise: Provided always, that with respect to every such Grant made in consideration of a perpetual annual Rentcharge by any Person under Disability or Incapacity to sell and convey Lands otherwise than under this Act, the Amount of such Rentcharge shall be ascertained and fixed by Two able practical Surveyors, and shall not be less than the best yearly Rent that can be had or gotten for such Right, Easement, Power, or Privilege.

Power to
purchase
Lands by
Agreement
for new
Roads.

XLII. The Local Board, in addition to the Lands authorized to be compulsorily taken by them under the Powers of this Act, may purchase from any Party willing to sell the same any Right of Way or Land required for the Purpose of making convenient Roads or Ways to the Waterworks, or in substitution for any Roads or Ways which may be interfered with by the Works.

Lands, &c.
acquired by
Local Board
to be Part of
Local Board's
Estate.

XLIII. All Lands, Waters, and Property from Time to Time vested in or acquired by the Local Board by or under this Act, or for the Purposes thereof, shall be vested in them as Part of the Estates of the Local Board, and shall not be Part of the Estates or City Fund of the Municipal Corporation of the City; and the Local Board may resell any Lands, Streams, and Property so vested in them which from Time to Time are not wanted for the Purposes of this Act or of the Local Board.

Accommoda-
tion Works

XLIV. The Local Board shall, at their own Expense, make and for ever maintain the following Works for the Accommodation of
Witcombe

Gloucester Waterworks Act, 1855.

Witcombe Farm, belonging to Dame *Anne Rachael Cromie*, on Lands upon Parcel of which the said Reservoirs are intended to be made: for *Witcombe* Farm.

A good and substantial stoned Road at least Fifteen Feet wide in the clear across the Embankment of the higher of the Two intended Reservoirs, with proper and substantial Fences on either Side and Approaches, so as to connect the Parts of the said Farm which are intersected by the said Reservoir, and the Owners and Occupiers for the Time being of the said Farm and the Estate to have a Right of Way over such intended Road for ever thereafter:

Proper Watering Places in convenient Situations to be supplied constantly with Water for the Use of Cattle in any Fields which may by the Construction of the intended Works be deprived of the existing Supply:

An adequate Supply of good Spring Water for *Witcombe* Farm House and Cattle Yards, and the several Cottages and Buildings near thereto, as convenient for the Purpose as the present Supply to the Premises from a Well underneath the Site of the said intended Reservoir.

XLV. It shall be lawful for the said Dame *Anne Rachael Cromie*, and the future Owners of the Manor and Farm of *Great Witcombe* aforesaid, at all Times hereafter, by themselves and others under their Authority, to have and enjoy the exclusive Right of fishing and fowling, with or without Nets or Engines, for Game, on or over the Reservoirs and Streams by this Act authorized to be made and taken: Provided, that in exercise of such Privilege no Damage be occasioned to the said Reservoirs or the Embankments thereof, and that the Waters thereof be not fouled or injuriously affected by Water, Fowl, Fish, or otherwise: Provided also, that the Existence of such Privileges is not to interfere with the Right of the Local Board to prevent any such Injury as aforesaid, and also to empty or repair or cleanse the said Reservoirs from Time to Time as Occasion may require. Reservation of Privileges to Lady *Cromie*.

XLVI. It shall be lawful for the Owners for the Time being of *Witcombe* Estate to make or lay Culverts or Drains under or over any of the covered Conduits or Pipe Tracks of the Local Board, for the Purpose of obtaining an adequate Outfall for Drainage of any of the Lands of the said Estate intersected or traversed by such Conduits or Pipe Tracks, in case the Local Board object to the Admission of such Drainage Water into any of the covered Conduits, or in case such Conduits do not afford adequate Outfall for such Drainage. Power to make Drains and Culverts.

XLVII. All metallic Ores dug in the Construction of the Works under the Lands taken from the said Dame *Anne Rachael Cromie* shall belong to the Owners for the Time being of the *Witcombe* Right to Minerals preserved to the Owners of
[*Local.*] 14 G Estate,

Gloucester Waterworks Act, 1855.

Witcombe
Estate ;

Estate, and shall be deposited by the Local Board on some Part of the Estate situate near to the said Works specified by such Owner.

and Right to
dig Mines ;

XLVIII. It shall be lawful for the Owners of the Manor and Estate of *Great Witcombe* aforesaid, in such Manner as before the passing of this Act they lawfully might have done, to open or work any Mines or Quarries in search of or for the Purpose of obtaining any metallic Ores under the said Reservoirs, or in any other Part of the said Manor and Estate, and also to make or drive any Drifts or Adits for working such Mines or Quarries, and to take and use for the Purpose of such Mines, Quarries, Drifts, and Adits, and of working Mills, and washing and dressing Ore, any Waters running through the said Estates : Provided always, that in or by means of such Mining or other Works, no Damage or Injury be occasioned to the Reservoirs hereby authorized to be constructed, and that the Waters used for the Purpose of such Mining or other Works, if taken off higher than the said Reservoirs, shall be made to return into the former Course or Channel, or some other Stream flowing into the said Reservoirs, and be returned pure and free from Pollution occasioned by such Mining or other Works.

and also to
use Water
for Irriga-
tion.

XLIX. It shall be lawful for the Owners for the Time being of *Witcombe* Estate aforesaid to use the Water from the Springs and existing Channels and Watercourses above the Level of the intended Reservoirs, for Farm, Dairy, and domestic Purposes, and for Irrigation of Land.

Local Board
restricted
from having
Houses, &c.
on Lands of
LadyCromie.

L. After the Construction of the Works by this Act authorized, the Local Board shall not erect in or upon any Part of the Lands taken by them from the said Dame *Anne Rachael Cromie* any House or Building, other than those required for the Purposes of the said Works, or the Care or Management thereof ; and no such House or Building shall be used as an Alehouse or Beerhouse, or Place for the Sale of any intoxicating Liquor.

Use and
Repair of
Road to
Witcombe
Farm and the
intended
Reservoirs.

LI. The Local Board shall be entitled to use the private Road leading from the Village Street to *Witcombe* Farm, and during the Construction of the Works shall at their Expense repair and maintain such Part of the same as may be so used, and from and after the Construction of such Works shall contribute One Fourth of the Expense of keeping in repair such Part of the same Road as may be used for the intended Works.

Period for
compulsory
Purchases
limited.

LII. The Powers of the Local Board for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

LIII. The

Gloucester Waterworks Act, 1855.

LIII. The Works by this Act authorized, and shown on the deposited Plans, shall be completed within Seven Years after the Commencement of this Act, and on the Expiration of that Period the Powers by this Act granted to the Local Board for making those Works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as is then completed.

Period for
Completion
of Works.

LIV. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever any Person interested complains to Two Justices that any such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiry into the Truth of the Complaint: Provided always, that any Two Justices, on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Power for
Justices to
order Repair
of Reservoirs,
and in cer-
tain Cases to
direct the
Water there-
in to be
lowered.

LV. If on any such Inquiry the Justices be satisfied that the Complaint is well founded, and that any Reservoir as aforesaid is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Local Board held under this Act, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of
Justices for
immediate
Repair.

LVI. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such imminently dangerous Condition so as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Local Board to answer the Complaint, and upon hearing the Parties, or upon default of Appearance of the Local Board, then in their Absence, the Justices shall, by Order in Writing under their Hands, order the Local Board, within such Period as the Justices think reasonable and specify in the Order, to do such Works and Things as they think requisite and proper for removing the Cause of Complaint.

Order of
Justices after
Summons on
Local Board
to repair
Reservoir.

LVII. If in any such Case the Local Board do not within such Period as the Justices specify in that Behalf in the Order do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Local Board, may, if they think fit, order such Persons as such Justices think fit to enter on the Property of the Local Board held under this Act, and to do all such Works and Things specified in the Order, and not done by the Local Board,

Order of
Justices on
Failure of
Local Board
to obey
Order.

Gloucester Waterworks Act, 1855.

Board, and all such other Works and Things, if any, as the Justices think requisite and proper for removing the Cause of Complaint.

Form of
Order.

LVIII. Any such Order of Justices may be in the Form or to the Effect following:

‘ To the Local Board of Health of the City of Gloucester,
‘ (or A.B. of, &c.)

‘ WE, the undersigned, Two of Her Majesty’s Justices of the Peace
‘ acting for the County of Gloucester, do hereby order and
‘ direct you (and such Person or Persons as you may require to aid
‘ and assist you therein) forthwith to do all such Works and Things
‘ as are requisite to repair and make good [*here specify the Reservoir*
‘ *to be repaired and made good*] (and you shall do as little Injury as
‘ possible to the Property of the said Local Board); and in acting in
‘ obedience to the Premises this shall be your sufficient Warrant.

‘ Given under our Hands, this Day of
‘ in the Year of our Lord One thousand eight hundred and .’

Persons
acting under
Order of
Justices not
deemed
Trespassers,
&c.

LIX. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Justices may
impose Pe-
nalty on
Local Board
for disobey-
ing Order.

LX. If the Justices so think fit, they may by any such Order under this Act impose on the Local Board, for not carrying the Order into effect, any Penalty not exceeding Ten Pounds for every Day’s Default, which the Justices think fit; but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint.

Order of
Justices on
Local Board
for Payment
of Costs.

LXI. The Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of any such Order on the Local Board, and also all and such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance of any such Order by any Person other than the Local Board, to be paid by the Local Board, and every Amount so to be paid shall be paid by the Local Board to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Power to
Local Board
to appeal
against
Order.

LXII. Provided always, That if the Local Board feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices on any such Complaint, the Local Board shall have like
Power

Gloucester Waterworks Act, 1855.

Power of Appeal as by the "Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that, pending any such Appeal, and except only so far, if at all, as on the Appeal it be quashed or altered, the Order appealed against shall be in force.

LXIII. The Local Board shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Supply Main of the Local Board is from Time to Time laid, or on the Application of any Person who under the Provisions of this Act is entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for domestic Use, including Water for Waterclosets, at a Rate not exceeding Six Pounds *per Centum per Annum* upon the actual Amount of the Rackrent, or, if not let at Rackrent, upon what would be the Rackrent if so let: Provided nevertheless, that the Local Board shall not be obliged to furnish such Supply to any Owner or Occupier or Person for less than Ten Shillings in any One Year, unless they shall think fit so to do.

Rate at which Water is to be supplied for domestic Purposes.

LXIV. A Supply of Water for domestic Purposes shall not include a Supply for any Bath, or for Cattle, or for Horses, or washing Carriages, where such Horses or Carriages are kept for Hire or by Common Carriers, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Definition of domestic Purposes.

LXV. In addition to the Rates for the Supply for domestic Purposes, the Local Board may demand and receive for One Private Bath any yearly Sum not exceeding Ten Shillings, and for every additional Bath any yearly Sum not exceeding Five Shillings.

Rates for Baths.

LXVI. If upon the Report of the Surveyor of the Local Board it appear to any Two Justices of the Peace for the City of *Gloucester*, and they certify, that any House or Part of a House within their District is without a proper Supply of Water, and if such Supply of Water can be furnished thereto at the Water Rate by this Act authorized, the Local Board shall, upon such Certificate, give Notice in Writing to the Owner or Occupier, requiring him, within a Time specified, to take such Supply from the Local Board, and to do all Works necessary for that Purpose.

Compulsory Supply of Water.

LXVII. If any such Notice be not complied with the Local Board, if they think fit, may do such Works, and furnish such Supply accordingly, and charge and recover the Water Rates for such Supply, not exceeding the Water Rate by this Act authorized, as if the Owner or

Payment for compulsory Supply.

[*Local.*]

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Occupier

Gloucester Waterworks Act, 1855.

Occupier of the House or Part of a House supplied had demanded the Supply, and were willing to pay Water Rates for the same; and all the Expenses incurred by the Local Board in that Behalf shall be recoverable forthwith in a summary Manner; and any Occupier may from Time to Time deduct from his Rent the Amount paid by or recovered from him in or for the Construction of such Works.

For prevent-
ing Waste
and fouling
of Water.

LXVIII. The Local Board shall not be compellable to supply with Water any Watercloset or private Bath, or the Apparatus or Pipes connected therewith, unless the same be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Local Board, and the Return of foul Air or other noisome and impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Local Board, or to supply any private Bath capable of containing more than Sixty Gallons of Water.

Supply of
Water for
other than
domestic
Purposes.

LXIX. The Local Board may use Water for any public Purpose, and may supply any Person with Water for other than domestic Purposes, for such Remuneration and upon such Terms and Conditions as may be agreed upon between the Local Board and such Person.

Penalty for
using Water
for other
than domes-
tic Purposes
without
Agreement.

LXX. Every Person using for other than domestic Purposes any Water supplied by the Local Board, and not having previously agreed with the Local Board for a Supply for such other Purpose, and every Person having agreed with the Local Board for a Supply of Water for any other than domestic Purposes, and using for any Purposes other than the Purposes so agreed for the Water so supplied by the Local Board, shall respectively for every such Offence forfeit and pay to the Local Board any Sum not exceeding Five Pounds.

Several
Names in
One Warrant

LXXI. Any Number of Names or Sums may be included in any Information, Summons, Warrant of Distress, or Notice obtained or given by the Local Board for any of the Purposes of this Act, and may be stated either in the Body of the Information, Summons, Warrant, or Notice, or in a Schedule thereto.

Costs of
Distress.

LXXII. Any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Water Rate or Sum be paid by the Person liable to pay such Water Rate or Sum, and such Costs shall be ascertained by the Justice or Justices issuing such Warrant, and shall be included in the Warrant of Distress for the Recovery of such Water Rate or Sum.

Waterworks
Account.

LXXIII. In order that due Application of the Monies raised and received under this Act by the Local Board may appear, they shall keep a separate and distinct Account of all their Receipts, Credits, Payments,

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Payments, and Liabilities in and about the Execution of this Act, so far as relates to Water, to be called "The Waterworks Account."

LXXIV. It shall be lawful for the Local Board from Time to Time to raise any Money which they may require for the Purposes of this Act, beyond the Amount of the annual Rates and Charges for Water Supply, by or out of any Special District Rates laid and levied by them, or they may lay and levy for the Purpose special Rates, to be called Permanent Waterworks Rates, in like Manner, and upon and from the same Persons, and in respect of the same Properties, and with the like Powers and Means of recovering and enforcing Payment thereof (in addition to any other such Powers or Means by this Act given), as they can lay, and levy, recover, and enforce Payment of any Special District Rate; and the Amount of the annual Rates and Charges for Water Supply for the Purposes of this Enactment shall mean the Amount thereof according to the Rates which the Local Board may from Time to Time be charging, although not the full maximum Rates authorized by this Act.

Power to raise Money by Special District Rates or Permanent Waterworks Rates.

LXXV. The Owners of all Premises the net annual Value of which shall not exceed Ten Pounds, or which shall be let to weekly or monthly Tenants or in separate Apartments, shall be assessable to and liable for all Rates and Charges to be made under or for the Purposes of this Act; and the Provisions of Section Seventy-two of "The Waterworks Clauses Act, 1847," shall be applicable in that Behalf, anything in this Act to the contrary notwithstanding.

Owners of small Tenements assessable.

LXXVI. Any Rates levied under or for the Purposes of this Act in respect of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and any Land covered with Water, or used only as a Canal or Towing Path for the same, or as a Railway, constructed under the Powers of an Act of Parliament for Public Conveyance, and any Tithes and Rent-charges or other Payments in lieu of Tithes, shall be assessed in the Proportion of One Fourth Part only of the net annual Value thereof.

Particular Descriptions of Property to be rated as under the Public Health Act,

LXXVII. The Amount of any Rate made by the Local Board, under "The Public Health Act, 1848," or any Act supplemental thereto, or otherwise relating to the Public Health or this Act, may, if they think fit, be of such Amount as in their Judgment will be sufficient to raise or discharge not only the Sum in respect of which the Rate is made, but also such a Sum as will meet the Expenses, or what is in their Judgment a due Proportion of the Expenses incurred and to be incurred in and about making and recovering the Rate.

Amount of Rate to include Expenses of recovering it.

LXXVIII. For the Purpose of diminishing the Expense of assessing, making, levying, and collecting the Rates under this Act, whether for

Rates included in same Assess-

Gloucester Waterworks Act, 1855.

ment may be collected with General District Rates.

for domestic Supply or otherwise, it shall be lawful for the Local Board to include such Rates or any of them in the same Assessment with any General or Special District Rate.

Monies received from certain Rates to be carried to Waterworks Account.

LXXIX. All Monies received from Rates and Charges for Water Supply, and from Special District Rates, for the Purposes of this Act, and from the Permanent Waterwork Rates, shall be carried to the Credit of the Waterworks Account.

Power for Local Board to borrow on Security of Waterworks, &c.

LXXX. The Local Board, in addition to any other Sums which they may borrow, may from Time to Time, for any of the Purposes of this Act, and under the Authority thereof, borrow at Interest on the Security of all or any or any Part of their Waterworks and other Property, and Special District Rates, Permanent Waterworks Rates, and other Rates or Charges, under or for any of the Purposes of this Act, such Sums as they think necessary, not exceeding Sixty-five thousand Pounds, and may secure the Repayment of the same, with Interest, by Mortgage, accordingly: Provided always, that such Mortgages shall be without Prejudice to the Lien of the Company upon their Undertaking for any Part of the Purchase Money from Time to Time unpaid, and the Interest thereon: Provided also, that the Powers of the Local Board to borrow Money under or for the Purposes of this Act shall not be restricted as to Amount by the Provisions of "The Public Health Act, 1848," or any Act supplemental thereto, or otherwise relating to the Public Health.

Power to reborrow.

LXXXI. The Local Board from Time to Time may reborrow any Amount from Time to Time paid off by them, unless it be paid off by means of the Sinking Fund, or by Sale or Mortgage of any Property belonging to the Corporation, in any of which Cases, and to the Extent of the Amount so paid off, their Powers of borrowing and reborrowing shall cease.

Sinking Fund.

LXXXII. The minimum Amount to be annually set apart and appropriated as a Sinking Fund for the Payment of the Principal Monies borrowed under this Act shall be at such a Rate *per Centum per Annum* on the Amount of such Principal Monies as shall ensure the Repayment thereof in the Course of Fifty Years.

Corporation may sell Corporate Estate.

LXXXIII. The Corporation, if they think fit, may, under the Authority of this Act, but subject to the Provisions thereof, at any One Time or from Time to Time, mortgage (with a Covenant by the Corporation for Payment of the Principal Money and Interest secured) or sell, and in case of Mortgage may afterwards sell, the whole or any Parts of their Corporate Estates; and any such Sale may be by Public Auction or Private Contract, and on such Terms and Conditions, whether ordinary or special, as the Corporation think fit; and the
Receipt

Gloucester Waterworks Act, 1855.

Receipt of their Treasurer for any Purchase Money, or Money raised by Mortgage, shall be a sufficient Discharge to the Purchaser or Mortgagee for the same, and he shall not be liable to see to the Application thereof, or be responsible for the Necessity or Propriety of any such Sale or Mortgage; and the Corporation shall discharge all Mortgages on Lands sold out of the Purchase Moneys for such Lands, and shall carry the net Amount so raised to the Credit of the Waterworks Account, and that Account shall not be liable to repay the same to the Corporation; and the Amount so carried to the Credit of that Account shall be considered as Part of the Sum of Sixty-five thousand Pounds which the Local Board are by this Act authorized to borrow, and their Power of borrowing that Sum shall to that Extent cease and determine.

LXXXIV. Provided always, That any Sale or Mortgage of Lands of the Corporation under this Act shall be subject to the Approbation of the Lords Commissioners of Her Majesty's Treasury, or any Three of them, according to the Provisions of the "Act for the Regulation of Municipal Corporations in *England* and *Wales*."

Sale or Mortgage to be with Consent of the Treasury.

LXXXV. Any Mortgage under this Act, and any Transfer of any such Mortgage, may be made according to the respective Forms authorized by the "Public Health Act, 1848," with such Modifications thereof as may render it applicable to the Purposes of this Act.

Form of Mortgage.

LXXXVI. All Monies which shall be received by the Local Board under the Powers of this Act, and carried to the Credit of the Waterworks Account, other than Sums raised by the Local Board by Mortgage, or raised by Mortgage or Sale of Corporation Estates, shall be applied as follows; (that is to say,)

Application of Receipts of Board.

First, in paying the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act;

Secondly, in repairing and maintaining the Waterworks;

Thirdly, in paying the Interest from Time to Time due upon all Monies payable by the Local Board in respect of the Purchase of the Undertaking of the Company;

Fourthly, in paying the Interest from Time to Time due upon all Monies borrowed by the Local Board under the Powers of this Act, and for the Time being remaining due;

Fifthly, in setting apart and appropriating the Sinking Fund for Payment of Mortgages;

Sixthly, in constructing and extending the Waterworks from Time to Time as Occasion shall require, and carrying this Act into execution;

Seventhly, in paying all Monies payable by the Local Board in respect of the Purchase of the Undertaking of the Company;

[*Local.*]

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Eighthly,

Gloucester Waterworks Act, 1855.

Eighthly, in paying off all Principal Monies borrowed by the Local Board under the Powers of this Act, and for the Time being remaining due ;

And, lastly, for the public Benefit of the Inhabitants and the Improvement of the District, or in reduction of any Rates or other Charges leviable in the District :

And (but subject and without Prejudice to the Rights of the Company under and to the due Performance of the recited Contract and Award respectively) all Sums raised under this Act by the Local Board by Mortgage, and all Sums raised under this Act by Mortgage or Sale of Corporation Estates, shall or may be applied to all or any of the Purposes firstly, thirdly, fifthly, sixthly, seventhly, and eighthly specified.

Contracts for Supply of Water, &c. not to disqualify Members of Local Board.

LXXXVII. No Person shall be disqualified for being, continuing, or acting as a Member of the Local Board by reason of his being concerned in any Contract entered into by the Local Board for a Supply of Water under this Act, or for the Sale of any Land for the Purposes of this Act, or of his being a Proprietor of or interested in any Newspaper in which Advertisements are inserted for the Local Board ; but no such Person shall discuss, act, or vote as a Member of the Local Board on any Question touching any Matter in which he or his Partner is directly or indirectly concerned ; and every Person so offending shall thereupon be disqualified as being a Contractor with the Local Board.

Liability to Rates not to disqualify Justices.

LXXXVIII. No Person shall be incapable of acting as a Justice in the Execution in any respect of this Act by reason of his being interested in any Contract under this Act for a Supply of Water, or being liable under this Act to the Payment of any Rate or other Money.

Application of Penalties.

LXXXIX. The Justices by whom any Penalty or Forfeiture shall be imposed under this Act shall, where the Application thereof is not otherwise provided for, award the same to the Local Board.

Saving Rights of Corporation and Local Board.

XC. Except as is by this Act expressly otherwise provided, this Act, or anything therein contained, shall not take away, lessen, prejudice, or alter any of the Jurisdictions, Estates, Rights, Powers, or Privileges of the Corporation or of the Local Board.

Gloucester Waterworks Act, 1855.

SCHEDULE A. to which the foregoing Act refers.

PROVISIONAL ORDER FOR THE BOROUGH OF GLOUCESTER.

General Board of Health.

WHEREAS it having been ascertained from the last Return for the Time being made up by the Registrar General of Births, Deaths, and Marriages from the Deaths registered in a Period of not less than Seven Years, to wit, the Period commencing the First Day of January in the Year of our Lord One thousand eight hundred and thirty-eight, and ending on the Thirty-first Day of December in the Year of our Lord One thousand eight hundred and forty-four, that the Number of Deaths annually within the Boundaries of the City of Gloucester, as fixed for the Purposes of an Act passed in the Sixth Year of the Reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," have on an Average exceeded during that Period the Proportion of Twenty-three to a Thousand of the Population of such City so bounded as aforesaid, the General Board of Health, appointed for the Purposes of "The Public Health Act, 1848," have, in pursuance of the Provisions of that Act, directed Edward Cresy, a Superintending Inspector appointed for the Purposes of the same Act, to visit the said City within and throughout the said Boundaries, and to make public Inquiry and to examine Witnesses as to the Sewerage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and Sanatory Condition of the Inhabitants, and as to any Local Acts of Parliament in force within the said City for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the said City, or having relation to the Purposes of the said Act, also as to the natural Drainage Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which might be most advantageously adopted for the Purposes of the said Public Health Act:

And whereas the said Superintending Inspector, having previously given the Notices directed by the said Act, proceeded upon the said Inquiry in the Manner directed by the said Public Health Act, and hath reported in Writing to the said General Board upon the several Matters with respect to which he was directed to inquire, and upon certain other Matters in respect of which he deemed it expedient to report for the Purposes of that Act:

And whereas Copies of the said Report, accompanied by a Notice stating that written Statements might be forwarded to the said Board with respect to

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to any Matter contained in or omitted from the said Report, or any Amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the Time for forwarding such Statements is now elapsed, and all such Statements as have been received by the said Board have been duly deposited as required by that Act :

And whereas it appears to the said General Board to be expedient that the said Public Health Act, with certain Exceptions, should be applied to the said City, and within the same Boundaries as those within and with respect to which the said Inquiry hath been made ; but the same cannot be done without the Authority of Parliament, by reason of the Existence of certain Local Acts now in force within the said City ; (that is to say,) .

An Act passed in the Twenty-third Year of the Reign of King George the Second, intituled " An Act for taking down several Buildings and " enlarging the Streets and Market Places in the City of Gloucester : "

A certain other Act passed in the Seventeenth Year of the Reign of King George the Third, intituled " An Act for rebuilding the Bridge over the " River Severn at Maismore near the City of Gloucester ; for raising, " widening, and securing Over Causeway leading from the said City " towards Maismore aforesaid ; and for enforcing the proper paving and " cleansing of the several Streets within the said City, and for removing " Nuisances and Annoyances therefrom, and preventing the like for the " future : " .

A certain other Act passed in the Twenty-first Year of the Reign of King George the Third, intituled " An Act for erecting a new Gaol and for " removing certain Gateways in the City of Gloucester, and for amending " the several Acts passed for the Maintenance and Support of the Poor of " the said City, and lighting, paving, and regulating the Streets there : "

A certain other Act passed in the Second Year of the Reign of King George the Fourth, intituled " An Act for establishing a proper Place for holding " Markets and Fairs for the Sale of Live Stock in the City of Gloucester " and the Suburbs thereof, and for opening convenient Avenues thereto, " and for watching and otherwise improving the said City : "

A certain other Act passed in the Fourth Year of the Reign of King George the Third, intituled " An Act for the more effectual Relief and Employ- " ment of the Poor within the City of Gloucester, and for lighting the " Streets of the said City : "

A certain other Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled " An Act for enabling the Governor and " Guardians of the Poor for the City of Gloucester to light the said City " with Gas, and to enter into the necessary Contracts for that Pur- " pose : "

A certain other Act passed in the First Year of the Reign of King George the Fourth, intituled " An Act for incorporating the City of Gloucester " Gaslight Company : "

A certain other Act passed in the Fourth Year of the Reign of King William the Fourth, intituled " An Act to provide for the lighting the Suburbs of " the City of Gloucester with Gas : "

A certain

Gloucester Waterworks Act, 1855.

A certain other Act passed in the Fourth Year of the Reign of King William the Fourth, intituled "An Act for better lighting the City of Gloucester and its Suburbs with Gas, and for enlarging the Capital of the Gloucester Gaslight Company:"

A certain other Act passed in the Fourteenth Year of the Reign of King George the Second, intituled "An Act for supplying the City of Gloucester with fresh Water:"

And a certain other Act passed in the Sixth Year of the Reign of King William the Fourth, intituled "An Act for better supplying with Water the City of Gloucester and Parishes and Places in the County of Gloucester near thereto:"

Now, therefore, in pursuance of the Power vested in the said Board by the Public Health Act, 1848, we, the said General Board of Health, do, by this Provisional Order under our Hands and Seals of Office, order and direct that from and after the passing of any Act of Parliament confirming this present Order, "The Public Health Act, 1848," and every Part thereof, except the Sections numbered 50 and 96 in the Copies of that Act printed by Her Majesty's Printers, shall apply to and be in force within and throughout the entire Area, Places, and Parts of Places comprised within the Boundaries at present fixed as the Boundaries of the City of Gloucester for the Purposes of the said Act passed in the Sixth Year of the Reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales:"

That the Mayor, Aldermen, and Burgesses of the City of Gloucester shall be, by the Council of the said City within and for the said District, constituted for the Purposes of "The Public Health Act, 1848," as aforesaid, the Local Board of Health under that Act.

Given under our Hands and the Seal of the General Board of Health, this Twenty-first Day of July in the Year of our Lord 1849.

(Signed)

CARLISLE.

ASHLEY.

EDWIN CHADWICK.

SCHEDULE B.

ARTICLES OF CONTRACT.

11th March 1854.—Indenture or Articles of Contract between the Gloucester Water Company of the one Part, and the Mayor, Aldermen, and Citizens of the City of Gloucester in the County of the City of Gloucester (being the Local Board of Health for the said City) of the other Part, whereby the Water Company agreed to sell, and the Mayor, Aldermen, and Citizens agreed to purchase, the Waterworks of the said Company, at a Sum to be fixed by Arbitrators therein named or their Umpire.

[Local.]

14 K

AWARD.

Gloucester Waterworks Act, 1855.

AWARD.

3rd June 1854.—Indenture between John Frederick Bateman (the Umpire appointed under the last-mentioned Indenture) of the First Part, the Gloucester Water Company of the Second Part, and the Mayor, Aldermen, and Citizens of the City of Gloucester in the County of the City of Gloucester (being the Local Board of Health for that City) of the Third Part, whereby the Sum of Eighteen thousand five hundred Pounds was awarded to be paid to the Water Company for their Works, and the said Company, and the said Mayor, Aldermen, and Citizens contracted to sell and purchase the same accordingly.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.