



ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

Cap. lxxviii.

An Act for the better Supply of the Town of *Torquay* and the Neighbourhood thereof with Water, and for other Purposes.

[7th July 1856.]

WHEREAS under or by virtue of a Provisional Order of the General Board of Health dated the First Day of *August* One thousand eight hundred and fifty, and confirmed by an Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter One hundred and eight, intituled *An Act for confirming certain further Provisional Orders of the General Board of Health*, a Local Board of Health was constituted for the District of *Tormoham*, which included the whole Parish of *Tormoham* in the County of *Devon*: And whereas the Population of the Town of *Torquay* in the said Parish of *Tormoham* has of late Years increased, and is still increasing: And whereas the said Town and Parish are insufficiently supplied with Water: And whereas Sir *Lawrence Vaughan Palk* Baronet and *Lawrence Palk* Esquire are or claim to be the Proprietors of the existing Waterworks in the said Town and Parish, but the same are insufficient for the Supply of the Wants of the Population: And whereas the Powers now vested in the said Local Board of Health for the said District and Parish of *Tormoham* for supplying Water within the said District

13 & 14 Vict.
c. 108.
(Public.)

[Local.]

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could be carried into execution with greater Benefit to the Inhabitants of the said District if the existing Waterworks were vested in the said Local Board of Health, and if further Powers for a larger Supply of Water were granted to the said Local Board of Health: And whereas the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk* introduced a Bill into Parliament in the last Session with a view of better supplying the said District and the Parish of *St. Mary Church* thereto adjoining with Water, but the same was opposed by the said Local Board of Health on behalf of the Inhabitants of the said District on the Ground (amongst others) that the contemplated Supply of Water was wholly insufficient for the Wants of the Inhabitants of the said District: And whereas at a Public Meeting of the Ratepayers of the said District held on the Tenth Day of *March* One thousand eight hundred and fifty-five it was resolved as follows: "That the Report presented by the Local Board of Health be received, and that Mr. *Palk* having agreed to withdraw his Bill so far as regards *Tormoham*, and to surrender up and sell his Waterworks to the Local Board, including Pipes and Reservoirs, but not the Water, Steam Engine, Mill, and Mill House, and that the Purchase Money shall be ascertained by Arbitration to be such an Amount as the Arbitrators shall consider it fair and proper shall be paid under all Circumstances; Resolved, that this Meeting do agree to the same:" And whereas, in pursuance of such Resolution the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk* abandoned their said Bill in Parliament, and the said Local Board of Health are desirous of carrying out the Object of the said Resolution, and the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk* are desirous to sell and the said Local Board of Health to purchase all the Waterworks mentioned in the said Resolution: And whereas *Robert Shedden Sulyarde Cary* Esquire is or claims to be Lord of the Manor of *Tor* within the said Parish of *Tormoham*, and also Lord of the Manor of *Saint Mary Church* in the County of *Devon*: And whereas the said *Robert Shedden Sulyarde Cary* Esquire or his Trustees is or are or claims or claim to be Proprietor or Proprietors of Waterworks within the said Manor of *Tor* and Parish of *Tormoham*, and also in the Parish of *Saint Mary Church* in the County of *Devon*: And whereas it is expedient that the Supply of Water for the said Town of *Torquay* and Parish of *Tormoham* should be placed under the Control, Regulation, and Management of the said Local Board of Health, and that the said Local Board should be authorized to purchase the said existing Waterworks, and to alter, extend, and enlarge the same, and to construct new Waterworks as herein-after mentioned for the better Supply of Water to the said Town and Parish: And whereas the Town of *Newton Bushel* in the Parish of *Highweek*, the Town of *Newton Abbot* in the Parish of *Wolborough*, and the Village of *Saint Mary Church* in the Parish of *Saint Mary Church*, all in the County of *Devon*, are at present insufficiently supplied with Water: And whereas the Pipes or Mains for the Supply of Water to the said Town of *Torquay* and the

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the Parish of *Tormoham* will pass through or near to the said several Towns and Places, and it is expedient that the Limits within which the said Local Board of Health may supply Water should be extended to the said several Towns and Places: And whereas to carry the said several Objects into effect it is necessary that the said Local Board of Health should be enabled to raise further Rates within the District and Parish of *Tormoham*, and also further Sums of Money than can be raised under the said Public Health Act: And whereas the several Objects aforesaid cannot be carried into effect 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. This Act may be cited for any Purpose whatever as "The *Torquay Waterworks Act, 1856.*" Short Title.

II. This Act shall commence and take effect on and from the passing thereof. Commencement of Act.

III. In this Act the following Expressions shall have the Meaning hereby assigned to them: "the Local Board" shall mean "the Local Board of Health for the District of *Tormoham*;" "the District" shall mean "the District of *Tormoham*." Interpretation of Terms.

IV. The Limits within which this Act may be put in force for the Supply of Water are the District, the Towns of *Newton Bushel* and *Newton Abbot*, and the Parishes of *Highweek*, *Wolborough*, and *Saint Mary Church*, all in the said County of *Devon*. Limits of Act for the Supply of Water.

V. The several Powers and Authorities by this Act granted shall be executed by the Local Board acting pursuant to the Powers and Provisions of "The Public Health Act, 1848," and any or every Act amending or extending the Provisions of that Act or relating to the Subject Matter thereof, and all other Statutes and Laws from Time to Time in force affecting the Local Board of Health for the District. Local Board to execute Act.

VI. "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," save so far as the Clauses and Provisions thereof respectively are excepted or varied by this Act, are respectively incorporated with this Act: Provided always, that the Clauses "with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit," and Clause 83 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, 8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 17. incorporated.

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tively, 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 Meaning 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.

Local Board to purchase Waterworks, &c. of Sir L. V. Palk.

VIII. The Local Board before they shall supply the District with Water shall purchase of the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk*, or such of them as shall be able and willing to sell the same in Fee Simple as to the Realty, and absolutely as to the Personalty, all the Reservoirs, Pumps, Mains, Pipes, and Waterworks of or belonging to the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk*, or either of them, or any Person or Persons in trust for them or either of them, within the said Parishes of *Tormoham* and *Saint Mary Church*, and now used or constructed for supplying the District with Water, except the Water, the Steam Engine, Mill, and Mill House, and the Buildings appurtenant thereto, and such Pipes and Machinery as are on the Surface not appropriated; and the Purchase Money, if not agreed upon between the Parties, shall be settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845," and such an Amount as the Arbitrator or Arbitrators shall consider fair and proper shall be paid for the same under all the Circumstances of the Case; provided, that if the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk* or the Person or Persons aforesaid, or any or either of them, shall neglect or refuse to sell such Waterworks as aforesaid, or shall be unable to sell the same as aforesaid after Six Months Notice by the Local Board, then the said Local Board may supply the District with Water.

Payment of Purchase Money into Bank, &c.

IX. Provided always, That if the Purchase Money be not agreed upon between the Parties, but the same be so settled by Arbitration, or if they do agree as to the Purchase Money of such Parts of such Waterworks as are Personal Property, but in consequence of the Inability of the Vendors to convey in Fee Simple such Parts of the said Waterworks as are Real Estate the Purchase Money of such last-mentioned Parts shall be so settled by Arbitration, then the whole Amount so settled by Arbitration shall be paid into the Bank in the Manner provided by the Lands Clauses Consolidation Act, 1845, and the Court of Chancery, on the Application in a summary Way by any Person claiming an Interest in the Purchase Money, may apportion the Amount so paid between the several Persons interested in the purchased Premises according

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according to their respective Interests therein, and may order the Payment to any Person absolutely interested of such Part thereof as is so apportioned in respect of his Interest, and the Residue thereof shall be applicable as if the Purchase were made under the Provisions of that Act.

X. Upon the Completion of the Purchase by the Local Board (of which Completion a Deed of Conveyance and Assignment under the Hands and Seals of the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk* and their Trustees shall be sufficient Evidence) all the Waterworks, Reservoirs, Tanks, Mains, Pipes, Apparatus, Works, Conveniences, Lands, Buildings, Estates, Rights, and Easements whatsoever relating to or affecting the said Water Undertaking, of or to which the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk* immediately before the Commencement of this Act were seised, possessed, or in any way entitled at Law or in Equity or otherwise, and generally the whole Water Undertaking of the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk*, with the Appurtenances, save only such of the Premises, Property, and Effects of the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk* as by the last Section but One are expressly excepted from the Purchase, shall be absolutely transferred unto and shall be vested in the Local Board as Part of their Estate; provided, that if the Local Board shall abandon and not make use of any such Reservoir, such Reservoir so abandoned and not made use of shall revert to the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk* and his Heirs or their Trustees.

Waterworks
of Sir L. V.
Palk and
Mr. Palk
vested in
Local Board.

XI. The Local Board, before they shall supply any Water within the Limits of this Act, shall purchase of the said *Robert Shedden Sulyarde Cary* and his Trustees, or such of them as shall be able and willing to sell the same, all his and their Estate and Interest, whether in Fee or otherwise, in all Reservoirs, Pumps, Mains, Pipes, and Waterworks of or belonging to him or them, or either of them, within the Limits of this Act, except the Water used in such Waterworks, and except the Mill House or Mill Houses and the Site or Sites thereof, and the Purchase Money if not agreed upon between the Parties shall be settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845," and be such an Amount as the Arbitrator or Arbitrators shall under all the Circumstances of the Case consider fair and proper; provided, that if the said *Robert Shedden Sulyarde Cary* or his Trustees, or any or either of them, shall neglect or refuse or be unable to sell his and their Estate and Interest in all such Reservoirs, Pumps, Mains, Pipes, and Waterworks as aforesaid after Six Months Notice by the Local Board, then the Local Board may supply Water within the Limits of this Act.

Local Board
to purchase
all Reser-
voirs and
Works be-
longing to
R. S. S. Cary.

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Such Water-works, &c. vested in Local Board.

XII. Upon the Completion of the Purchase by the Local Board (of which Completion a Deed of Conveyance and Assignment under the Hands and Seals of the said *Robert Shedden Sulyarde Cary* and his Trustees shall be sufficient Evidence) all the Estate and Interest of the said *Robert Shedden Sulyarde Cary* and his Trustees so to be purchased, as in the last Section is mentioned, shall be absolutely vested in the said Local Board as Part of their Estate; provided, that if the said Local Board shall abandon and not make use of any such Reservoir, then the Estate and Interest in the same so to be purchased and vested in the Local Board shall from and upon such Abandonment and Non-user revert to the said *Robert Shedden Sulyarde Cary* and his Trustees, his and their Heirs and Assigns.

Power for Local Board to maintain and improve existing and new Waterworks and supply Water.

XIII. Subject to the Provisions of this Act, the Local Board from Time to Time may maintain and repair the existing Waterworks when conveyed and assigned to them, and extend and improve the same, and make, alter, and discontinue, in connexion therewith and with the new Waterworks by this Act authorized, such Weirs, Reservoirs, Mains, Pipes, and other Conveniences as they may from Time to Time think fit.

Power to construct Works according to deposited Plans.

XIV. And whereas Plans and Sections showing the Line and Levels of the Reservoirs and Waterworks proposed to be constructed for the Purposes of this Act, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands and Streams in or through which the same are intended to be made or pass, have been deposited with the Clerk of the Peace for the County of *Devon*: Be it enacted, That it shall be lawful for the said Local Board, subject to the Provisions and Restrictions in this Act and the Acts incorporated therewith contained, to lay down, make, and maintain the said Waterworks, together with all proper and convenient Weirs, Embankments, Roads, Watercourses, Reservoirs, Mains, Conduit Pipes, Culverts, and other Works connected therewith, in the Line and on the Levels and upon the Lands delineated in the said Plans and Sections and described in the said Book of Reference, and to purchase, either compulsorily or by Agreement, and enter upon, take, and use, such of the Lands, and to break up such of the Streets, Bridges, and Roads, as are delineated on the said Plan or referred to in the said Book of Reference as shall be necessary for that Purpose.

Local Board to make good any Damage done to the South Devon Railway.

XV. In case the Local Board shall, in laying any Pipes or Mains or in doing any Works by this Act authorized, interfere with any Property of the *South Devon* Railway Company, or any Works constructed or liable to be maintained by the said Company, the Local Board shall at their Expense make good and repair the said Property and Works so interfered with to the reasonable Satisfaction of the Engineer of the Company for the Time being, and shall at their
like

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like Expense, at all Times after the Completion of their Works, so maintain the Pipes and Works of the said Local Board that no Damage or Injury shall result therefrom or be occasioned thereby to the said Property and Works of the said Company; and in case of any such Damage or Injury arising to any such Property or Works, the Local Board shall make full Compensation to the Company for the same, to be recoverable as herein-after mentioned; provided, that in case the Local Board shall fail to comply with the Requirement of any Notice to be given to them by the Engineer to the said Company to execute any Works or Repairs as herein-before provided within a reasonable Time, to be specified in such Notice, the said Company may, if they think fit, execute such Works or Repairs themselves, and the Expense of executing the same shall be recoverable by the said Company from the said Local Board in like Manner as Damages not specially provided for are made recoverable by the "Waterworks Clauses Act, 1847."

XVI. The Main or Conduit Pipe from the Point of Junction with *Tottiford Brook* to the Town of *Newton* shall be of the Diameter of Ten Inches; and from the Town of *Newton* to *Higher Union Street, Torr*, opposite the *Torr Hill* Reservoir in the Parish of *Tormoham*, the Main or Conduit Pipe shall be of the Diameter of Nine Inches; and from the Termination of the Nine-inch Main or Conduit Pipe in *Higher Union Street* aforesaid to the said *Torr Hill* Reservoir the Main or Conduit Pipe shall be not less than Four Inches in Diameter; and from the said Termination of the said Nine-inch Main or Conduit Pipe in *Higher Union Street* aforesaid to the *Warberry Hill* Reservoir in the said Parish of *Tormoham* the Main or Conduit Pipe shall be not less than Seven Inches in Diameter.

Diameter of
Main.

XVII. The Mains or Pipes through any Arable, Meadow, or Pasture Land shall be placed in every Part thereof so as not to offer any Obstruction to the free Passage over and along the same, or to the Use thereof for all agricultural Purposes, except during and for the Construction of the Waterworks, and during and for the Time occupied in repairing or reinstating the same.

For Pro-
tection of
Lands.

XVIII. Nothing in this Act contained shall prevent the Owner or Occupier of any Land from making Drains therein for the Improvement of such Land, so that the said Drains shall not in any way injure the said Mains or Pipes.

Not to inter-
fere with
Drainage of
Lands.

XIX. It shall be lawful for the Local Board at all Times hereafter, for the Purpose of repairing, altering, or maintaining their said Waterworks, to enter upon, take, and use the said Lands, and to break up the said Streets, Bridges, and Roads, doing as little Damage thereby as can be, and making Compensation for any such Damage.

Local Board
may re-enter
Lands, &c.
to repair
Waterworks.

XX. Subject

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Power for
Local Board
to take Wa-
ter of Totti-
ford Brook.

XX. Subject to the Provisions of this Act, the Local Board from Time to Time may take and appropriate for the Purposes of their Waterworks the Waters of *Tottiford Brook* otherwise *Pool Mill Brook*, and for that Purpose may alter and divert the Course of the said Brook as shown on the said Plan, and may store up in the Reservoirs and Waterworks to be constructed as aforesaid the Waters of the said Brook, and from Time to Time may draw off and use the Water so stored up as aforesaid, and sell and dispose of the same within the Limits for the Supply of Water herein-before provided, as they may think fit.

Limit of
lateral De-
viation.

XXI. Wherever and so far as the Line of any Works, as shown upon the deposited Plans, passes along any Road, Bridge, or Street, and no Line of lateral Deviation is marked thereon, the Local Board may, in making of such Work, deviate from the said Line laid down on those Plans to the Extent only of the Boundaries of such Road, Bridge, 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 De-
viation.

XXII. 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 Three Feet, except in passing through the Towns of *Newton Bushel* and *Newton Abbott*, where the said Local Board may deviate to any Extent not exceeding Ten Feet.

Power to
Local Board
to break up
Streets with-
out Notice.

XXIII. Provided always, That it shall not be necessary for the Local Board, before they may proceed to open or break up any Street, Bridge, Sewer, Drain, or Tunnel under the Control of the Local Board, to give any Notice of their Intention so to do.

General
Power to
purchase
Lands by
Agreement.

XXIV. The Local Board from Time to Time may, by Agreement, purchase any other Lands and any Ways or any Easement, not being a Right of Water, 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, provided that such Lands shall not exceed Five Acres.

To enable
Parties to
grant Ease-
ments.

XXV. The Persons empowered by the Lands Clauses Consolidation Act, 1845, to convey Lands shall have full Power to grant in perpetuity any Easement, Power, or Authority in or over such Lands or Streams.

Power to
purchase
Lands by

XXVI. The Local Board, in addition to the Lands authorized to be compulsorily taken by them under the Powers of this Act, may purchase

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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.

Agreement
for new
Roads.

XXVII. 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, except Lands bought in substitution for any public Road or Highway which may be interfered with as aforesaid, shall be vested in them as Part of the Estates of the Local Board, and held by them in trust for the Purposes of this Act as a Body Corporate; and the Local Board shall, according to the Provisions of the Lands Clauses Consolidation Act, 1845, resell any Lands 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.

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

XXVIII. Subject to the Provisions of this Act and of the Acts incorporated therewith, it shall be lawful for the Local Board to make such Reservoirs, lay down such Pipes, and do such Works within the Limits to be supplied with Water, as shall be necessary for a Supply of Water within such Limits; but this Power shall not enable the Local Board to do any Work on any Land not dedicated to the Public without Consent of the Owner and Occupier thereof, save only such Lands as are described in the said Plans and Books of Reference.

Power to
Local Board
to do Works
within the
Limits.

XXIX. And in order to provide against Accidents to Life or Property by the bursting of any impounding Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices by the Owners or Occupiers of any Dwelling House, Mill, Factory, or Land situate below any such Reservoir, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that the Embankment by which the Water is retained in such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied that such Embankment is in a dangerous State they shall, by Writing under their Hands, order and require the Local Board, within a Time to be specified in such Writing, to put such Embankment into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Local Board shall not within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any other Two Justices, have repaired the said Embankment or constructed the said Works, or in case upon receiving such Representation as aforesaid the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands, order and direct the Officer in charge of such Reservoir, or any other Person or Persons

Power for
Justices to
order Repair
of Reser-
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certain Cases
to direct
the Water
therein to be
lowered.

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whom they may think proper, to enter upon the Premises of the Local Board, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Embankment shall have been repaired, or such Works as aforesaid shall have been constructed, to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices, and which Two Justices shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal as herein-after mentioned, and such Order may be in the Form or to the Purport following; (that is to say,)

‘ To *A.B.*

‘ **WE**, the undersigned, Two of Her Majesty’s Justices of the Peace
 ‘ acting in and for the County of Devon, do hereby order and
 ‘ direct you, and such Person or Persons as you may require to aid and
 ‘ assist you herein, forthwith to do all such Acts as may be necessary to
 ‘ lower the Water in a certain Reservoir known as the
 ‘ Reservoir by the Space of Feet or thereabouts, and to
 ‘ keep the same at that Level until you shall be further instructed by
 ‘ us, or by Two other Justices of the Peace acting in and for the said
 ‘ County; and you shall do as little Injury as possible to the Property
 ‘ of the Local Board of Health for the District of Tormoham; 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

‘ (Signed) *C.D.*
 ‘ *E.F.*

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser, and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that except where the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Embankment, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Local Board, and shall hear and consider any Evidence that may be tendered on behalf of the Local Board against the making of such Order: Provided also, that if the Local Board shall consider themselves aggrieved by any such Order, they may appeal against the same to any Quarter Sessions upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal, and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices, as they may think proper, but until such Order shall be superseded it shall
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continue in full Force; and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Local Board, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do; and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court of Quarter Sessions.

XXX. 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. Period for compulsory Purchases limited.

XXXI. The Works by this Act authorized and shown on the deposited Plans shall be completed within Five 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.

XXXII. The said Local Board shall, on and after the Completion of the Purchase by them of the said Waterworks, take on themselves all Liabilities to which the Estates of the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk*, or either of them, or any Person or Persons interested therein, shall be subject by reason of any Clause inserted in any Lease or Leases granted by the said Sir *Lawrence Vaughan Palk*, and named in the Schedule to this Act, whereby it is stipulated that he should supply any House or Houses with Water within the District, and shall indemnify every Person subject to any such Liability from all Costs, Damages, and Expenses, Claims and Demands, relating thereto; provided that the Local Board, in consideration thereof, shall receive from the Leaseholders of such Property the Rents reserved by such Leases for the Use of Water, which are thenceforth to be payable and paid to the Local Board instead of to the said Sir *Lawrence Vaughan Palk*, or his Heirs or Trustees. Local Board to take Liabilities of Sir L. V. Palk, &c. in respect of Supply of Water.

XXXIII. The Local Board may, by Agreement with the Lessees or Owners of such Houses as last aforesaid, respectively purchase and take a Surrender of such Liabilities as last aforesaid, or any of them, and pay for the same out of any Moneys which shall come to their Hands by virtue of this Act. Local Board may purchase Surrenders of such Liabilities.

XXXIV. In case the said Sir *Lawrence Vaughan Palk* and *Lawrence Palk*, their Heirs or Assigns, shall be desirous that any Houses now or hereafter to be built on any Property now or hereafter belonging to them, or either of them, in the said Parish of *St. Mary Church*, shall be supplied with Water by or from the Works of the Local Board, If Local Board neglect to supply Sir L. V. Palk's Houses in *St. Mary's Church*, he

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to have
Power to
supply them
at an annual
Rent.

Board, and shall give written Notice thereof to the Local Board, the Local Board shall supply the same accordingly within One Year after such Notice (which Notice shall not be given until the Expiration of One Year after the Completion of the Waterworks by the Local Board), or, at the Option of the Local Board, the Local Board shall within the like Period deliver to the said Sir *Lawrence Vaughan Palk* or the said *Lawrence Palk*, his Heirs or Assigns, Water for the Supply of such Houses and Property from their Reservoir on the *Warborough Hill* or some other convenient Place, to be mutually agreed on, within the District, to be conducted thence by Pipes to be laid at the Expense of the said Sir *Lawrence Vaughan Palk* or *Lawrence Palk*, or his Heirs, in consideration of a yearly Rent to be paid by the said Sir *Lawrence Vaughan Palk* or the said *Lawrence Palk*, his Heirs or Assigns, to the said Local Board for the same during the Use and Enjoyment thereof, and thereupon it shall be lawful for the said Sir *Lawrence Vaughan Palk* or the said *Lawrence Palk*, his Heirs and Assigns, to supply such Houses and Property with Water, and to exercise all the Powers and Authorities for laying Mains and Pipes for that Purpose hereby given to or vested in the Local Board; and the Amount of such yearly Rent and the Time and Mode of paying the same, if the Parties cannot agree thereon, shall be ascertained and settled by Arbitration in the Manner provided by the Lands Clauses Consolidation Act, 1845, and may be reviewed and ascertained and settled again in like Manner in every succeeding Period of Seven Years on Six Months Notice in Writing from either of the said Parties to the other of them; and in case the said Sir *Lawrence Vaughan Palk* or the said *Lawrence Palk*, his Heirs or Assigns, shall lay down Pipes for supplying such Houses as aforesaid with Water, the said Local Board shall not thereafter supply such Houses with Water, except in the Manner contemplated by this Clause, without the Consent and Agreement of the said Sir *Lawrence Vaughan Palk* or the said *Lawrence Palk*, his Heirs or Assigns.

What shall
be domestic
Purposes.

XXXV. A Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle or for Horses or washing Carriages, where such Horses or Carriages are kept for Hire or are the Property of any Dealer, or a Supply of Water for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

Rates at
which Water
is to be sup-
plied for
domestic
Purposes.

XXXVI. The Local Board shall, when their said Waterworks shall be completed, and at all Times thereafter so long as they shall be enabled so to do, at the Request of the Owner or Occupier of any House or Part of a House within One hundred Yards of any Street in which any Pipe of the Local Board shall be laid, or of any Person who, under the Provisions of this Act or any Act incorporated here-
with,

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with, shall be 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 their domestic Uses at the Rates hereinafter specified; (that is to say,)

Where the annual Value of such Dwelling House shall be under Ten Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds:

Where the annual Value of such Dwelling House shall be Ten Pounds and under Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

Where the annual Value of such Dwelling House shall be Eighty Pounds and upwards, at a Rate *per Centum per Annum* not exceeding Seven Pounds for the first Eighty Pounds of annual Value, and not exceeding Five Pounds *per Centum* on the Excess in Value above Eighty Pounds:

If there be a private Bath or Baths in such Dwelling House, and supplied with Water by the Local Board, then in addition to the Rates above specified the following Rates shall be payable; (that is to say,)

A Sum not exceeding Ten Shillings *per Annum* for every such Bath.

XXXVII. The Water in any Pipe of the Local Board need not be constantly laid on under Pressure. Constant Pressure not necessary.

XXXVIII. Provided always, That, notwithstanding anything herein contained, it shall and may be lawful for the Local Board from Time to Time to supply gratuitously, or to lessen or altogether remit the said Rates and Charges for supplying any Hospitals, Infirmaries, or other Public Buildings devoted to charitable Purposes within the District, and also to take a different Rate for Supply of Water out of the District from that charged in the District, provided that the maximum Rate shall not be exceeded, and that the Rent charged in respect of any Dwelling House out of the District shall not at any Time exceed by more than Thirty *per Centum* the minimum Rent then charged on any Dwelling House of like annual Value within the District. Power to Local Board to remit Charges in certain Cases.

XXXIX. The Local Board shall not be bound to supply any Watercloset, or the Apparatus, Cisterns, or Pipes connected therewith, or Water for any Bath or for domestic Purposes, unless the Cisterns, Pipes, and Cocks necessary for such Supply shall be constructed of such Strength and Size and on such Principle as shall at the Time such Pipes and Cocks are laid down be required or approved of by the Local Board, and be used so as to prevent the Waste or undue Consumption of the Water of the Local Board, and the Return of foul Air and other noisome or impure Matter into the Pipes belonging to or connected with the Mains or Pipes of the Local Board. Houses to be supplied under certain Regulations.

[Local.]

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XL. All

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Water Rents to be paid at Office of the Local Board, and half-yearly.

XL. All Water Rents payable under this Act shall be payable at the Office of the Local Board within the District, and such Rents shall be payable half-yearly at such of the Quarter Days following, *videlicet, Lady Day, Midsummer, Michaelmas, and Christmas*, as the Local Board shall appoint, and shall be paid accordingly in advance up to such Days so to be appointed as aforesaid; and all and every the Clauses and Provisions of the Waterworks Clauses Act, 1847, with respect to the Payment of Water Rents shall be read and construed for the Purposes of this Act as if the same were thereby made payable by half-yearly instead of quarterly Payments, and as if the Words "half-yearly" were substituted for "quarterly" in such Clauses and Provisions.

Supply of Water for other than domestic Purposes.

XLI. 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 as may be agreed upon between the Local Board and such Person.

Penalty for using Water for other than domestic Purposes without Agreement.

XLII. 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 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.

Power to turn off Water in certain Cases.

XLIII. If any Person supplied with Water by the Local Board wilfully do or cause or knowingly permit to be done anything in contravention of the Provisions of this Act with respect to the Waterworks or the Supply of Water, or wilfully neglect to do anything which under those Provisions ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Local Board, the Local Board may turn off the Water supplied by them to such Person, and cease to supply Water to such Person until the Act complained of be remedied, and any Penalty incurred thereby be paid.

Charges for Water for flushing Sewers, &c. to be paid out of General District Rate.

XLIV. The Local Board shall yearly and every Year charge the General District Rate or Rates of the District with a reasonable Price for the Water to be supplied by them for flushing Sewers, watering Streets, for supplying Public Baths and Washhouses, extinguishing Fires, and other sanitary Purposes within the District, and shall pay over the Sum so charged to "The Water Account."

Waterworks Account.

XLV. In order that the 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."

XLVI. The Local Board for the Purposes of this Act shall be empowered to cause a Rate or Rates, to be called "The Public Water Rate," to be made, levied, and enforced within the District once or oftener in every Year upon the same Persons, in respect of the same Property, and in the same Manner as the General Districts Rates are by "The Public Health Act, 1848," authorized to be made, levied, and enforced, and no Exemption under any Local Act shall be allowed from such Rate, nor any other Exemption except as herein-after mentioned; and such Rate shall from Time to Time be collected and paid in advance by yearly, half-yearly, or quarterly Payments, as the said Local Board shall think proper; and such Rate may be made, levied, and enforced without any Obligation, express or implied, on the Local Board to levy or charge the maximum Water Rents under this Act: Provided always, that no such Rate shall be levied or made after full Payment of the Money hereby authorized to be raised on Mortgage or Security of the Water Rates and Water Rents hereby authorized to be made, levied, and collected under or for the Purposes of this Act, except such as shall be necessary for completing and from Time to Time extending the Waterworks hereby authorized to be made and constructed, and for the Repairs and Management thereof, and other incidental Expenses attending the same, after applying to and for those Purposes the Water Rents collected and received by virtue hereof.

Power to make a public Water Rate on Owners of all Houses, &c. within the District.

XLVII. The Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water or used only as a Canal or Towing-path for the same, or as a Pier or Harbour, or the Tolls or Dues thereof, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same to the Rates by this Act authorized to be levied in the Proportion of One Fourth Part only of the net annual Value thereof: Provided always, that notwithstanding anything hereinbefore contained, the Pier and Harbour and the Dues and Tolls thereof shall be rateable and rated for the Purposes of this Act in One Fourth Part only of the net annual Value thereof.

Particular Land to be rated on One Fourth Part of the Value.

XLVIII. Provided always, That no Persons shall be rated to the said public Water Rate in respect of any Church, Chapel, or other Building exclusively used for Public Worship, or in respect of any Building used as an Hospital or Infirmary or for the Education of the Poor, or in respect of any Land, Building, or other Property belonging to the Local Board.

Exemptions from such Rate.

XLIX. For

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Water Rates may be collected with General District Rates.

XLIX. For the Purpose of diminishing the Expense of assessing, making, levying, and collecting the Public Water Rates under this Act, it shall be lawful for the Local Board to include the same in any General District Rate under "The Public Health Act," and to make, levy, collect, and recover such Public Water Rates as Part of any such General District Rates.

Monies to be carried to "Waterworks Account."

L. All Monies received from Rates and Charges for Water Supply for the Purposes of this Act shall be carried to the Credit of "The Waterworks Account."

Local Board may appoint a Water Committee.

LI. For the more conveniently carrying this Act and the several Powers thereof into execution it shall be lawful for the Local Board and they are hereby empowered to appoint out of their own Body from Time to Time a Committee, to be called "The Water Committee," of such Number of Persons as the Local Board shall think fit, to manage, transact, and carry into effect all or any of the Matters and Purposes which the Local Board are hereby directed or authorized expressly or by reference to do, execute, or to perform, and to fix the Quorum of such Committee, which Committee shall have such Discretion and so many of the Powers and Authorities by this Act given to or reposed in the Local Board as the Local Board shall think proper to delegate to such Committee.

Local Board to appoint Officers.

LII. The Local Board may from Time to Time appoint such Officers as they shall think fit for the Purposes of this Act, with such Salaries and Allowances as they shall think reasonable, and may from Time to Time remove such Officers and appoint others in the Room of such as shall be so removed, or as may die, resign, or discontinue their Offices; and all the Provisions contained in "The Public Health Act, 1848," with respect to the Payment of Officers by the Local Board, and the Regulation of the Conduct of such Officers, and the Penalties or other Punishments to be imposed on such Officers, and the Means of recovering such Penalties or of inflicting such Punishments, shall extend to this Act, and be applicable in respect of the Officers to be appointed by virtue thereof.

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

LIII. The Local Board 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 Part of their Waterworks and other Property, Water Rates or Rents, Public Water Rates and other Rates authorized to be made under or for any of the Purposes of this Act, or General District Rates, or all of them, such Sums as they think necessary, not exceeding Fifty thousand Pounds, and may secure the Repayment of the same with Interest by Mortgage accordingly: Provided always, that the Powers of the Local Board to borrow Money under

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under or for the Purposes of this Act shall not be restricted as to Amount or otherwise by the Provisions of "The Public Health Act, 1848," or any Act supplemental thereto, or otherwise relating to the Public Health: Provided also, that this Act shall not restrict any of the Powers of the Local Board to borrow Money otherwise than under the Authority of this Act.

LIV. 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, in which Case and to the Extent of the Amount so paid off their Powers of borrowing and reborrowing shall cease. Power to reborrow.

LV. 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, from the Expiration of Five Years after the passing of this Act, 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. Sinking Fund.

LVI. The Sections of the "Commissioners Clauses Act, 1847," "with respect to the Mortgages to be executed by the Commissioners," except the Section numbered 84, shall be incorporated with and form Part of this Act, and shall be read and construed as if the Words "the Local Board of Health for the District of *Tor-moham*" had been in every Case inserted therein instead of the Word "Commissioners." Certain Sections of 10 & 11 Vict. c. 16. as to Mortgages, incorporated.

LVII. All Costs, Charges, and Expenses of and incident to the executing by the Local Board of this Act, and all Monies from Time to Time borrowed by the Local Board under this Act, and the Interest thereon, and all other the Expenses and Liabilities of the Local Board under and with respect to this Act and the Purposes and Execution thereof, are by this Act charged on and shall be paid out of the Revenue arising under this Act and the Public Water Rate by this Act authorized. As to Expenditure by Local Board under this Act.

LVIII. All Monies which shall be received by the Local Board under the Powers of this Act, except such Sums as shall be raised by Mortgage under the Provisions of this Act, shall be applied as follows; (that is to say, Application of Receipts of Local Board.)

Firstly, In paying the Interest of all Monies borrowed by the Local Board under the Powers of this Act and for the Time being remaining due:

Secondly, In setting apart and appropriating the Sinking Fund in this Act mentioned:

Thirdly, In repairing and extending the Waterworks from Time to Time as Occasion shall require, and carrying this Act into execution:

[*Local.*]

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And

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And lastly, 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 after such full Payment in aid of the General District Rates of the District.

Applications of Monies raised by Mortgage.

LIX. All Monies raised by the Local Board by Mortgage under the Powers of this Act shall be applied, first, in paying the Costs, Charges, and Expenses attending or incident to the obtaining and passing this Act; secondly, in constructing the Waterworks, in Payment for Land taken or Damages or Compensation for Injury done by the Diversion of the Water from the said Stream called *Tottiford Brook*, and in the Purchase of the existing Waterworks.

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

LX. 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.

Liability to Rates not to disqualify Justices.

LXI. 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.

LXII. 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, which shall be applied by the Local Board to the Credit of the Waterworks Account.

Costs of Proceedings may be included in Warrant of Distress.

LXIII. Any Justice who shall issue any Warrant of Distress for the Recovery of any Money payable under this Act or any Act incorporated herewith may order that the Costs of the Proceedings for the Recovery of such Money shall be paid by the Person liable to pay such Sum of Money; and such Costs shall be ascertained by such Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Several Names in One Warrant.

LXIV. 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.

Authentication of Notices, &c.

LXV. Any Summons, Demand, or Notice, or other such Document under this Act, or "The Public Health Act, 1848," or any Act for amending or altering the same, may be in Writing or Print, or partly in Writing and partly in Print; and if the same require Authentication

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tication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be a sufficient Authentication.

LXVI. This Act shall not, nor shall anything herein contained, destroy, abridge, or prejudice any Power, Authority, Right, or Privilege of the Lord of any Manor or reputed Manor within the Limits of this Act which he may or might have enjoyed or claimed on or before the Commencement of this Act. Saving the Rights of Lords of the Manors.

LXVII. 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, Rights, Powers, or Privileges of the Local Board. Not to lessen Powers of the Local Board.

The SCHEDULE to which the foregoing Act refers.

Date of Lease.	Lessees.	Premises.
1817: December 10	Mary Bowyer - -	Lower Terrace.
1825: July 20 -	Henry Beak - -	Part Park Hill.
1828: May 5 -	John Bulley - -	Torwood Street.
1828: July 30 -	William Crispin - -	Jeffery's, Orchard Terrace.
1828: December 26	Samuel Cockings, jun. -	Torquay Chapel.
1829: July 3 -	S. Crockwell, jun. - -	Western Quay.
1828: October 10 -	John Downing - -	Part Torhill.
1825: January 1 -	Donald Grant - -	Part Park Hill.
1825: December 20	Ditto - -	Ditto.
1826: May 25 -	Ditto - -	Ditto.
1834: January 30 -	Carter Godfrey - -	House, &c., Quay.
1848: December 25	Joseph Garrow - -	Lower Terrace.
1816: January 10 -	Jacob Harvey - -	House on Quay.
Ditto - -	Ditto - -	Ditto.
1822 - -	Thomas Hammick - -	Park Street.
1822: December 30	Jacob Harvey - -	Part Green's, on Braddon Hill.
1826: June 30 -	Ditto - -	1, Upper Terrace.
Ditto - -	Ditto - -	2, ditto.
Ditto - -	Ditto - -	3, ditto.
Ditto - -	Ditto - -	4, ditto.
Ditto - -	Ditto - -	4, Park Street.
Ditto - -	Ditto - -	5, ditto.
1828: May 5 -	Sarah Coyte Hearder -	Torwood Street.
1828: October 2 -	Jacob Harvey - -	2, Beacon Terrace.
Ditto - -	Ditto - -	3, ditto.
Ditto - -	Ditto - -	4, ditto.
Ditto - -	Ditto - -	5, ditto.
Ditto - -	Ditto - -	6, ditto.
Ditto - -	Ditto - -	7, ditto.
Ditto - -	Ditto - -	8, ditto.
Ditto - -	Ditto - -	9, ditto.

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Date of Lease.	Lessees.	Premises.
1829: October 12 -	Jacob Harvey - -	4, Western Quay.
1829: November 10	Ditto - - -	5, ditto.
1829: October 13 -	Ditto - - -	6, ditto.
1829: October 16 -	Ditto - - -	7, ditto.
1829: October 14 -	Ditto - - -	8, ditto.
1829: October 20 -	Ditto - - -	9, ditto.
1833: December 31	W. H. Hall - - -	Part Park Hill.
1835: January 10 -	Jacob Harvey - - -	10, Beacon Terrace.
Ditto - - -	Ditto - - -	11, ditto.
1835: March 10 -	Ditto - - -	12, ditto.
1842: January 1 -	Ditto - - -	8, Upper Terrace.
1850: December 25	Ditto - - -	7, ditto.
1829: December 30	Ann Johnes - - -	Part Park Hill.
1821: January 20 -	Edmund Lyons - - -	Ditto.
1830: May 20 -	John Lear - - -	Western Quay.
1818 - - -	John Matthews - - -	Part Quay.
1828 - - -	Simon Coombes Manley -	Near Fleet Mills.
1828: August 20 -	Ditto - - -	Ditto.
1828: December 30	James Mather - - -	Part Johnson's Orchard, Tor.
1821: January 10 -	William Pollard - - -	House, &c., Bathing-house Quay.
1821: December 30	Ditto - - -	Part Green's, on Braddon Hill.
1823: December 20	William Peeke - - -	Yard on Quay.
1834: August 15 -	William Pollard - - -	9, Upper Terrace.
1833: December 30	William Reed - - -	Part Park Hill.
1833: December 31	John Rowland - - -	Ditto.
1827: January 20 -	Thomas Short, jun. - -	Part Johnson's Orchard, Tor.
1829: June 26 -	Robert Sanders.	
1831: February 12	Samuel Slade - - -	Part Braddon's.
1832: April 30 -	Harriet Southcott - - -	Part Park Hill.
1828: October 30 -	William Thomas - - -	Near Fleet Mill.
1829: April 16 -	Robert H. Tarring - -	Part Johnson's Orchard, Tor.
1829: December 30	Richard Tucker - - -	Part Park Hill.
1816: June 20 -	Abraham Welland - - -	5, Upper Terrace.
1829: October 10 -	Daniel Woodley, jun. -	3, Western Quay.

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