



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xxi.

An Act for the better Sewage, cleansing, and draining of the Town of *Cheltenham* in the County of *Gloucester*.
[20th April 1833.]

WHEREAS the Town of *Cheltenham* in the County of *Gloucester* has greatly increased in Houses and Buildings, and the same is become large and populous, but for Want of sufficient and proper Common Sewers and Drains much Inconvenience has arisen and is still likely to arise; but such Inconvenience might be prevented, and the Health and Comfort of the Inhabitants greatly improved, and much public Benefit obtained, if proper and suitable Common Sewers were made for effectually cleansing and draining the said Town: And whereas the several Persons herein-after mentioned are willing and desirous, at their own Expence, to effect the Purposes aforesaid, but the same cannot be done without the Aid and Authority of Parliament: And whereas an Act was passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled *An Act for better paving, lighting, cleansing, watching, and improving the Town of Cheltenham in the County of Gloucester, and for regulating the Police thereof, and for removing and preventing Nuisances and Annoyances therein*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *James Agg, James Bevan, Peter Boissier, James Hinton Bowly, Robert Capper, James Clutterbuck, Thomas French, John Gardner, William Gyde, Edward Hatch, Thomas*
[Local.] 3 Y *Henney,*

1 & 2 G. 4.
c. 121.

Proprietors
incorporated.

Henney, James Humphris, Daniel James Humphris, Richard Eede Marshall, Rowland Paul, Charles Paul, Andrew Paul, William Pitt, Richard Pruen, William Ridler, John Roughton, George Russell, Charles Salt, Thomas Nash Somerset Scudamore, Samuel Shedden, James Greethead Strachan, John Ward, George Arthur Williams, Moses Yearsley, and John Yearsley, together with such other Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares in the said Undertaking, and their respective Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making, completing, and maintaining the Sewers, Drains, and Conveniences hereby authorized to be made, maintained, and repaired respectively, according to the Provisions herein-after contained, and shall for that Purpose be One Body Politic and Corporate by the Name of "The *Cheltenham* Sewers Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have Power to enter into Contracts, Bonds, and other Assurances for carrying this Act into execution.

Capital to be 7,600*l.* and to be divided into Shares of 100*l.* each.

II. And be it further enacted, That the Capital or Joint Stock of the said Company of Proprietors shall be the Sum of Seven thousand six hundred Pounds, and the said Sum of Seven thousand six hundred Pounds shall be divided into Shares of One hundred Pounds each, and that the Proprietor or Proprietors of every such Share shall from Time to Time in respect thereof be entitled to such Proportion of and in the Joint Stock and Profits of the said Concern as the Share or Shares of which he or they shall be possessed shall bear to the whole Number of Shares in the said Undertaking.

Shares to be Personal Estate.

III. And be it further enacted, That the Shares of the several Proprietors in the said Undertaking shall be deemed and considered as Personal Estate, and transmissible as such to their respective Executors, Administrators, and Assigns.

Proprietors of Shares to have Votes in respect thereof.

IV. And be it further enacted, That every Proprietor of One Share in the said Undertaking shall in respect thereof be entitled to One Vote, every Proprietor of Three Shares in the said Undertaking shall be entitled to Two Votes, and every Proprietor of Five or more Shares in the said Undertaking shall be entitled to Three Votes at all General and Special Meetings of the said Company; but that no Person shall be entitled to more than Three Votes in respect of any Number of Shares he, she, or they may at any Time hold in the said Undertaking.

In case of joint Proprietors, the first named in the List to vote.

V. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of any Share or Shares in the said Undertaking, the Person who is first named in the List of Proprietors being present shall at any Meeting of the said Company be solely entitled to vote in respect of such Share or Shares.

Proprietors not to be personally liable beyond their Shares.

VI. And be it further enacted, That the several Persons who shall from Time to Time compose the said Company shall respectively stand responsible and accountable for all Debts and Demands on the said

said Company to the Extent only of his, her, or their respective Shares in the Capital or Joint Stock of the said Company.

VII. And be it further enacted, That no Member of the Committee for the Time being shall become personally answerable for the Performance of any Agreement into which he shall or may have entered as one of such Committee on behalf of the said Company, but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Committee shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract or Agreement, or for Damages occasioned by any Breach or Non-performance thereof; and the Joint Stock and Property of the said Company shall from Time to Time be answerable and accountable for the due Performance of every Contract entered into by the said Committee, and for all Damages which shall be recovered by reason of any Breach or Nonperformance thereof.

Members of
Committee
not per-
sonally liable.

VIII. And be it further enacted, That a General Meeting of the said Company of Proprietors shall be holden at the *Fleece* Inn in the Town of *Cheltenham* aforesaid on the Third *Monday* after the passing of this Act, at One of the Clock in the Afternoon, at which Meeting the Majority of the Proprietors then present shall proceed in the first place to elect a Chairman of the said Meeting, and afterwards to appoint a Clerk and Treasurer or Treasurers to the said Company, under such Regulations, and liable to be removed under such Circumstances, as at that or any other General or Special Meeting of the said Proprietors shall be directed; and in the event of there being an Equality of Votes at the said First Meeting or at any other General or Special Meeting of the said Proprietors upon any Question, then and in every such Case the Chairman at such Meeting shall have the casting Vote; and all Orders and Proceedings of every General and Special Meeting shall be fairly entered in a Book to be provided for that Purpose, and shall be signed by the Chairman of every such Meeting; and such Orders and Proceedings so signed shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read as Evidence in all Courts and Places whatsoever.

First General
Meeting.

To appoint
Clerk and
Treasurer.

IX. And be it further enacted, That the said Company shall take sufficient Security from the Treasurer or Treasurers to be by them appointed, and from all other Officers who shall have the Care and Custody of Money belonging to the said Company, for the due Discharge of the Duties of their respective Offices, and for the Money that shall come to their respective Hands.

Treasurer to
give Security.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, the Clerk

Clerk not to
act as Treas-
urer, and
vice versa.

Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Names of
Proprietors
to be entered,
and Ticket of
their Shares
delivered to
them.

XI. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their First General Meeting, to cause the Names and proper Additions of the several Persons who shall be then entitled to the several Shares in the said Undertaking, with the Number of Shares belonging to each, and the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, and after such Entry made to cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, upon Demand, specifying the Share or Shares to which he or they is or are entitled in the said Undertaking; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following; *videlicet*,

'Cheltenham Sewers Company.

Form of
Ticket.

' Number

*' THESE are to certify, That A. B. of is the Proprietor
' of One Share in the said Concern, numbered as above, and that
' he [or she], and his [or her] Executors, Administrators [or Suc-
' cessors], and Assigns, as the Proprietor of such Share, will be
' entitled to a proportionate Share of all Profits and Advantages in
' the said Concern. Given under the Common Seal of the said
' Company the Day of in the Year of our Lord .'*

Committee
of Manage-
ment.

XII. And be it further enacted, That for the better Management of the Concerns of the said Company there shall be a Committee of Seven Persons annually appointed, and that *John Gardner, William Gyde, Thomas Henney, Edward Hatch, James Humphris, Richard Eede Marshall, and Samuel Shedden* shall be the first Committee for the Management of the said Concern, and shall act therein until the First Day of *May* One thousand eight hundred and thirty-four, and thenceforth until others shall be appointed by virtue of the Powers herein-after contained; and the said Committee for the Time being,
or

or any Three or more of them, shall from Time to Time have the entire Management of the said Concern, subject to the Bye Laws and Regulations of any General or Special Meeting of the said Proprietors, and shall enter into all such Contracts and Engagements on behalf of the said Company as they shall think fit, and order all Calls on the said Proprietors, and make all Payments on account of the said Company, as shall be required in the Prosecution of the said Works, for all which Purposes the said Committee shall meet from Time to Time at such Place or Places as they shall think fit; and the said Committee at every such Meeting shall appoint a Chairman, who shall cause an Entry of all their Proceedings to be made in a Book to be kept for that Purpose; and the Majority of every such Meeting shall bind the Minority; and in case of an equal Division of Votes of the Members of the said Committee on any Occasion, the Chairman shall give his casting Vote, although he shall have before voted on any such Question; and the Minutes of the Proceedings at every Meeting of such Committee shall be signed by the Chairman of such Meeting, and shall be conclusive Evidence of the Orders which shall be therein expressed and contained.

XIII. And be it further enacted, That on the Tenth Day of *April* One thousand eight hundred and thirty-four, and on the Tenth Day of *April* in each succeeding Year, or within Fourteen Days after either of those Days, a General Meeting of the said Company shall be holden, when the Committee of Management for each succeeding Year, to commence from the First Day of *May* following, shall be appointed; and such Rules, Orders, Regulations, and Bye Laws for the Government of the said Company and their Concerns, and the Conduct of the Committee, Officers, Servants, Agents, and Workmen employed in the Execution of this Act, shall be made as shall from Time to Time be deemed expedient; and the said Company shall, at any such General Meeting, or at any Special Meeting to be called as herein-after mentioned, have full Power to adjourn themselves from Time to Time and from Place to Place as they shall think fit, and at any such Meeting shall and may impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, and Orders, not exceeding the Sum of Five Pounds for any One Offence, and from Time to Time to alter or repeal such Bye Laws, Rules, Orders, and Regulations, as to them shall seem meet; which said Rules, Bye Laws, Orders, and Regulations, being reduced into Writing, and entered in the Order Book of the said Company, and authenticated by the Common Seal thereof, shall be binding on and allowed by all Parties, and shall be sufficient in any Court of Law or Equity to justify any Person or Persons who shall act under the same, provided the same be not repugnant to any of the Provisions of this Act, or to the Laws of that Part of the United Kingdom called *England*: Provided always, that Copies thereof shall be affixed and continued in the Office of the Clerk of the said Company; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner herein-after directed.

General Meetings to be holden, and Managers and Officers to be appointed.

Powers of General Assemblies to make Bye Laws.

XIV. And be it further enacted, That the several Persons and Bodies Corporate and Politic who have subscribed for or towards the

[*Local.*]

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To compel Payment of Subscriptions.

said Undertaking, or who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed and to be subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for pursuant to or by virtue of the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner, as shall be ordered and directed by the said Company or their Committee of Management; and in case any Person or Persons, Bodies Corporate or Politic, shall neglect or refuse to pay any such Money at such Times and in such Manner as shall be ordered and directed by the said Company or their Committee of Management as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from such appointed Time of Payment, and all Costs of Suit, from such Person or Persons or Bodies Corporate and Politic respectively; or in case where Two or more Persons or Bodies Corporate and Politic shall have jointly subscribed for or be jointly possessed of any One or more Share or Shares in the said Undertaking, then from all, any, or either of such joint Subscribers.

Calls to be
made on
Subscribers.

XV. And be it further enacted, That the Committee of Management for the Time being shall have full Power and Authority to make such Call or Calls of Money from the several Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, as the said Committee of Management shall from Time to Time find wanting and necessary for the Purposes of the said Undertaking, so that no such Call do exceed the Sum of Twenty Pounds *per Centum* for or in respect of any One Share, and so that no Call or Calls be made but at the Distance of One Calendar Month at least from each other; and that the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer of the said Company for the Time being, to be issued and applied as directed in this Act; and the said several Sums of Money so called for shall be paid at such Time and Place as shall be directed and appointed by the said Committee in that Behalf; and if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money so to be called for during the Space of Twenty-one Days next after the Time appointed for Payment thereof, then and in such Case such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money heretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the rest of the said Company; and all Shares which shall or may be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital or Joint Stock of the said Company; and the said Committee or any Three of them shall have Power and Authority to assign and transfer such Shares to such Person or Persons as shall become the Purchaser or Purchasers; but that no Advantage shall be taken of such

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Forfeiture

XVI. And be it further enacted, That if at any Time it shall appear to the said Committee or any Three of them, or to any Six or more Proprietors possessed of Six Shares at the least in the said Undertaking, to be necessary or expedient to call a Special Meeting of the Proprietors at large, or for taking the Opinion and Determination of the said Company on any Matter or Thing relating to the said Concern, then and in every such Case it shall be lawful for such Committee or any Three of them, or for such Proprietors, to call a Special Meeting of the Proprietors at large by Notice to be inserted in the *Cheltenham Chronicle*, or some other Newspaper circulated in the Neighbourhood of *Cheltenham* aforesaid, specifying the Time and Place when and where the said Special Meeting is intended to be holden, not being less than Fourteen Days after the first Publication of such Notice, and likewise specifying the Reason for calling such Special Meeting; and the Proprietors are hereby authorized to meet pursuant to any such Notice, and take into consideration and determine the Matter or Matters which shall be submitted to them by the said Committee, or expressed in such Requisition, and specified in such Notice; and every Election, Decision, and Determination of the Proprietors present at such Special Meeting, or the major Part of them, shall be as valid to all Intents and Purposes as if the same had been made at any General Meeting of the said Proprietors.

XVII. And be it further enacted, That it shall and may be lawful for the Proprietor or Proprietors of any Share or Shares in the said Undertaking, from Time to Time, by Writing under their, his, or her Hands and Seals or Hand and Seal, to authorize and appoint any other Proprietor to vote for him as his Proxy in his Absence at all or any General or Special Meeting or Meetings of the said Company; which Appointment so to be made may be in the Words or to the Effect following; (that is to say,)

Proprietors
may appoint
Proxies.

' I of being a Proprietor of Form of
 ' One or more Share or Shares in the *Cheltenham* Sewers Company, Proxy.
 ' do hereby nominate, constitute, and appoint of
 ' (being also a Proprietor in the said Undertaking),
 ' to be my Proxy, in my Name and in my Absence to vote and give
 ' my Assent to or Dissent from any Business, Measure, or Thing
 ' relating to the said Undertaking which shall be proposed at any
 ' General

‘ General or Special Meeting of the Proprietors of the said Under-
 ‘ taking, as fully as I myself could do if personally present. In
 ‘ witness whereof I have hereunto set my Hand and Seal the
 ‘ Day of in the Year of our Lord .’

The Com-
 pany may
 increase the
 Amount of
 their Sub-
 scriptions,
 or admit
 fresh Sub-
 scribers.

XVIII. And be it further enacted, That it shall be lawful for the said Company at any Time or Times hereafter, in case they shall think it expedient to raise any further Sum by way of Increase of the Joint Stock of the said Company, to raise, by Subscription among themselves or by admitting new Subscribers, any further Sum, not exceeding Five thousand Pounds; which said further Sum so to be raised shall be advanced and paid by the Persons who shall subscribe the same in the same Manner as the other Subscriptions herein-before mentioned are directed to be advanced, and shall be in like Manner applicable to the general Purposes of this Act; and every such Subscriber shall for every Sum of One hundred Pounds by him or her to be so subscribed be entitled to and become a Proprietor of One Share in the said Undertaking, and have the same Powers, Rights, and Interests in the said Undertaking as the original Subscribers herein-before mentioned, and be liable to the same Actions, Penalties, and Regulations in all respects.

Shares may
 be disposed
 of.

XIX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking to sell or dispose of his, her, or their Share or Shares therein, subject to the Rules and Conditions herein mentioned; and an Entry of every such Transfer shall be made in a Book or Books to be kept for that Purpose by the Clerk to the said Company, for which Entry no more than Five Shillings shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until the Entry of such Transfer shall be made with the Clerk to the said Company, and entered as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Vote as a Proprietor or Proprietors.

Form of
 Transfer.

XX. And be it further enacted, That every Transfer to be made of any Share or Shares in the said Undertaking shall be in the Form or to the Effect following; (that is to say,)

‘ I *A. B.*, in consideration of the Sum of paid to
 ‘ me by *C. D.*, do hereby bargain, sell, and transfer to the said
 ‘ *C. D.* Share [*or Shares, as the Case may be,*] in the
 ‘ *Cheltenham Sewers Company*, to hold to the said *C. D.*, his Execu-
 ‘ tors, Administrators, and Assigns, subject to the same Rules and
 ‘ Orders, and on the same Conditions, on which I held the same
 ‘ immediately before the Execution hereof; and I the said *C. D.* do
 ‘ hereby agree to accept the said Share [*or Shares*], subject to the
 ‘ same Rules, Orders, and Conditions. Witness our Hands and
 ‘ Seals the Day of .’

After Call,
 no Transfer
 to be made
 till Call paid.

Provided always, that no Transfer of any Share or Shares in the said Undertaking shall be made or allowed after any Call shall have been made on the Proprietor or Proprietors thereof, until every such Call shall have been fully paid and satisfied.

XXI. And

XXI. And be it further enacted, That at the said Annual Meeting to be held on the Tenth Day of *April* or within Fourteen Days afterwards in every Year, the Accounts of the said Company and the said Committee of Management shall be produced and audited.

When Accounts to be audited.

XXII. And be it further enacted, That on the Tenth Day of *October* and the Tenth Day of *April* in every Year, or within Fourteen Days of each of the same Days respectively, a half-yearly Dividend or Dividends shall be made by the Committee of Management for the Time being aforesaid, out of the Interest, Profits, or Advantages of the said Undertaking, at a Meeting or Meetings of the said Company to be held at such Times and in such Manner as last aforesaid respectively, unless the Proprietors of the said Undertaking should at such Meeting or Meetings declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much for every One hundred Pounds upon all and every Sum and Sums of Money paid to the said Company by such Proprietors, their Executors, Administrators, Successors, and Assigns, as the said Company shall think fit at such Meeting or Meetings to appoint and determine; provided that no Dividend shall be declared, made, or paid for Twelve Months after the passing of this Act, and that no Dividend shall be made whereby the Capital of such Company shall be in any degree reduced or exhausted, and until all Claims upon the said Company shall be paid.

Dividends to be made.

XXIII. And be it further enacted, That it shall and may be lawful for the said Company at any Time or Times, and they are hereby authorized and empowered, by themselves, their Agents, Workmen, and Servants, subject to the Provisions herein-after contained, to make and construct any Sewers or Drains of such Construction and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into execution; and in a careful and workmanlike Manner, doing thereby as little Damage as may be, and subject to the Restriction herein-after mentioned, to break up the Soils, Pitchings, and Pavements of any Streets, Highways, Roads, Ways, Footpaths, Lanes, Passages, and Places within the said Town and Precincts thereof, and to excavate and sink Trenches, for the Purpose of laying down, making, and constructing Common Sewers or Drains therein, and to cause such Common Sewers or Drains to communicate with the River *Chelt*, or any other Stream or public Watercourse; and also from Time to Time to open, cleanse, and repair such Sewers or Drains, or alter the Position thereof; and also from Time to Time to make any Drains or Sewers from any Main Sewer or Drain laid in any Street, Highway, Road, Way, Lane, Footpath, or Passage, made by the said Company by virtue of this Act, into any Dwelling House or Houses, public or private Buildings and Premises, for the Purpose of cleansing and draining any such House or Houses or other Premises by means of such Sewers or Drains; and to do all such other Acts, Matters, and Things as they shall from Time to Time deem necessary and proper for making, amending, repairing, completing, or improving any such Sewers and Drains or other Works to be made, done, and provided

Company may break up Soil for laying Sewers, &c.

[Local.]

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for

for the Purposes of this Act, they the said Company, their Deputies, Engineers, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Engineers, Agents, Workmen, and all other Persons whomsoever, for all Acts, Matters, or Things they or any of them shall do by virtue hereof: Provided always, that the said Company shall and they are hereby required to build and construct the said Sewers in a sufficient and effectual Manner for accomplishing all the Purposes hereby intended, and subject to the Restriction herein-after mentioned, and after laying or removing, or altering or repairing, any such Drains or Sewers, shall immediately fill in the Trenches or Excavations, and make good the Ground, Soils, Pitchings, and Pavements of any such Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages as aforesaid, and other Damage, and remove the Rubbish occasioned thereby, and shall in the meantime fence or guard the Place or Places where any Ground shall be opened in such Manner as to prevent Danger or Accidents to Passengers, Carriages, or Cattle, and agreeably, in all respects, to the Provisions in this Act contained; and if there shall be any wilful or negligent Delay in the said Company, or any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, Trenches, or Excavations, or removing Rubbish, or making good any such Ground, or the Soils, Pitchings, or Pavements of any such Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages, or other Damage, according to the Provisions in this Act contained, or in case the same respectively shall be imperfectly done, or shall not be done so and in such Manner as to secure the Person or Party, Trustees, Commissioners, or Body or Bodies Politic or Corporate, having the Care, Maintenance, or Repair of such Soils, Pitchings, or Pavements, from incurring any additional Charge or Expence by reason of the breaking up of the same respectively, or in case the Ground so opened shall not be fenced or guarded in the Manner required by and agreeably to the Provisions of this Act, then and in every such Case it shall be lawful for the Person or Persons, Parish Officer or Officers, Trustees, Commissioners, or Body or Bodies Politic or Corporate respectively, in whom the Right of Soil of such Ground shall be, or to whom there now does or hereafter shall belong any Power or Powers to maintain or repair the Soil, Pitchings, or Pavements of any such Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages, or any Person acting for them or him, to fill in such Ground, Trenches, or Excavations, and remove such Rubbish, and to repair and make good such Ground so broken up, and the Soils, Pitchings, and Pavements of any such Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages, or other Damage, and properly fence and guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night, as to them or him shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company, or their Treasurer or Treasurers, to the Person or Persons, Officer or Officers, Trustees, Commissioners, or Body or Bodies Politic or Corporate respectively who shall have disbursed or incurred the same; and in default of Payment thereof for Thirty Days next

after Demand made for the Payment thereof (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the said County), all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Treasurer of the said Company, unless such Treasurer shall pay such Costs, Charges, and Penalty out of any Money remaining in his Hands on account of the Sewer Rent herein directed and authorized to be received, (which he is hereby authorized and empowered to do out of any Monies received or to be received by him as such Treasurer on account thereof by virtue of this Act,) together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice and Justices is and are hereby required to grant; and such Penalties shall be paid to the Person or Party who shall have disbursed or incurred the Costs and Charges as aforesaid; and the Sufficiency or Insufficiency of any such Reinstatement or Repair shall, in case of Dispute, be determined by any such Justice.

XXIV. And be it further enacted, That it shall and may be lawful for the said Company to excavate the Ground, and to make, construct, and lay down any Sewers or Drains in, along, or over the Land or Ground of any Person or Persons, for the Purpose of communicating with any Main Sewer or Drain to be made by the said Company in pursuance of this Act, with the Consent of the Owner and Occupier of such Land or Ground in which such Drain or Sewer shall be made as aforesaid.

May lay
Sewers in
private
Grounds
with Con-
sent, &c.

XXV. And be it further enacted, That it shall be lawful for the said Company to open the Ground, and to change the Level, or otherwise amend or enlarge any Sewer or Sewers lying under any of the Streets, Roads, Highways, Footpaths, Lanes, and Passages within the said Town, for better communicating with the Main Sewers or Drains to be made in pursuance of this Act: Provided always, that no Person or Persons shall, by means of any such Alteration, Amendment, or Enlargement, be deprived of the Use and Enjoyment of any private Sewer or Drain which he or she shall be entitled to use, but that the said Company shall and they are hereby expressly required, at their own Costs and Charges, so to construct and alter any such private Drain or Sewer as to render the same as effectual for the Purposes for which it was intended as any such Drain or Sewer may be at the Time of such Alteration; and in case the said Company shall refuse or neglect so to construct and alter any such private Drain or Sewer, the Use of which may be affected by the Acts of the said Company, for the Space of Twenty-eight Days next after Notice in Writing served upon them or their Clerk or Treasurer, the said Company shall forfeit and pay to the Party aggrieved any Sum not exceeding Forty Shillings for every Day during which the said Company shall refuse or neglect so to construct and alter any such private Drain or Sewer, to be recovered in such and the like Manner as any

May alter
existing
Sewers.

Penalty

Penalty by this Act imposed upon the said Company may be raised and levied.

Power for
Company to
contract with
Individuals.

Recovery of
Rate.

XXVI. And be it further enacted, That it shall be lawful for the said Company and their Successors, and they are hereby fully authorized and empowered, to contract and agree with any Inhabitant of the said Town, being the Owner or Occupier of any Dwelling House or other Building and Premises therein, or any Trustees, Commissioners, or public Company, for the Purpose of making any private Drain or Sewer from any Dwelling House, Building, or other Premises, to communicate with any Main Sewer or Drain to be made, altered, or enlarged by, or vested or to become vested in, the said Company in pursuance of this Act, or to permit and suffer any such Owner or Occupier, Trustees, Commissioners, or public Company, to make any such private Drain or Sewer, upon the Payment of such gross or annual Sum, in the Nature of a Rate or Rent, to the said Company, as may be agreed upon by the said Company and such Owners or Occupiers, Trustees, Commissioners, or public Company, as the Case may be; and in case Default shall be made in the Payment of such gross or annual Sum for the Space of Ten Days after the same shall respectively become due from Time to Time, it shall be lawful for the said Company to recover the same, either by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, in the same Manner as Rents reserved on common Demises may by Law be recovered; and it shall and may be lawful for the said Company to cause the private Drain or Sewer communicating with the House or Premises belonging to the Person so making default to be separated from the Main Sewer or Drain belonging to the said Company: Provided always, that in every Case where any such Owner or Occupier, or other Person or Persons, Trustees, Commissioners, or public Company, shall make, alter, or repair any such private Drain or Sewer, or any private Drain or Sewer whatsoever which shall at any Time be made to communicate with any of the Sewers or Drains to be made, altered, or enlarged by, or vested or to become vested in, the said Company or their Successors by virtue or in pursuance of this Act, all and every the Provisions, Enactments, and Penalties in and by this Act contained or imposed relating to or concerning the Ground, Soils, Pitchings, and Pavements to be opened or broken up and reinstated, and making good and guarding the same, and repairing other Damage, and the Payment and Recovery of the Costs and Charges thereof, shall be complied with and observed by and apply to every such Owner or Occupier, or other Person or Persons, Trustees, Commissioners, or public Company, in such and the like Manner as is herein mentioned with respect to any Drain or Sewer to be made, altered, or repaired by the said Company, or their Agents, Servants, or Workmen.

Notice to be
given to Sur-
veyor of
Commis-
sioners of

XXVII. And be it further enacted, That it shall not be lawful for the said Company or their Successors, either by themselves, their Agents, Workmen, or Servants, or for any Inhabitant of the said Town, or other Person or Persons, or any Trustees, Commissioners,
or

or public Company, who shall make, alter, or repair any private Drain or Sewer from any Dwelling House, Buildings, or other Premises, to communicate with any Sewer or Drain to be made, altered, or enlarged by, or vested or to become vested in, the said Company or their Successors in pursuance of this Act, at any Time or Times to break up the Soils, Pitchings, or Pavements of any Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages within the said Town and Precincts thereof, or of any of them, or of any Part thereof, until the said Company, or any and every such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company, shall from Time to Time have given or caused to be given to the Commissioners acting in execution of the said recited Act, or their Successors, or to their Clerk or Surveyor for the Time being, Six clear Days previous Notice in Writing thereof, and specifying the Street, Highway, Road, Footpath, Lane, or Passage where any such Soils, Pitchings, or Pavements shall from Time to Time be intended to be broken up.

Intention to
break up
Streets, &c.

XXVIII. And be it further enacted, That when and so often as any Ground, or any of the Soils, Pitchings, or Pavements of any of the Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages within the said Town and Precincts thereof, or of any of them, or of any Part thereof, shall from Time to Time be opened or broken up by the said Company, or their Agents, Workmen, or Servants, or by any such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company as aforesaid, proper and sufficient Fences and Protections shall immediately thereupon be made, set up, and continued by the said Company, or by any such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company, as the Case may be, to the Satisfaction of the Surveyor for the Time being of the Commissioners acting in execution of the said recited Act, or their Successors, to guard the Place or Places where any Ground, Soils, Pitchings, or Pavements shall have been so opened or broken up, and to prevent Danger or Accidents to Passengers, Carriages, or Cattle; and that at all Times during the Progress of digging any Trenches or Excavations, and making, altering, enlarging, and repairing all or any of the Drains and Sewers to be made, altered, enlarged, or repaired by virtue of this Act, and of filling in such Trenches or Excavations, or otherwise carrying on and finishing the Works hereby authorized to be done, in any Street, Highway, Road, Way, Footpath, Lane, or Passage within the said Town and Precincts thereof, every such Street, Highway, Road, Way, Footpath, Lane, or Passage shall be kept and continued by the said Company, their Agents, Workmen, or Servants, or by such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company as aforesaid, as the Case may be, as free from all Obstructions and Annoyances of every Kind and for as short a Time as practicable; and that in case the said Company, or any of their Agents, Workmen, or Servants, or any such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company, shall refuse or neglect to make or set up and continue such sufficient Fences and Protections, or to keep and continue any such Street, Highway, Road, Way, Footpath,

Company and
others to put
up Fences
during the
Progress of
Works.

[Local.]

4 B

Lane,

Lane, or Passage as free from all Obstructions and Annoyances and for as short a Time as possible, then and in every such Case it shall be lawful for the said Commissioners and their Successors, or their Surveyor for the Time being, to make and set up, or cause to be made and set up, and continue, such sufficient Fences and Protections, and to remove or cause to be removed all such Obstructions and Annoyances which shall not have been necessarily occasioned, or which shall have been continued longer than may have been actually necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company or their Treasurer or Treasurers, or by any such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company, as the Case may be, to the said Commissioners or their Successors, or their Treasurer or Treasurers; and in default of Payment thereof for Twenty Days next after Demand made by the Clerk or Surveyor for the Time being of the said Commissioners or their Successors for the Payment thereof (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the said County), all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Treasurer of the said Company, unless such Treasurer shall pay such Costs, Charges, and Penalty out of any Money remaining in his Hands on account of the Sewer Rent or other Monies hereby directed and authorized to be received (which he is hereby authorized and empowered to do out of any Monies received or to be received by him as such Treasurer on account of the said Company), or, as the Case may be, by Distress and Sale of the Goods and Chattels of any such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby required to grant; and such Penalties shall be paid to the said Commissioners or their Successors, or their Treasurer or Treasurers, for the Purposes of the said recited Act; and the Sufficiency or Insufficiency of any such Fences or Protections, and the Breach, Infringement, or Neglect, or alleged Breach, Infringement, or Neglect, of all or any of the Provisions above contained, shall, in case of Dispute, be determined by such Justice.

Drain in St. George's Place to belong to the Company, they keeping it in repair.

XXIX. And be it further enacted, That the present Drain or Sewer under the Road in *Saint George's Place* in the said Town, and all other Drains or Sewers, if any, belonging to the Commissioners acting in execution of the said recited Act, (except the Drain or Sewer now being under the Road at the Back of *Montpellier Terrace* in the said Town, and continuing thence in front of *Suffolk Place*, and along the Turnpike Road or public Highway called the *Old Well Lane* to the Brook or River *Chelt*, and the Branch Drains or Sewers communicating therewith, leading from *Lansdown Crescent*, *Lansdown Place*, and *Lansdown Villas*, and also save and except the Drain or Sewer under the *Cheltenham* and *Gloucester* new Turnpike Road in front of *Lansdown Place*, and along such Road to or near

near *Westall House*, and then across such Road to a Piece of Land in the Occupation of *Pearson Thompson Esquire*, called *Bushes Hay*, or *Cox's Orchard*,) shall, with the Consent in Writing of the Person or Persons to whom the same shall belong to and the same are hereby vested in the said Company and their Successors, subject nevertheless and without Prejudice to the Rights of all and every such Person and Persons and Parties whomsoever, being Owner or Occupier, or Owners or Occupiers of any Houses, Buildings, or other Property whatsoever, to communicate by means of the Drains or Sewers from their said respective Houses and Buildings or other Property with the said Drains or Sewers so hereby vested in the said Company, as have been accustomed to use the same, and to the Right of all and every the future Owners and Occupiers of such Houses, Buildings, or other Property, to continue so to use such Drains or Sewers so communicating with the Drains or Sewers hereby vested in the said Company for ever hereafter; and that from and after the passing of this Act the said Commissioners and their Successors shall be and they are hereby fully exonerated and discharged from all Claims and Liabilities to maintain or repair the said Drains or Sewers.

XXX. And be it further enacted, That it shall and may be lawful for the said Company or their Successors to treat and agree with the Commissioners acting in execution of the said recited Act, and their Successors, either alone or jointly with any other Person or Persons interested in or entitled to the said Drain or Sewer under the Road at the Back of *Montpellier Terrace* aforesaid, and continuing thence, in front of *Suffolk Place* aforesaid, along the said Road called the *Old Well Lane*, to the said Brook or River *Chelt*, or any Continuation thereof, into or under the Road at the Back of *Suffolk Lawn* in the said Town, and the said excepted or any other Sewers in the said Town, and the said Commissioners and their Successors, and other Persons so interested in or entitled to the said Sewers or any of them, are hereby empowered and authorized to treat and agree with the said Company and their Successors, for the giving up by the said Commissioners and their Successors, and such other Person or Persons as aforesaid respectively, to the said Company and their Successors, the same Drain or Sewer, or any such Continuation thereof as aforesaid, upon such Terms and for such Consideration in Money or other Recompence as the said Company and their Successors and the said Commissioners and their Successors, and such other Person or Persons as aforesaid respectively, may think fit and agree upon; and that from and after such Agreement shall have been made between the said Company and their Successors and the said Commissioners and their Successors, and such other Person or Persons as aforesaid respectively, and such Consideration in Money or other Recompence shall have been paid or given by the said Company and their Successors to the said Commissioners and their Successors, and such other Person or Persons as aforesaid respectively, for the same Drain or Sewer and such Continuation thereof as aforesaid respectively, the same Drain or Sewer, either with or without such Continuation thereof, as the Case may be, shall be and deemed to be vested in and belong to the said Company

Power to
contract
with Com-
missioners
for Sewer in
Old Well
Lane.

Company and their Successors to all Intents and Purposes; subject nevertheless and without Prejudice to the Rights of all and every Person and Persons and Parties whomsoever, being Owner or Occupier, Owners or Occupiers of any Houses, Buildings, or other Property whatsoever in respect of which the said last-mentioned Sewer is now used, and all and every future Owners and Occupiers of any such Houses, Buildings, or other Property, to continue so to use the same for ever hereafter; and that thereupon the said Commissioners and their Successors shall be and they are hereby fully exonerated and discharged from all Claims and Liabilities to maintain or repair the same Drain or Sewer.

Depth of
Sewer in the
High Street.

XXXI. And be it further enacted, That it shall not be lawful for the said Company, or their Agents, Servants, or Workmen, to make or lay the Bottom or lowest Part of any Drain or Sewer under the *High Street* in the said Town deeper than Ten Feet Four Inches below the Surface of the Street, at the North End of a Street called *Saint George's Place*, in the said Town, without the Consent in Writing of the said Commissioners first had and obtained for that Purpose.

Company to
make a Cul-
vert from
St. George's
Place to the
River Chelt.

XXXII. And be it further enacted, That in case the said Company or their Successors shall make or construct or alter or enlarge any Drain or Sewer under the Road in *Saint George's Place* in the said Town, to communicate with any Drain or Sewer to be made or constructed by the said Company or their Successors under the Road in the *High Street* in the said Town, or any Part thereof, the said Company and their Successors shall and they are hereby expressly required, within Six Months after any such Drain or Sewer shall have been made, altered, or enlarged under the Road in *Saint George's Place* aforesaid, to make and at all Times maintain and keep in repair a substantial and sufficient Culvert or Sewer from or in continuation of such last-mentioned Drain or Sewer to the River *Chelt*, or Brook, at or near the Mill called *Arkell's Mill*, in the Parish of *Cheltenham*, along the present Course of the Drainage or Watercourse in that Direction, or near thereto, so as to effectually carry off the Water, Soil, and Drainage from such last-mentioned Drain or Sewer into the said River or Brook at or near the said Mill; and that for the Purpose of making such last-mentioned Culvert or Sewer it shall be lawful for the said Company and their Successors, and their Workmen and Servants, to enter into and upon the Land or Ground adjoining such Watercourse for the Purpose of laying down Materials or otherwise, in order to enable the said Company and their Successors to effectually make such Sewer or Culvert along the Course of such Drainage or Watercourse aforesaid, or as near thereto as conveniently practicable, from the said Place called *Saint George's Place* to the said River or Brook, the said Company and their Successors doing thereby as little Damage as may be, and making Compensation to the Owners and Occupiers of any such Ground for any Damage or Injury which may be sustained; such Compensation, in case the said Company and their Successors or the said Owners or Occupiers differ about the same, to be settled and adjusted in a summary Way by Two of His Majesty's Justices of the Peace acting for

for the said County, on the Complaint of such Owner or Occupier respectively; and the Amount awarded or directed to be paid by such Justices shall be recovered from the said Company and their Successors in such and the like Manner as any Penalty by this Act imposed or directed to be recovered.

XXXIII. Provided always, and be it further enacted, That all and every the Drains and Sewers hereby authorized to be made, altered, or enlarged by the said Company and their Successors shall be well and substantially made, altered, and enlarged respectively, and with the best Materials, to the Satisfaction of any Surveyor to be appointed by the Inhabitants of the Parish of *Cheltenham* in Vestry assembled; and that the making, altering, enlarging, and repairing of every such Drain and Sewer respectively, and of every private Drain or Sewer to be made, altered, enlarged, or repaired by any Inhabitant of the said Town, or other Person or Persons, Trustees, Commissioners, or public Company, and which shall or may be constructed from any Dwelling House, Building, or other Premises, to communicate with any Sewer or Drain to be made, altered, or enlarged by, or vested or to become vested in, the said Company or their Successors in pursuance of this Act, when and as often as the same respectively shall be or have been commenced, shall be completed and finished with all practicable Expedition; and that the said Company and their Successors shall from Time to Time fill up and make good the Streets, Highways, Roads, Passages, and Places which shall be so broken up as aforesaid, to the Satisfaction of the said Surveyor so to be appointed by the Inhabitants of the said Parish in Vestry assembled; and that when and as often as any of the Pavements or Footways within the said Town of *Cheltenham* or the Precincts thereof shall be taken up or removed by the said Company and their Successors, or their Workmen or Servants, or any such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company, for the Purpose of making, altering, or repairing any of such Drains or Sewers, or any Cross Drain or Drains from any Houses, public or private Buildings, or other Premises, to communicate with any Main Sewer or Drain to be made, altered, or enlarged by, or vested or to become vested in, the said Company, in or under any Street, Highway, Road, Way, Lane, Footpath, or Passage, no Part of any of such Pavements or Footways respectively shall remain taken up or removed longer than a Period of Seven clear Days, exclusive of *Sundays*; and that in case the making, altering, enlarging, and repairing of every such Drain and Sewer respectively shall not be completed and finished with all practicable Expedition, or in case any Part of such Pavements or Footways respectively, when taken up or removed by the said Company and their Successors, or by any such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company, for any of the Purposes aforesaid, shall remain taken up or removed longer than the said Period of Seven clear Days, exclusive of *Sundays*, then and in every such Case the said Company and their Successors, or their Treasurer or Treasurers, or, as the Case may be, any such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company, shall forfeit and pay to the said Commissioners, or their Successors, or their Treasurer or Treasurers, any

Sewer to be made to the Satisfaction of a Surveyor to be named by the Parish.

Company, in breaking up Pavements or Footpaths, to reinstate the same in Seven Days.

[Local.]

4 C

Sum

Sum not exceeding Forty Shillings, which shall and may be levied and recovered in such and the like Manner as any Penalty by this Act imposed upon the said Company, or such Inhabitant, or other Person or Persons, Trustees, Commissioners, or public Company as aforesaid respectively, may be raised, levied, and recovered, and shall and may from Time to Time, when received, be applied to any of the Purposes for which the Rates imposed under or by virtue of the said recited Act are applicable.

Company to
repair Sewers.

XXXIV. And be it further enacted, That the said Company and their Successors shall and they are hereby required at all Times to maintain and keep in good Order and Repair, at the Expence of the said Company and their Successors, all and every the Drains and Sewers to be made, altered, or enlarged, by virtue of this Act, by the said Company and their Successors, and all Drains and Sewers vested in, or which shall become vested in or belong to, the said Company and their Successors by or by virtue of the same Act.

Commis-
sioners at
liberty to
turn Surface
Water into
Company's
Sewer.

XXXV. Provided always, and be it further enacted, That it shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Act, and their Successors, and they are hereby empowered, by themselves, their Surveyors, Agents, Workmen, and others, to divert or turn the Surface Water from and out of the present and any future Streets, Squares, Highways, Roads, Ways, Footpaths, Lanes, and Passages of the Town or Parish of *Cheltenham* aforesaid, or any of them, into any One or more of the Drains or Sewers of the said Company and their Successors, and for that Purpose to make all such Drains, Gutters, Culverts, and Sewers to communicate with the same Main Drains or Sewers respectively of the said Company and their Successors, as the said Commissioners or their Successors shall think fit, and to repair, amend, alter, divert, or turn such Drains, Gutters, Culverts, and Sewers so to be made by them the said Commissioners or their Successors for the Purpose aforesaid when and as often as they shall think necessary, the said Commissioners and their Successors making good any Damage or Injury which they may occasion to or may be sustained by the said Company and their Successors thereby, and the said Commissioners and their Successors providing, at their own Expence, Costs, and Charges, suitable Soil Traps and Grates for the Purpose of preventing any Nuisance or Annoyance arising from or by means of any such Communication; and the said Commissioners or their Clerk or Surveyor are hereby required to give to the said Company or their Clerk or Surveyor Six Days Notice in Writing of their Intention of making any Communication with any of the Sewers of the said Company, and it shall not be lawful for the said Commissioners, or their Surveyor, Agents, or Workmen, to make any such Communication until such Notice has been given as aforesaid.

Commis-
sioners not
to be pre-
vented from
making
Sewers where

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall or shall be deemed or construed to alter or repeal such Parts of the said recited Act which authorize and empower the said Commissioners acting in the Execution thereof to make or cause to be cut or made, in, through, over, or under any

any of the Streets, Lanes, Squares, Crescents, Passages, and Places in the Town and Parish of *Cheltenham* aforesaid, any Tunnels, Gutters, Sinks, Drains, Sewers, or Watercourses, and to cause any of the present Gutters, Sinks, Drains, Sewers, and Watercourses to be stopped, opened, or widened, and the Form thereof to be altered, turned, varied, or changed, in such Manner as the said Commissioners shall think fit, or the Powers and Remedies thereby given relating to such Tunnels, Gutters, Sinks, Drains, Sewers, or Watercourses respectively, in such Parts or Places of the said Town and Parish of *Cheltenham* where the said Company or their Successors shall not have previously made or caused to be made any new Drains, Sewers, or Watercourses, or altered, amended, or enlarged any of the present Drains, Sewers, or Watercourses of the said Town of *Cheltenham*, under or by virtue of the Provisions of this Act, and where the said Company or their Successors shall refuse or neglect to lay down Sewers after receiving Six Months Notice in Writing from the said Commissioners or their Successors so to do.

the Company do not make them.

XXXVII. And be it further enacted, That the said Company and their Successors shall and they are hereby required, within a reasonable Time after they shall have made and completed, under the Provisions herein-before contained, a Main Sewer from the upper End of *High Street* in the said Town to the North End of *Saint George's Place* aforesaid, to make good and effectual lateral Drains or Sewers to communicate with the said Sewer in the *High Street*, under the several Streets and Places and to the Extent mentioned in the Schedule to this Act annexed.

Company to make Sewers in certain other Streets when the Sewer in *High Street* is completed.

XXXVIII. And be it further enacted, That it shall not be lawful for the said Company, or their Agents, Servants, or Workmen, to make or lay the Bottom or lower Part of any Drain or Sewer at that Part of the *High Street* which adjoins *Park Street* at the lower End of the said Town deeper than Seven Feet Six Inches, without the Consent in Writing of the said Commissioners first had and obtained for that Purpose.

Depth of Sewer in *Park Street*.

XXXIX. And be it further enacted, That if the said Company or their Successors shall make a Sewer or Drain from *Saint George's Place* to the Western End of the said Town, they the said Company and their Successors shall and will and they are hereby required at any Time thereafter, upon the Application of Two Thirds of the Occupiers of Houses in *King Street* and *Milsom Street* respectively, and upon such Occupiers respectively testifying their Consent to the Payment of the Rates herein authorized to be made and levied, lay down good and effectual lateral Drains or Sewers to communicate with the said Sewer in the *High Street*, under the said Streets called *King Street* and *Milsom Street* respectively.

Company to lay down lateral Sewers in *King Street* and *Milsom Street*, upon Application of Two Thirds of the Occupiers.

XL. And be it further enacted, That it shall not be lawful for any Person or Persons, without Notice as herein-after is mentioned, to make or branch any private Sewer or Drain into any of the Sewers or Drains to be made or enlarged by or to be vested in the said Company in pursuance of this Act, or into any Drain or Sewer communicating or

Not to make private Drains to communicate with the Company's Sewer without Consent.

to communicate therewith; and in case any Person or Persons shall make or branch any private Sewer or Drain into any of the said Sewers or Drains authorized to be made by the said Company by virtue of this Act, or into any Drain or Sewer communicating or to communicate therewith, without such Notice, every Person so offending shall for every such Offence forfeit and pay to the said Company a Sum not exceeding Five Pounds; and it shall be lawful for the said Company to cut off, stop up, or prevent the Communication of such private Sewer or Drain with the Sewers or Drains so to be made or enlarged by the said Company, and any Sewer communicating therewith, and to recover the Costs and Charges to be occasioned thereby, and also the Rate or Rates herein authorized to be made, from the Time when such private Sewer or Drain shall have been made, from the Person or Persons so offending, in such and the like Manner as any Penalty or Rate may by this Act be raised and levied.

Proprietors of
private
Drains to
cleanse the
same.

XLI. And be it further enacted, That all such private Sewers or Drains as shall be permitted to be branched into any of the said Sewers or Drains hereby authorized to be made and enlarged by the said Company by virtue of this Act shall from Time to Time be repaired and cleansed, under the Inspection and Direction of the Surveyor for the Time being of the Commissioners acting under and by virtue of the said recited Act, at the Costs and Charges of the Occupiers of the Houses, Buildings, Lands, and Premises to which the said private Sewers or Drains shall respectively belong; and in case any Person or Persons shall neglect to repair and cleanse, or cause any Sewer or Drain so permitted to be branched into any Sewer or Drain to be made by the said Company in pursuance of this Act to be repaired and cleansed, according to the Directions of the Surveyor of the said Commissioners, he, she, or they shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Inhabitants
may lay
Drains to the
Company's
Sewer, after
giving Notice.

XLII. And be it further enacted, That such of the Inhabitants of the said Town as shall be desirous of having a Drain from the said Main Sewers, or any Sewer communicating therewith, laid into their Houses, Buildings, or other Premises, may and are hereby authorized and empowered, at their own Expence, (subject nevertheless to the Provisions herein-before contained, having given Six Days previous Notice in Writing of his or her Intention so to do to the said Company of Proprietors, and with the Consent of the Owners of the Premises through which the Drain shall be conveyed, and giving such Notice as aforesaid to the said Commissioners or their Clerk or Surveyor,) to open the Ground between the Company's Main Sewer, or the Sewer communicating therewith, and the respective Houses, Buildings, or other Premises of such Inhabitants, and to lay any Drain, (the same being made of Cast Iron, or such other Materials as the said Company shall approve of,) and in such Manner and Form, and with such Grates, and of such Workmanship, as may be approved of by the Commissioners for executing the said Act, or their Surveyor, and the Surveyor of the said Company, from such respective Houses, Buildings, or other Premises, to communicate with the said Main Sewer, such respective Inhabitants paying to the said Company of Proprietors

the Rates herein-after mentioned; and in case of Default of Payment of any such Rate or Rates or Sum or Sums of Money so to be paid, it shall be lawful for the said Company of Proprietors and their Successors to cause the Drain belonging to the Person or Persons making such Default, and communicating with the Main Sewer belonging to the said Company of Proprietors, to be separated from the said Main Sewer, or Sewer communicating therewith, so as to prevent any Communication therewith; and that the Rate or Rates, Sum or Sums of Money, which shall be due and in arrear from such Person or Persons to the said Company of Proprietors, shall and may be recovered by the said Company of Proprietors and their Successors by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, in the same Manner as Rents reserved on common Demises may by Law be recovered.

XLIII. Provided always, and be it further enacted, That the said Company of Proprietors shall be obliged, in the Manner before directed, to permit every Inhabitant occupying a Dwelling House or Part of a Dwelling House, Buildings, or other Premises, in any Square, Street, Close, or Lane of the said Town of *Cheltenham* where the Sewers of the said Company of Proprietors hereafter shall be laid, to lay any Drain from such respective Houses, Buildings, or other Premises, the same being made of Cast Iron, or of such Materials, of such a Construction, and in such Manner and Form, and with such Grates, and of such Workmanship, as the said Commissioners or their Surveyor and the Surveyor of the said Company shall approve of, to communicate with the said Main Sewer, at the following Rates *per Annum*; that is to say, where the Value of such Dwelling House or Premises, or Part of a Dwelling House or Premises, shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings; and where such Value shall be above Twenty Pounds and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds; and where such Value shall be above Forty Pounds and not exceeding Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds Ten Shillings; and where such Value shall be above Sixty Pounds and not exceeding One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds; and where such Value shall be above One hundred Pounds and not exceeding Two hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Four Pounds; and where such Value shall be above Two hundred *per Annum*, at a Rate *per Centum per Annum* not exceeding Three Pounds; and every such Rate shall be payable according to the Amount at which such Dwelling House shall be assessed to the House Tax, or to the Rate for the Relief of the Poor, as the said Company shall from Time to Time elect or appoint: Provided always, that in all Cases where the Rate hereby authorized to be made shall be payable according to the Rate made for the Relief of the Poor within the said Parish, and such Rate for the Relief of the Poor shall not be made according to the full Value of such Houses, Buildings, and Land, it shall be lawful for the said Company to increase the said Rate hereby authorized to be made in such and the same Proportion and to such Extent as the said Poor's

Limiting the Rates to be paid for Drains.

[*Local.*]

4 D

Rate

Rate shall be below the actual annual Value of the several Houses, Buildings, and Land included therein, so as to make an equal Rate or Assessment on the full annual Value of such Houses, Buildings, and Land respectively ; and such Rate shall be due and payable in advance on and from the Day when such Communication with any Sewer hereby authorized shall be made.

Company
empowered
to lay Drains,
and recover
the Charges
thereof from
Owners of
Houses.

XLIV. And be it further enacted, That if the Soil, Filth, or Cess Pools attached or belonging to or arising from any Messuage or Tenement within the said Town shall, upon the Complaint of any One or more Inhabitants of the said Town, be deemed a Nuisance by the Commissioners acting under or by virtue of the said recited Act, it shall be lawful for the said Company, upon the Application of the said Commissioners or their Surveyor or Clerk, to cause a Drain or Sewer to be laid down from any and every such Messuage or Tenement, or the Premises adjoining to or near the same, to convey such Soil or Filth to one of the Main Sewers or Drains of the said Company, and to recover the Costs, Charges, and Expences of laying down such Drain or Drains from the Owner or Owners of such Messuage or Tenement respectively, such Costs and Charges not exceeding the Sum of Five Pounds in respect of any Messuage or Tenement which shall be under the yearly Value of Fifteen Pounds, and not exceeding the Sum of Ten Pounds in respect of any Messuage or Tenement which shall be above the yearly Value of Fifteen Pounds ; and in case such Owner or Owners shall, on Demand, refuse to pay such Costs and Charges, it shall be lawful for the said Company or their Clerk to make Complaint before Two of His Majesty's Justices of the Peace for the said County ; and upon proving upon Oath before such Justices the Amount of the Costs and Charges so to be incurred by the said Company, the said Justices are hereby authorized and required to summon such Owner or Owners, by causing such Summons to be left at the Dwelling House or Houses of such Owners if within the County of *Gloucester*, or upon his or their Tenant or Tenants if the Residence of such Owner shall be out of the County of *Gloucester*, to appear before them or any other His Majesty's Justices of the Peace at a Petty Sessions to be held not sooner than Twenty-one Days after the Service of such Summons ; and in case such Owner or Owners shall neglect to attend in obedience to such Summons, and shall not prove to the Satisfaction of such Justices that he or they hath or have paid such Costs and Charges as aforesaid, or that such Costs and Charges are unreasonable, it shall be lawful for such Justices and they are hereby required to issue, on the Application of the said Company or their Clerk, a Warrant of Distress for levying on the Goods and Chattels of such Owner or Owners all and every such Costs and Charges as aforesaid, or such Part or Parts thereof as to the said Justices may, upon the Hearing of such Complaint, appear to be reasonable, together with all Costs to be incurred or occasioned by any such Proceedings aforesaid.

Rates to be
made on and
paid by
Owners of

XLV. And be it further enacted, That it shall be lawful for the said Company to make an annual Rate, not exceeding the Rates hereinbefore mentioned, upon the Occupier of any such Messuage or Tenement

ment from which any Drain or Sewer shall be made in consequence of any Complaint so made to the said Commissioners, and to recover the same from Time to Time from such Occupier or Occupiers in such and the like Manner as any Rate or Rent by this Act authorized to be made or levied may be recovered: Provided nevertheless, that it shall be lawful for the Tenant or Tenants of any Messuages or Tenements under the yearly Rent of Fifteen Pounds *per Annum* to deduct the Amount of such Rate or Rates from Time to Time from his, her, or their Rent, or for the said Company to make such Rate or Rates upon the Owner or Owners of any Messuage or Tenement under such yearly Rent as aforesaid, and to recover the same from such Owner or Owners in such and the like Manner as any Rate or Rent by this Act authorized to be made may be recovered.

Houses under 15*l.* per Year, in certain Cases.

XLVI. And be it further enacted, That if upon the Complaint of the Surveyor of the Commissioners acting under the said recited Act for the Time being, or of the Surveyor of the Highways of the said Parish of *Cheltenham* or any Part thereof, or of any other Inhabitant of the said Town of *Cheltenham*, any Muck, Filth, Soil, or other offensive Matter or Thing shall be deemed a Nuisance, or dangerous to the Health of any of the Inhabitants of the said Town, by the Commissioners acting under or by virtue of the said recited Act, it shall and may be lawful for the said Commissioners, or their Surveyor or Clerk, to make Complaint against the Occupier or Occupiers of any Messuage or Premises in or from which any such Nuisance or Danger may arise, or against any Person or Persons concerned in occasioning such Nuisance or Danger, before any Two of His Majesty's Justices of the Peace for the County of *Gloucester*, and such Justices are hereby required to issue their Summons for the Appearance of the Party or Parties against whom such Complaint shall be made; and in case the Party so summoned shall not appear, or shall refuse or neglect to remove the Cause of any such Nuisance or Danger within such Time as the said Justices shall order and direct, it shall and may be lawful for any such Justices and they are hereby required to issue their Warrant, directed to the Constables of the said Parish of *Cheltenham*, commanding them to remove all such Muck, Filth, Soil, or other offensive Matter or Thing as aforesaid, so as to effectually prevent such Nuisance or Danger to the Health of any such Inhabitant or Inhabitants.

As to Removal of Nuisances.

XLVII. And be it further enacted, That all and every the Costs and Charges to be occasioned by any such Removal as aforesaid, and of the Proceedings consequent thereupon, the Amount of which Costs and Charges shall be settled and determined by such Justices, shall be levied by Distress and Sale of the Goods and Chattels of all and every such Occupier or Occupiers, or other Person or Persons, by Warrant under the Hands and Seals of Two such Justices as aforesaid, which they are hereby authorized and directed to grant, in case such Occupier or Occupiers, or other Person or Persons, upon being summoned before any such Justices as aforesaid, shall neglect or refuse to pay such Costs and Charges as aforesaid: Provided always, that it shall and may be lawful for the Occupier

Costs of removing Nuisances to be recovered from Party occasioning same.

or

or Occupiers of all or any Messuages or Tenements or Premises under the yearly Rent or Value of Fifteen Pounds to deduct the Amount of such Costs and Charges from the Rent or Rents payable by them respectively.

Owners to
pay the Rent
of certain
Tenements.

XLVIII. And be it further enacted, That if any House or Premises shall become untenanted, or if the same shall be let for a less Period than a Year, or if the Rent thereof shall be paid or payable at a less Period than a Quarter, or where such House or Premises shall be let out in Apartments or to more than One Tenant, the Owner or Owners of such Houses and Premises shall be deemed the Occupier or Occupiers thereof for all the Purposes of, and be liable to the Rates, Costs, and Charges by this Act authorized to be made and imposed, the same to be recovered in any Manner herein directed for the Recovery of such Rates and Charges.

Penalty for
conveying
Washings
of Gas into
any Sewer.

XLIX. And be it further enacted, That if any Body Politic or Corporate, or any Contractor or Contractors, or any other Person or Persons whosoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town of *Cheltenham* for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in or by the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any Sewer established by virtue of this Act, then and in each and in every such Case such Body Politic or Corporate, Contractor or Contractors, or other Person or Persons shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlane, shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Act, or Thing shall have ceased or determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings, or other Substances or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any Drain or Sewer as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to such Body Politic or Corporate, or Contractor or Contractors, or Person or Persons, and they or he shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, Substances, or Things from being drained, conducted, or conveyed, or from

from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by such Act done or committed.

L. Provided always, and be it further enacted, That no Body Politic or Corporate, or any Contractor or Contractors, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas, shall lay or place or continue any Pipe or Tube for the Conveyance of Gas across or through any of the Sewers or Drains hereby authorized to be made, on pain of forfeiting Twenty Pounds for every such Offence, and a further Penalty of Twenty Shillings for every Day such Pipe or Tube shall be continued after Notice shall have been given for the Removal thereof by the Surveyor or any Officer of the said Company or of the said Commissioners.

Gas Pipes or Tubes not to be laid across or through Sewers or Drains.

LI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to purchase and hold, or rent, for the Purposes of this Act, any Lands or Tenements, of not more than the Value of Two thousand Pounds, from any Person or Persons willing and desirous and legally entitled to sell or let the same; and the said Company may again dispose of any such Lands or Tenements which may not be required for the Purposes hereof, without being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain.

Company may purchase or rent Premises.

LII. And be it further enacted, That all Sales, Conveyances, and Assurance of any Lands, Tenements, or Hereditaments required by the said Company, or any Right or Privilege of User of, in, through, or under any Lands or Ground required for the Purposes of this Act, shall be made in the Form or to the Effect following; (that is to say,)

Form of Conveyance to the Company.

‘ I [or We, *as the Case may be*] of
 ‘ in consideration of the Sum of
 ‘ to me [or us] paid by the *Cheltenham* Sewers Company, established under and by virtue of an Act passed in the Third Year of the Reign of King *William* the Fourth, intituled *An Act* [here insert the Title of this Act], do hereby grant and release [or assign or demise, *as the Case may be*,] to the said Company of Proprietors and their Successors all [describing the Premises or the Right of User to be conveyed], and all my [or our] Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company of Proprietors and their Successors for ever [or, *as the* [Local.] 4 E Case

shall be done, and afterwards made good, under the Inspection of the Surveyor of the District within which such Highway shall be situate.

LVI. Provided always, and be it further enacted, That in case any such Surveyor for the Time being shall refuse or neglect to attend or inspect any of the Works hereby directed to be done under his Inspection, after being thereunto required by Six Days Notice in Writing from the said Company or their Clerk given to or left at the Place of Abode of the said Surveyor, then the said Company are hereby fully authorized to do and perform such Works without the Inspection of such Surveyor, any thing herein contained to the contrary thereof notwithstanding.

Non-attendance of Surveyor of Commissioners not to retard the Works.

LVII. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Company of Proprietors, or their Managers, Agents, Servants, or Workmen, or any of them, in doing or performing any of the Works or in the Exercise of any of the Powers and Authorities in this Act authorized or contained, or shall wilfully or maliciously break, throw down, injure, damage, or destroy any Sewer or Drain, Works, Matter, or Thing, belonging to the said Company, made or to be made and provided in pursuance of this Act or for the Purpose of the Execution of the Powers herein contained, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty for injuring Works.

LVIII. And be it further enacted, That if any Person or Persons supplied with a Drain by virtue of this Act, or having any Drain or Sewer which may communicate with the Sewers of the said Company, shall wilfully permit any other Person or Persons not having the Authority or Consent of the said Company to use any such Drain or any Branch into the same, then and in every such Case every Person so offending as aforesaid shall forfeit and pay to the said Company for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of the Justice of the Peace before whom the same shall be recovered, over and above the full Amount of the Damage sustained by the said Company by the Acts or Means in respect of which such Penalty shall be incurred; and the said Company shall be at liberty to cut off the Drain from every Person so offending from the Main Sewer of the said Company.

Penalty on Persons supplied with Drains supplying others.

LIX. And be it further enacted, That it shall and may be lawful to and for the Engineer, or any other Person or Persons acting by or under the Authority of the said Company of Proprietors of the *Cheltenham* Sewers, or of their Committee, at all seasonable Times in the Daytime, upon giving Twenty-four Hours previous Notice of their Intention, to enter into any House, Building, or other Premises having a Drain or Sewer communicating with the Sewers to be made by virtue of this Act, in order to inspect and examine if there be any Communication with any other Drain or Sewer into any other Building or Premises; and if such Engineer or other Person acting by or under the Authority of the said last-mentioned Company of Pro-

Company may examine Premises to ascertain whether any Drains have been made to communicate with the Sewers.

Proprietors or their Committee shall at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to cut off the Drain or Sewer supplied by the said Company of Proprietors from such House, Building, or other Premises.

Power to
raise Money
by Mortgage
of the Un-
dertaking.

LX. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising any Sum on Mortgage of the said Undertaking, not exceeding the Sum of Four thousand Pounds beyond what is already subscribed, or may hereafter, by Consent of the said Company, be so as aforesaid contributed and subscribed, it shall be lawful for the said Company to borrow and take up at Interest all or any Part of such additional Sums in One or more Sum or Sums on the Credit of the said Undertaking, and to assign the Property of the said Undertaking, and the Profits and Advantages arising and to arise to the said Company by virtue of this Act, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons as shall advance the same; all which said Assignments, shall be made at the Costs of the said Company, under their Common Seal, and be registered by the Clerk of the said Company in a Book to be kept for that Purpose; and the same shall be in the Form or to the Effect following; (that is to say,)

Form of
Mortgage.

‘ **BY** virtue of an Act passed in the Third Year of the Reign of
 ‘ King *William* the Fourth, intituled *An Act* [*here insert the*
 ‘ *Title of this Act*], we, the *Cheltenham* Sewers Company, incorpo-
 ‘ rated by and under the said Act, in consideration of the Sum of
 ‘ to us in hand paid by of
 ‘ do hereby bargain, sell, and assign unto the said
 ‘ his, her, or their [*as the Case may be*] Executors,
 ‘ Administrators, and Assigns, the said Undertaking, and all the
 ‘ Works thereto belonging, and all and singular the Sums of Money
 ‘ arising and payable to us for Drains and Sewers by virtue of the
 ‘ said Act, and all our Estate, Right, Title, and Interest of, in, and
 ‘ to the same, to hold unto the said Executors,
 ‘ Administrators, and Assigns, until the said Sum of
 ‘ with Interest for the same after the Rate of
 ‘ *per Centum per Annum*, shall be fully paid and satisfied. Given
 ‘ under our Common Seal this Day of
 ‘ in the Year of our Lord .’

And all Persons to whom such Assignments shall be made shall be equally entitled, one with the other, to the said Undertaking, Profits, and Advantages so to be assigned, in proportion and according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of the Priority of any such Assignments, or on any other Account; and the Person or Persons to whom any such Assignments shall be made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer his,

to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Informations in Writing shall have been exhibited or taken by or before such Justice ; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing were exhibited.

In case of
Nonpay-
ment of
Compensation for
Damages,
&c.

LXIV. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, by virtue of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Company, or any other Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Company, in pursuance of the Directions or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for and such Materials, Costs, Damages, Spoil, or Injury as aforesaid ; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the Case may be : Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Recovery
and Appli-
cation of
Penalties.

LXV. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offender or Offenders is not particularly mentioned or directed, and which shall be inflicted or imposed by any Rule, Order, or Bye Law to be made under the Authority of this Act, shall, in case of Nonpayment thereof, be adjudged by and be recovered before any Justice of the Peace for the County wherein the Offence shall arise, in a summary Way ; and any such Justice of the Peace is hereby authorized and empowered to convict the Offender or Offenders upon Information by the Oath of any Person or Persons, or on the Confession of the Party offending (which Oath such Justice is hereby authorized to administer); and
in

in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, or of the Goods and Chattels of the said Company, if they shall offend and be convicted as aforesaid of any Offence in this Act mentioned, by Warrant under the Hand and Seal of such Justice; and one Moiety of the Penalties and Forfeitures when recovered, after rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges for such Distress and Sale being first deducted), shall be paid, if not otherwise directed by this Act, to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish or Hamlet wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish or Hamlet; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction by any Person or Persons offending and convicted, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or Offenders or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction or Common Gaol for the County wherein such Offence shall arise for any Time not exceeding Three Calendar Months.

LXVI. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the Form following; (that is to say,) Form of Conviction.

‘ Gloucestershire, } **BE** it remembered, That on the
‘ to wit. } Day of in the Year of our Lord
‘ is convicted before me,
‘ one of His Majesty's Justices of the Peace for the County of
‘ by virtue of an Act passed in the Third Year of
‘ the Reign of King *William* the Fourth, intituled [*here insert the*
‘ *Title of this Act*], of having [*here specify the Offence or Omission,*
‘ *and the Time and Place when and where committed, as the Case*
‘ *may be*], contrary to the said Act, for which Offence I do adjudge
‘ the said to have forfeited the Sum
‘ of

‘ of . Given under my Hand and Seal the Day
‘ and Year first above written.’

Proceedings
not to be
quashed for
Want of
Form.

LXVII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary notwithstanding.

Distress not
unlawful for
Want of
Form.

LXVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same to be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity that shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

Appeal may
be made to
the Quarter
Sessions.

LXIX. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, Trustees or Commissioners, Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, or Commissioners, in pursuance of this Act, may, within Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be holden for the said County of *Gloucester*, the Person or Persons appealing having first given at least Ten Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk or Superintendent of the said Company, as the Case may be, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General or Quarter Sessions of the Peace, or, if they shall think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall
judge

judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

LXX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall be made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without giving Notice, nor after Tender of Amends.

LXXI. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Three Calendar Months from the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or, upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover full Costs of Suit, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

LXXII. And be it further enacted, That no Order, Rate, or Assessment, Judgment, or other Proceeding, made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or

No Proceedings to be removed by Certiorari.

[*Local.*]

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removable

removable by Writ of Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Transient
Offenders
may be ap-
prehended.

LXXIII. And whereas Persons guilty of Offences against this Act may be transient Persons, and unknown to the Officers acting under the said Company; be it therefore enacted, That it shall be lawful for any Officer acting under the said Company, with such Aid as shall be necessary, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before any Justice of the Peace of the said County, without any other Warrant or Authority than this Act for so doing.

How Notices
shall be
served on the
Company.

LXXIV. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices, Writ or Writs, or other legal Proceedings upon the said Company, the Service thereof upon any one of the Committee of the said Company, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Company
not to sell
their Rights.

LXXV. And be it further enacted, That it shall not be lawful for the said Company to sell or dispose of any of the Rights, Privileges, Powers, or Authorities of establishing Sewers hereby granted, or any of the Sewers built or made by virtue of this Act; but in case the said Company shall be dissolved or cease to exist, all the Sewers which shall have been built or made by virtue hereof shall thenceforth vest in and belong to the Churchwardens and Overseers of the said Parish for the Time being, in Trust for the Inhabitants of the said Parish.

Expences of
Act.

LXXVI. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act shall be paid and discharged by the said Company out of the Monies already subscribed or to be subscribed by virtue of this Act.

Public Act.

LXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE referred to by this Act.

OXFORD STREET.

PRIORY STREET.

HEWLET STREET, to the Extent Northwards from High Street
Two hundred and twenty-seven Yards.

BERKELEY STREET.

SAINT JAMES STREET.

GYDES TERRACE.

WINCHCOMB STREET, to the Junction of Albion Street.

PITTVILLE STREET.

NORTH STREET, extending as far Northward from High Street
as the Countess of Huntingdon's Chapel.

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