CHAP. liii.

An Act for empowering the Mayor, Aldermen, and Burgesses of the city and borough of Bath to more effectually supply with Water the city and borough of Bath; and for other purposes. [20th June 1870.]

A.D. 1870.

WHEREAS the city and borough of Bath (in this Act called "the borough") is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation"):

And whereas an Act was passed in the ninth and tenth years of the reign of her present Majesty, intituled "An Act for more effectually supplying with water the city of Bath and several parishes and places adjacent thereto," in this Act called "The Bath Act, 1846:"

And whereas the Corporation are empowered by that Act to supply water for the purposes of the borough, except the parish of Bathwick in the borough:

And whereas the Corporation were by that Act authorised to make and maintain additional waterworks, and to borrow moneys not exceeding twenty thousand pounds:

And whereas by "The City of Bath Act, 1851," the Corporation were empowered to construct additional waterworks and to borrow any further sum not exceeding thirty thousand pounds:

And whereas of the moneys borrowed under the said Acts the sum of four thousand pounds only is now owing:

And whereas the provisions of the said Acts are insufficient for the water supply of the borough, and it is expedient that power be granted to the Corporation for obtaining a further supply of water and for storing water in reservoirs, and conveying and distributing the same to and in the borough, including the said parish of Bathwick:

And whereas it is expedient that the Corporation have power to acquire the waterworks belonging or reputed to belong to His

A.D. 1870.

Grace the Duke of Cleveland, situate in the said parish of Bathwick in the borough, and the rental thereof, and all streams and other sources in the borough from which the same works are now supplied with water:

And whereas it is expedient that the Corporation have also power to acquire those parts of the waterworks belonging or reputed to belong to "The Charlcombe Waterworks Company (Limited)," which are situate within the parish of Walcot in the borough, and the rental thereof:

And whereas it is expedient that the Corporation be empowered to purchase for the purposes aforesaid and other purposes of this Act certain water mills and the lands, waters, and water rights connected therewith, and certain other lands, streams, waters, and hereditaments, and that they also be empowered to construct works as in this Act provided:

And whereas it is expedient that the Corporation be authorised to raise the money required for the purposes of this Act by borrowing or otherwise:

And whereas it is expedient that "The Bath Act, 1846," be amended:

And whereas plans and sections of the intended new waterworks, showing the lines and levels thereof, and the lands, streams, waters, and hereditaments proposed to be purchased and taken for the purposes thereof, and plans of the waterworks of the said duke, and of those parts of the waterworks of the Charlcombe Waterworks Company (Limited), which are situate within the said parish of Walcot, and of the water mills, lands, waters, and water rights aforesaid, with a book of reference to such plans, have been deposited with the respective clerks of the peace for the counties of Somerset and Gloucester:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Preliminary.

Short title.

1. This Act may for all purposes be cited as "The Bath Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Commissioners Clauses Act, 1847," with respect to the mortgages to be

executed by the Commissioners, and "The Waterworks Clauses Acts, 1847 and 1863," and all the clauses, provisions, matters, and things therein respectively contained, except such of them as are by this Act repealed or as are repugnant to the provisions and purposes of this Act, and subject so far as any of them are varied or altered by this Act to such variations or alterations, shall extend to this Act and shall be in force with respect to the objects and purposes of this Act as fully and effectually to all intents and purposes as if those clauses, provisions, matters, and things were re-enacted in this Act with reference to the objects and purposes thereof, and shall with this Act accordingly be as to all matters and things whatsoever construed and executed as if they were one Act, and so far as the clauses and provisions in the same incorporated Acts are repugnant to the provisions and purposes of this Act they shall be deemed to be expressly varied or excepted by this Act; and so far as any part of "The Bath Act, 1846," is repugnant to "The Waterworks Clauses Act, 1847," the latter Act shall henceforth supersede the former Act, except that the water rents fixed by section 33 of "The Bath Act, 1846," shall be the rates at which water shall be supplied under "The Bath Act, 1846," and this Act, so far as the same rates apply to supplies of water thereunder.

Interpretation of terms.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned shall have in this Act the same respective meanings, unless there be in the subject or context something repugnant to the construction:

The word "streams" shall herein-after include springs, brooks, rivers, and other running waters:

The word "street" shall herein-after include any square, court, alley, highway, lane, road, footpath, thoroughfare or passage, or other place open to the public.

Works and Lands.

Power to make waterworks according to deposited plans.

4. Subject to the provisions of this Act, the Corporation may make and maintain the waterworks shown on the deposited plans and sections in the lines, upon the levels, and upon the lands delineated on the deposited plans and sections and described in the deposited book of reference, and for those purposes may enter upon, purchase, take, hold, and use such of those lands within the limits of deviation shown on the deposited plans as shall be necessary for such purposes, and may impound, take, and divert the water of the several streams called Monkswood Spring, Bulls Hill Spring, Little Monkswood Spring, Whiteway Spring, Eyford Spring, Charmydown Spring, Holtsdown Springs, and Oakford Springs shown on the said plans: Provided always, that with respect to such part of the said water-

A.D. 1870.

works as consists of mains or pipes, the Corporation shall not, except by agreement, purchase land for such mains or pipes, but if the person or persons enabled to sell lands by virtue of this Act and the Acts incorporated herewith shall not be willing to sell such land, the Corporation may purchase and take, and such person or persons may and shall sell and grant accordingly, an easement or right of entering and using land for the purpose of laying and continuing such mains and pipes, and of repairing the same from time to time.

Provision as to water on Nailey farm.

5. Provided that nothing in this Act shall authorise the Corporation to take or use the Coomb Head Springs in the fields numbered 50, 52, and 54 on the deposited plans, in the parish of Marshfield, or to construct the collecting pipe shown on the deposited plans leading from those springs to main No. 1, or to take lands or easements for that purpose; and the owners of Nailey farm shall not be entitled to or claim any payment or compensation in respect of the abstraction of any other waters by this Act authorised to be taken, but only for easements over lands and for injury to lands.

Lateral and vertical deviations.

6. The Corporation, in constructing the works by this Act authorised, may make lateral deviations from the line of such works not exceeding the limits of deviation shown on the deposited plans, and may deviate from the levels of the reservoirs to any extent not exceeding three feet, and of other works as delineated on the deposited sections to any extent not exceeding five feet.

Stopping up and diversion of roads, &c.

7. The Corporation may cross, stop up, or alter temporarily any turnpike or other road, street, stream, watercourse, sewer, pipe, aqueduct, and bridge shown on the deposited plans, and may cross, stop up, or alter permanently any turnpike or other road, street, stream, watercourse, sewer, pipe, aqueduct, and bridge shown on the deposited plans to be so dealt with, as far as they deem it requisite to do so, for the purpose of any of the works authorised by this Act, first diverting or otherwise providing a proper substitute for the same.

Limitation of time for construction of works.

8. If the works shown on the deposited plans and by this Act authorised are not completed within ten years from the passing of the present Act, then, on the expiration of that period, the powers by this Act granted to the Corporation for executing those works or in relation thereto shall cease to be exercised, except as to so much thereof as is then completed.

Power to take lands.

9. Subject to the provisions of this Act, the Corporation may enter on, purchase, take, hold, and use for the purposes of this Act the waterworks of His Grace the Duke of Cleveland, situate in the parish of Bathwick in the borough, and the streams and sources in the borough from which the same are now supplied, and also such parts

of the waterworks and of the undertaking belonging to the Charlcombe Waterworks Company (Limited) as are situated within the parish of Walcot in the borough, and may charge the property so purchased and also the water rents under "The Bath Act, 1846," and this Act, by way of indemnity to the vendors against any covenants and liabilities in respect of water supply or otherwise; and the Corporation may also enter on, purchase, take, hold, and use for the purposes of this Act the following water mills, lands, waters, and water rights as the same respectively are delineated and described on and in the deposited plans and book of reference; (that is to say,)

(1.) The lessee's interest in a grist mill, situate in the parish of Cold Ashton in the county of Gloucester, known as "Cold Ashton Mill," now in the occupation of Henry Bishop;

(2.) The lessee's interest in about seven acres of land held with the same mill, and also situate in the parish of Cold Ashton aforesaid, and now in the occupation of the said Henry Bishop;

(3.) A grist mill, situate in the parish of Marshfield in the said county of Gloucester, known as "Beak's Mill," and about three acres of land held therewith, and now in the occupation of Robert Hayward Tilley;

(4.) A paper mill, situate partly in the chapelry of Saint Catherine in the parish of Batheaston in the county of Somerset, and partly in the parish of Cold Ashton aforesaid, and about one acre of land and six cottages thereon, held with the same mill, and also situate in the same chapelry, and now in the occupation of Joseph Hall and his tenants;

(5.) A grist mill, situate in the said chapelry of St. Catherine, known as "St. Catherine Mill," with one and a quarter acres of land held therewith, and now in the occupation of John Tucker Couch;

(6.) The waters and water-rights belonging to a grist mill, situate in the parish of Marshfield aforesaid, known as "Eyford Mill," and to the site of a silk mill, in the said parish of Batheaston, which formerly stood about one hundred and fifty yards east of the parish church of Batheaston, but has been taken down and cleared away;

and all waters and water rights belong to such several mills, or to lands acquired by the Corporation situate on the stream or streams by which such mills are supplied, and also all further and other lands, streams, waters, and hereditaments so delineated and described: Provided that the Corporation shall not supply water in the district now supplied by the Charlcombe Waterworks Company (Limited), except to such premises as are at present supplied by the Corporation, unless

A.D. 1870.

with the consent of such company, or until the Corporation have exercised the aforesaid power of purchasing the waterworks and undertaking of such company within the said parish of Walcot in the borough.

For protection of John Taylor, Esq.

10. For the protection of the owner for the time being (herein-after in this section called "the owner") of the estate called "the Rocks," situate in the parish of Marshfield in the county of Gloucester (herein-after in this section called "the Rocks estate"), the following provisions shall have effect; (that is to say,)

(a.) Notwithstanding anything in this Act or the incorporated Acts contained, the owner shall at all times be at liberty to take and use so much of the water of the springs situate on the Rocks estate, and described on the deposited plans and in this Act as "Oakford Springs," as he shall from time to time require for the supply of the mansion-house on the Rocks estate and of the Rocks estate, and for working the waterwheel and pump situate in the wheel-house, on the deposited plans No. 19, in the parish of Marshfield, or any waterwheel and pump or other appliances to be from time to time substituted in lieu of the existing waterwheel and pump at the same place, and the owner shall keep in repair the pipes leading to the said wheel so as to prevent waste; but, subject as aforesaid, the Corporation may take the whole of the water of such springs: Provided always, that the Corporation shall not take any of such water until after it has passed the said wheel-house:

(b.) For the purpose of collecting and diverting the water after it has passed the said wheel-house, the Corporation may construct or lay down and maintain a conduit or pipe from a point immediately below the wheel-house to the intended covered tank No. 3, and by means of another pipe may divert into the first-mentioned conduit or pipe any water which may overflow from the pond situate on the Rocks estate, and numbered on the said deposited plans 19A, in the parish of Marshfield:

(c.) For the purpose of intercepting or diverting any surface or other water which the Corporation may not desire to take, they may construct a dam of the dimensions and in the position shown on the deposited plan and sections in the field numbered on the deposited plan 20B, in the parish of Marshfield, and may lay down or construct a pipe or conduit commencing from and out of the brook at the said dam, and terminating in the brook within fifteen yards of the wheel-house numbered on the deposited plans 19, in

A.D. 1870.

the said parish of Marshfield: Provided always, that the last-mentioned pipe or conduit shall be formed in the field on the south side of the ponds numbered 19A and 19B, and that the lowest part of the same pipe or conduit by the side of the pond 19B shall not be below the present surface of the water in the said pond 19B, and that the lowest part of the same pipe or conduit at the side of the pond 19A shall not be below the present surface of the water in the said last-mentioned pond:

(d.) The Corporation may from time to time cleanse the said ponds numbered 19A and 19B so as to prevent any fouling of water of the said Oakford Springs (but shall not diminish the ornamental character of such ponds, or destroy the fish therein), and shall remove all mud or other matter taken out of such ponds by such cleansing to the satisfaction of the owner:

(e.) During the time occupied by such cleansing the Corporation shall make provision to secure the flow of a sufficient quantity of water from the said Oakford Springs to the said waterwheel and pump:

(f.) The owner shall not do anything which shall foul the water flowing into the said ponds, or to or from the said waterwheel, but subject to the provisions in this Act he shall have all rights, including the right of fishing, fowling, and shooting in or over the said ponds, as fully as if this Act had not been passed:

(g.) The Corporation, by their authorised agents, may at all reasonable times have access to the works to be made on the Rocks estate for the purpose of examining and, if need be, repairing the same, making full compensation for all damage occasioned thereby; but, except in cases of emergency, the Corporation shall not open the ground or do any repairs without giving to the owner twenty-four hours notice in writing, delivered at the said mansion-house:

(h.) The Corporation shall not, without the consent in writing of the owner, erect any building other than the covered tank (No. 3 on the deposited plans) on any part of the Rocks estate:

(i.) Except only as is by this Act otherwise expressly provided, nothing in this Act or in the incorporated Acts contained shall take away, lessen, or prejudice any of the estates, rights, interests, powers, or authorities of the owner:

(j.) All works to be constructed by the Corporation on the Rocks estate shall be completed within twelve months from the time at which such works are commenced.

A.D. 1870.

As to supply of water for domestic or agricultural purposes.

11. If by reason of the works by this Act authorised there shall not remain or flow to and through any lands or fields situated below the points where the several streams are proposed to be diverted, which now have or enjoy a frontage thereto or are watered thereby, such a quantity of water as may be necessary for domestic or agricultural purposes, the Corporation shall and they are hereby required, whenever it may be practicable so to do, to furnish from time to time and at all times so much water as may be necessary for such purposes, free from all rates, costs, and charges in respect of such water, and to lay down at their own cost all such pipes, conduits, troughs, cisterns, taps, and apparatus as may be requisite for conveying and continuing the same by gravitation, and shall keep a continuous supply in such troughs; and in case the same shall not be practicable, then the Corporation shall pay to the owners and occupiers of such lands full compensation for the loss and injury they may respectively sustain by reason of such diversion of such water, in manner provided by the Lands Clauses Consolidation Acts herewith incorporated; but nothing in this section shall be deemed to oblige the Corporation to furnish thereunder at any time any greater quantity of water than that which at the passing of this Act is available from the several streams aforesaid for domestic and agricultural purposes in or on the lands or fields aforesaid; and this section shall not apply to any house erected after the passing of this Act.

Corporation in certain cases to make a fence along line of streams.

12. If by reason of the works by this Act authorised there shall not remain or flow to and through any lands or fields situated below the points where the several streams are proposed to be diverted, which now have or enjoy a frontage thereto and are effectually fenced thereby and not otherwise from adjoining lands, such a quantity of water as may be necessary for the purposes of a fence equal to that now enjoyed, the Corporation shall and they are hereby required to make and maintain a good and effectual fence, by posts and rails or a quickset hedge, along the line of the several streams which shall be so reduced by such diversion or abstraction of water therefrom; but nothing in this section shall be deemed to oblige the Corporation to make and maintain a fence in any such case where they shall and so far as they shall, pursuant to the obligation hereby imposed, have made a fence on the opposite edge of any such stream answering the purpose of a fence of separation of the lands on each side thereof.

As to property of Mr. Hall.

13. If the Corporation takes or interferes with any part of the property shown on the deposited plans as belonging or reputed to belong to Joseph Hall, or of which he is lessee or reputed lessee, in the chapelry of Saint Catherine and in the parish of Cold Ashton, or

with any brooks or waters supplying his paper mill, numbered on the deposited plans 42 in the said chapelry and 3 in the said parish, the Corporation shall take the whole of the property so shown, and shall make compensation for a certain spring of water, together with the tank and pipes connected therewith, in the parish of Cold Ashton, of which he is lessee.

As to a standpipe at Batheaston.

14. The Corporation shall, if the necessary consents can be obtained, erect a stand pipe with spring tap for domestic purposes at Stambridge in the said parish of Batheaston, and shall keep water constantly laid on thereto.

Powers for compulsory purchases limited.

15. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of four years from the passing of the present Act.

Water Supply.

Extension of limits of water supply.

16. The limits for the supply of water by the Corporation shall, from and after the passing of this Act, include the said parish of Bathwick, and "The Bath Act, 1846," shall, as altered by this Act, henceforth have effect as if that parish had originally been included within the limits of "The Bath Act, 1846," and there had been no restriction therein in regard to the supply of water by the Corporation to the inhabitants of that parish.

Power to supply other waterworks, &c.

17. In addition to the power given to the Corporation by the thirty-eighth section of "The Bath Act, 1846," the Corporation may render any such supply as is therein referred to for a year or part of a year in return for a sum or sums in gross, and may also supply the proprietors of all or any other waterworks than their own within or partly within the borough with water for consumption in the borough, at such rent or for such sums in gross for a year or part of a year, and upon such other terms and conditions, as shall be agreed upon between the Corporation and the proprietors of such other waterworks respectively.

Water rents to certain premises not to be less than in the rest of borough.

18. The water rents or rates charged by the Corporation to premises now supplied by the undertakings called the Circus Waterworks, the Rivers Waterworks, the Park Street Waterworks, the Camden Place Waterworks, and Hensley's Waterworks in the borough, shall not be less than the rents or rates charged by the Corporation in other parts of the borough.

Corporation not obliged to supply water in certain cases.

19. The Corporation shall not, on the demand of any person not now entitled to be supplied with water, be obliged to supply any water on the demand of such person if such supply cannot be made without unduly lessening the quantity of water required by other

A.D. 1870.

parties entitled to be supplied with water by the Corporation previously to such demand.

Limitation of height of supply.

20. The Corporation shall not in any case be bound to furnish a supply of water at an elevation above that at which the same can be furnished from the source of supply of the pipes of or nearest to the district for which the demand is made.

Mortgages.

Power to borrow.

21. For the purposes of this Act the Corporation may from time to time, in addition to any money which they are for the time being authorised to raise independently of the present enactment, borrow such sums as they think requisite, not exceeding in the whole the sum of seventy thousand pounds, and may secure the repayment thereof with interest by mortgage of their waterworks and of their receipts by virtue of this Act and of "The Bath Act, 1846."

Former mortgages to have priority.

22. All mortgages granted by the Corporation on their water rates and waterworks, or either of them, before the passing of the present Act, and now in force, shall during the continuance thereof have priority over all mortgages created by virtue of the present Act on the same respective funds or securities.

Sinking fund.

23. In order to discharge the principal money borrowed under the authority of this Act, the Corporation shall every year appropriate and set apart out of their receipts, by virtue of this Act and "The Bath Act, 1846," one thousand pounds, and, after the first appropriation, such further sum as shall be equal to the amount of interest which shall from time to time have ceased to accrue by payment or payments on account of principal, and shall therewith pay off corresponding parts of the principal moneys so borrowed.

Miscellaneous.

Additional lands.

24. The Corporation may at any time or times purchase by agreement for the purposes of this Act, in addition to any lands authorised to be taken by any other Act or by any other provision of this Act, any quantity of land not exceeding in the whole ten acres.

Power to demise mills, &c.

25. The Corporation may, notwithstanding anything in this Act, either hold any mill and appurtenances acquired by them under this Act, where the holding thereof appears to them expedient for the protection or benefit of their waterworks, or may from time to time demise or otherwise dispose of the same, for such terms of years, at such rents, and subject to such conditions and covenants as they think expedient, according to the circumstances of each case.

A.D. 1870.

Reservation of water rights, &c. on sale by Corporation.

26. On any sale by the Corporation of any lands, the Corporation may reserve to themselves all or any part of the water or water rights or any other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions with respect to the use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

Saving rights of Corporation.

27. Except as expressly provided herein, the present Act shall not take away, lessen, alter, or prejudice any of the rights, privileges, or authorities of the Corporation, but all such rights, privileges, and authorities respectively may be had, exercised, and enjoyed as if the present Act had not been passed.

Expenses of Act.

28. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of the present Act shall be paid by the Corporation out of the moneys to be raised under the authority of this Act.

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