CHAPTER cciii.

An Act for empowering the Mayor, Aldermen, and Burgesses of the borough of Cheltenham to acquire the undertaking of the Cheltenham Waterworks Company, and for supplying with Water the borough of Cheltenham and other places; and for other purposes. [22d July 1878.]

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WHEREAS the borough of Cheltenham in the county of Gloucester (in this Act called the borough) is a municipal borough, under the government of the mayor, aldermen, and burgesses of the borough acting by the council (in this Act called the Corporation):

And whereas the Cheltenham Waterworks Company (in this Act called the Company) now are supplying with water the borough and its neighbourhood under the powers of the following Acts; (videlicet,)

5th George IV. cap. 132; 5 G. 4. c. cxxxii.
2nd Vict. cap. 25; 2 & 3 Vict. c. xxv.
10th Vict. cap. 8; 10 & 11 Vict. c. viii.
21st Vict. cap. 4; and 21 & 22 Vict. c. iv.
28th & 29th Vict. cap. 165: 28 & 29 Vict. c. clxv.

And whereas it would be of great advantage to the borough and the neighbourhood thereof if the undertaking of the Company were vested in the Corporation:

And whereas it is expedient that the Corporation be empowered to construct further works to improve the supply of water to the borough and other places within the limits of this Act:

And whereas it is expedient that the Corporation should be authorised to borrow money and apply their corporate funds for those purposes:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections describing the lines, situations, and levels of the intended works, and a book of reference to those

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plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands in the line of those works or within the limits of deviation as defined on the plans and describing those lands, have been deposited with the clerk of the peace for the county of Gloucester, which are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the twelfth day of November one thousand eight hundred and seventy-seven, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Cheltenham Examiner," a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expenses in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said "Cheltenham Examiner," and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council of the borough, at a further special meeting held in pursuance of a similar notice on the fourteenth day of January one thousand eight hundred and seventy-eight, being held no less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in the Third Schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

38 & 39 Vict. c. 55.

And whereas the capital which the Company have actually raised consists of the sum of fifty-five thousand six hundred and twenty-five pounds ordinary stock fully paid up, of the sum of seventeen thousand one hundred and eighty-seven pounds ten shillings share capital or stock fully paid up, bearing a preferential dividend of four pounds ten shillings per centum per annum, and of the sum of twenty-five thousand five hundred and sixty-seven pounds ten shillings share capital or stock fully paid up, bearing a preferential dividend of five pounds per centum per annum, and the sum which the Company have borrowed on mortgage amounts to twenty-two thousand seven hundred and seventy pounds sixteen shillings and eightpence:

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And whereas estimates have been prepared by the Corporation showing that, in addition to the money required for the purchase of the works and undertaking of the Company, they may from time to time require to borrow for the purchase of land and for the execution of the various works by this Act authorised, being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875, a further sum of money amounting to seventy thousand pounds:

38 & 39 Vict. c. 55.

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 authority of the same, as follows:

Short title.

1. This Act may be cited as the Cheltenham Corporation Water Act, 1878.

Incorporation of certain general Acts.

2. The following enactments, so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with and shall be part of this Act; (namely,)

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 19.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act called the Lands Clauses Acts):

10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

The Waterworks Clauses Acts, 1847 and 1863, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit:

8 & 9 Vict. c. 20.

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof.

Interpretation of terms.

3. In this Act—

The term "the Municipal Corporation Acts" means the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, "to provide for the regulation of "municipal corporations in England and Wales," and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

38 & 39 Vict. c. 55.

The term "Public Health Acts" means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same:

The term "the council" means the council of the borough as defined in the Municipal Corporations Acts:

The term "town clerk" means the town clerk for the time being of the borough:

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The term "borough fund" means the borough fund of the borough:

The term "borough rate" means the borough rate of the borough leviable under the provisions of the Municipal Corporation Acts:

The term "borough auditors" means the auditors for the borough:

The term "lands" means and includes messuages, buildings, lands, easements, and hereditaments of any tenure:

The term "owner" has the meaning assigned thereto in section four of the Public Health Act, 1875:

38 & 39 Vict. c. 55.

The term "waterworks" shall mean and include the waterworks and works connected therewith which may be hereafter vested in the Corporation under the powers of this Act, or authorised to be made or maintained by the Corporation, and any improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects, and the term "waterworks undertaking" shall mean the waterworks undertaking, property, easements, rights, powers, and privileges of the Corporation and every part thereof respectively:

The term "water rent" includes every sum of money payable to the Corporation in respect of a supply of water for any purpose:

The term "annuity" or "annuities" means any annuity or annuities created by the Corporation under the provisions of this Act:

The term "annuitant" or "annuitants" means any person or persons, company, or corporation for the time being entitled to such annuity:

The terms "share" and "shareholder" respectively include stock and stockholder, and the terms "stock" and "stockholder" respectively include share and shareholder:

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings; and in this Act, and (for the purposes of this Act) in enactments incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute, and the term "superior court" shall be taken to include any court of competent jurisdiction.

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Limits of Act.

4. The limits of this Act for the supply of water shall comprise and include the Company's present limits.

Act to be executed by council.

5. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporation Acts, Public Health Acts, and Local Acts respectively for the time being affecting the Corporation as a municipal body and a sanitary authority respectively, and with all the rights, powers, privileges, and authorities conferred by those Acts respectively on the Corporation and on the council and committees of the council, and officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts, Public Health Acts, and Local Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts, Public Health Acts, and Local Acts respectively.

Purchase of undertaking of Company by Corporation.

6. The Company shall sell and the Corporation shall purchase the Company's undertaking (which expression in this Act includes all the property, real and personal, assets, rights, powers, and privileges of every description belonging to or exerciseable by the Company) for the consideration and on and subject to the terms and conditions in this Act mentioned.

Consideration for sale and purchase.

7. The consideration for the said sale and purchase shall be—

(*a.*) The issue by the Corporation to the holders of the sum of seventeen thousand one hundred and eighty-seven pounds ten shillings in the capital of the Company, now bearing the preferential dividend of four pounds ten shillings per centum per annum, of perpetual annuities at the rate of four pounds ten shillings for every one hundred pounds of such capital; and

(*b.*) The issue by the Corporation to the holders of the sum of twenty-five thousand five hundred and sixty-seven pounds ten shillings in the capital of the Company, now bearing the preferential dividend of five pounds per centum per annum, of perpetual annuities at the rate of five pounds for every one hundred pounds of such capital; and

(*c.*) At the option of the Company, either the issue to the holders of the ordinary stock of the Company of perpetual annuities to the aggregate amount of five thousand five hundred and sixty-two pounds ten shillings, or the payment to the Company of the gross sum of one hundred and thirty-nine thousand and sixty-two pounds ten shillings,

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to be distributed rateably among the holders of such stock in proportion to their respective shares and interests in the Company; provided that the holders of ordinary stock may elect to accept payment partly by way of annuities and partly by a sum in gross, and the Company shall within one month after the passing of this Act inform the Corporation by writing under the hand of their manager whether they require annuities to be issued to all or any of the stockholders or the payment of a sum in gross as aforesaid, and if they require the issue of annuities to some only of the said stockholders, then the Company shall also specify the respective amounts of the annuities to be issued and of the gross sum to be paid, subject and according to the foregoing provisions of this Act, and such annuities and gross sum shall respectively be issued and paid accordingly: Provided also, that any stockholder who shall not within twenty days after the passing of this Act have intimated to the Company the mode in which he desires to accept payment shall be deemed to be in accord with the option exercised by the Company:

(*d.*) The payment of the sum of five thousand pounds to the Company, which sum shall be applied by the committee of management in the first instance in discharging all the outstanding debts and liabilities of the Company (other than their mortgage debt herein-after mentioned), including all the costs, charges, and expenses incurred by the Company in relation to the Cheltenham Water Bill, 1878, and in relation to their opposition to the Bill for this Act, and the balance, if any, remaining after discharging all such debts, liabilities, costs, charges, and expenses as aforesaid shall be distributed rateably among the holders of the ordinary stock in the Company according to their respective interests therein:

(*e.*) The taking over by the Corporation of the mortgage debt of the Company, amounting to the sum of twenty-two thousand seven hundred and seventy pounds sixteen shillings and eightpence.

As to transfer of undertaking.

8. With respect to the transfer of the undertaking of the Company the following provisions shall have effect; (that is to say,)

(1.) The sale and transfer of the said undertaking shall be carried into effect by a deed duly stamped and truly stating the consideration, which deed may be in the form set forth in the First Schedule to this Act or to the like effect, with

such variations and additions as circumstances require; and on payment and satisfaction of the purchase money or other consideration, and on the execution of that deed by the Company, their undertaking, and all causes of action, suit, or proceeding belonging to them, shall by virtue of that deed and of this Act become and shall thenceforth be transferred to and vested in the Corporation, subject to all contracts, obligations, debts, and liabilities affecting the same, and thenceforth the Corporation shall have and hold the undertaking, and may in the name of the Corporation enforce the causes of action, suit, or proceeding aforesaid (which transfer and vesting is in this Act referred to as "the transfer"):

(2.) If the aforesaid sum of five thousand pounds, or such sum or sums in gross (if any) as aforesaid, is not or are not paid on the twenty-fourth day of June one thousand eight hundred and seventy-eight, the Corporation shall pay to the Company interest at the rate of four pounds ten shillings per centum per annum thereon, or on so much thereof respectively as is for the time being unpaid, until the day of payment:

(3.) The Company shall bear and pay all outgoings of every kind, and shall receive all water rents and rates and other debts due to them, and shall be entitled to the profits (if any) of the undertaking up to the said twenty-fourth day of June, and if after payment of the authorised dividends to the holders of ordinary stock out of such profits up to that day there is any surplus, such surplus shall be applied towards making good any deficiency in the authorised dividends payable on such stock in any year before the passing of this Act; provided that nothing in this Act shall entitle the Company to receive or recover for their own benefit any water rents or rates or other payments becoming payable in advance on the said twenty-fourth day of June, but all such water rents, rates, or other payments shall be receivable and recoverable by the Company on behalf and for the benefit of the Corporation:

(4.) Until the transfer the works and undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business, but the Company shall not, without the previous consent in writing of the town clerk, make or enter into any contract, agreement, or obligation, except such as shall be in the ordinary

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course of the maintenance of the works and the proper conduct of the undertaking. If the transfer does not take place on or before the said twenty-fourth day of June, the Company shall as from that date be deemed to be trustees for the Corporation until the transfer, and shall, within seven days after the transfer, furnish to the Corporation an account in writing of all receipts and payments in relation to the undertaking as from the said twenty-fourth day of June to the transfer, and shall, on the request of the Corporation, verify and vouch the account so furnished, and shall pay over to the Corporation any excess of receipts over expenditure, but shall not be liable for any excess of expenditure over receipts as from the twenty-fourth day of June aforesaid:

(5.) Until the transfer all the books and documents of the Company, and until the dissolution of the Company the register of the shareholders and register of transfers, shall at all times be open to the inspection of any officer of the Corporation or person authorised by the Corporation to inspect the same. The Company shall be entitled to retain possession of the register of shareholders and register of transfers until the dissolution of the Company, and until such dissolution the books and documents of the Company in the hands of the Corporation shall at all times be open to the inspection of any officer of the Company or person authorised by the Company to apply for inspection of the same.

Continuance of allowances to certain officers of Company.

9. The Corporation shall pay to Edward Allen Cossens during his life, by equal quarterly payments, an annuity of one hundred pounds, and to Joseph Holland during his life, by equal weekly payments, an annuity of twenty pounds sixteen shillings, being the amounts of the annuities of which they are respectively in receipt from the Company, such annuities to commence on and from the 24th day of June 1878.

Employment or compensation to manager of Company.

10. The Corporation shall, within three months from the time of the transfer, either bind themselves to continue in his office the present manager of the Company, at the salary or remuneration now enjoyed by him, for a period of three years from the time of the transfer (unless he shall in that period become incapable or unfit to discharge the duties of his office), or they shall pay to the said manager such compensation in respect of his loss of office as may be settled by agreement, or, in default of agreement, by arbitration under the Common Law Procedure Act, by Edward Easton, civil

17 & 18 Vict. c. 125.

engineer, of 7, Delahay Street, Westminster, and John Ayres, civil engineer, of Norwich.

Application of the Company's Acts to the Corporation.

11. Until the transfer all the rights, powers, and authorities of the Company under the special Acts relating to the Company may be exercised by the Company (but after the twenty-fourth day of June one thousand eight hundred and seventy-eight only as trustees for the Corporation), and from and after the transfer all such rights, powers, and authorities shall be by virtue of this Act vested in and exerciseable by the Corporation, and (subject to the provisions of this Act) those Acts shall be read and have effect as if the Corporation had been therein named instead of the Company, subject, nevertheless, to all the provisions, conditions, and restrictions contained therein, and also to the following exceptions and provisions; (namely,)

8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118.

(1.) The provisions of the Companies Clauses Consolidation Act, 1845, and of the Companies Clauses Act, 1863, incorporated with the special Acts relating to the Company shall not, except as herein-after provided, apply to the Corporation:

(2.) None of the provisions of those special Acts in any manner relating to the share or loan capital of the Company, or to any limitation of the amount to be received by the Company or undertakers, or to the constitution, meetings, or directors of the Company, shall, except as herein-after provided, apply to the Corporation.

What shall be a sufficient receipt.

12. The receipt in writing of three of the members of the committee of management of the Company for any sum in gross to be paid to them by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received, and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, misapplication, or non-application thereof.

Mortgage debt to continue first charge on undertaking.

13. The mortgage debt of the Company, amounting to twenty-two thousand seven hundred and seventy pounds sixteen shillings and eightpence, and the interest thereon from the twenty-fourth day of June one thousand eight hundred and seventy-eight, shall after the transfer continue to be a first charge on the waterworks undertaking of the Corporation, and shall further be a charge on the borough fund and borough rate of the Corporation in priority to all charges made thereon respectively subsequent to the passing of this Act. All other debts and sums of money and claims which at the time of the transfer are due or owing from or pending or existing against the Company shall, as between the Corporation

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and the Company, be paid, discharged, settled, and satisfied by the Company, and the Company shall indemnify the Corporation against the same.

Actions, &c. not to abate.

14. If at the time of the transfer any action, suit, or proceeding, or any cause of action, suit, or proceeding, is pending or existing against the Company, the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act, but the same may be continued, prosecuted, and enforced against the Company as and when it might have been continued, prosecuted, and enforced if this Act had not been passed, but not further or otherwise.

Contracts of Company to be binding on Corporation.

15. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made and subsisting at the time of the transfer and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Corporation, and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Grant of annuities to shareholders.

16. Subject to the provisions of this Act, the Corporation shall grant to the persons respectively entitled to annuities under this Act perpetual annuities, subject, nevertheless, to redemption as herein-after mentioned, of the amounts fixed by or pursuant to this Act in respect of their shares or stock.

Company's books evidence as to shareholders.

17. The several persons who at the time of the transfer appear in the books of the Company to be proprietors of shares or stock in the capital of the Company, or their respective executors, administrators, or assigns, shall be considered to be holders thereof for the purpose of the issue of annuities or the payment of a sum in gross, as the case may be.

Annuities to be payable half-yearly.

18. The annuities shall become due and payable half-yearly on the twenty-fourth day of June and the twenty-fourth day of December in every year, and the first half-yearly payment shall be made on the twenty-fourth day of December one thousand eight hundred and seventy-eight.

Security for annuities.

19. The annuities shall be charged on and issue out of the revenue arising from the waterworks undertaking of the Corporation, and on and out of the borough fund and borough rate of the borough for the time being.

Warrants to be issued to annuitants.

20. The annuities shall be called Cheltenham Corporation Water Annuities, and the Corporation shall deliver to each annuitant, or send by post in a prepaid letter addressed to the registered address

of such annuitant, a warrant or order on the treasurer of the borough for every payment to such annuitant. A.D. 1878.

Annuities to represent shares and stock in Company.

21. The annuities shall in all respects, at law and in equity, be substituted for and represent the shares and stock in the capital of the Company, and the several persons in whom the annuities vest shall hold them on and subject to the same trusts, powers, and liabilities as those on and to which their shares and stock in the capital of the Company were held, and so as to give effect to and not to defeat any testamentary or other disposition.

Corporation to issue certificates for annuities.

22. The Corporation shall issue to every person in whom an annuity vests or to his representatives, on demand, and on delivery of his or their share or stock certificate, or proof of its loss or destruction, a certificate of the annuity, free of expense to the annuitant, and the certificate may be in the form given in the Second Schedule to this Act or to the like effect, and by agreement one certificate may include any number of annuities.

Annuities may be divided.

23. Any annuity may, with the consent of the Corporation, be divided, at the option of the annuitant, into two or more annuities of any amount, not being less than one pound, and all annuities, whether the same have been subdivided or not, may, with the like consent, be consolidated with other annuities as the annuitant may direct.

Transfer, &c. of annuities. 8 & 9 Vict. c. 16.

24. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the distribution of the capital of the Company into shares, and with respect to the transfer or transmission of shares, are hereby incorporated with this Act, and shall (except as expressly varied by this Act), so far as the same are applicable, apply to the Corporation and the annuities and annuitants, as if the Corporation were the Company and the annuities were shares in the Company's undertaking and the annuitants were shareholders, but the form of transfer of an annuity may be according to the form given in the Third Schedule to this Act or to the like effect. The town clerk shall perform the duties imposed by the said Act upon the secretary of the Company, and no annuity shall be paid to any transferee thereof until the transfer has been delivered to the town clerk.

Recovery of arrears of annuities.

25. If within thirty days after an instalment of an annuity becomes payable it is not paid, the annuitant may, subject to the provisions of this Act, recover it against the Corporation in any court of competent jurisdiction.

As to appointment of a receiver of arrears of annuities.

26. The annuitants, without prejudice to other remedies, may enforce payment of arrears of their annuities by the appointment of a receiver, as if they were mortgagees of the Corporation and each

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annuity was interest on a mortgage of the Corporation, and for that purpose the provisions in that behalf applicable of the Companies Clauses Consolidation Act, 1845, shall apply, mutatis mutandis, to the Corporation and the annuitants and to the receiver.

8 & 9 Vict. c. 16.

Power to redeem annuities.

27. The Corporation may at any time, if and when they think fit, redeem any annuity at a price to be agreed on between the Corporation and the annuitant, and in default of agreement, at a sum equal to twenty-five years purchase of the annuity, and on any annuity being redeemed the same shall be extinguished; provided that the annuity or annuities to be redeemed shall, in default of agreement, be determined by lot.

Receipts in case of persons not sui juris.

28. If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind so found by inquisition, the receipt of the guardian or committee of his estate shall be a discharge to the Corporation for the same.

Winding up and dissolution of Company.

29. When and so soon as the consideration money for the sale and purchase shall have been given by the payment of a sum in gross or the allotment of annuities, or partly in one way and partly in the other, as the case may be, the committee of management of the Company may exercise all powers necessary for winding up the affairs of the Company, and when and as soon as their affairs have been wound up and all their debts and liabilities paid and satisfied the Company shall be by virtue of this Act dissolved.

Power to borrow.

30. The Corporation may from time to time borrow at interest on the security of their borough fund and borough rate and of the revenue of their waterworks undertaking as follows; (that is to say,)

For the purpose of acquiring the works and undertaking of the Company and of discharging the mortgage debt of the Company such sum as shall be equal to the amounts to be paid by the Corporation to the Company and to the mortgagees of the Company under the provisions of this Act;

For the purpose of the purchase of land and the construction of the waterworks and works connected therewith by this Act authorised, being permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875, such sum or sums of money as the Corporation from time to time think requisite, not exceeding the sum of seventy thousand pounds, and with the approval of the Local Government Board any further sum or sums not exceeding thirty thousand pounds;

38 & 39 Vict. c. 55.

For the redemption of the annuities such further sum or sums as the Corporation from time to time may find requisite, not exceeding in the whole the capitalised value thereof, at such rate not exceeding twenty-five years purchase as may be agreed between the Corporation and the several annuitants;

and may mortgage their borough fund and borough rate, or either of them, and the revenue of their waterworks undertaking, as a security for the repayment of the money so borrowed, with interest accordingly: Provided always, that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act, 1875, and that in calculating the sum the Corporation may borrow under the Public Health Act, 1875, or any other enactment, any sums they may borrow under this Act shall not be reckoned. 38 & 39 Vict. c. 55.

31. Every mortgage made by the Corporation under this Act shall be by deed under their common seal, duly stamped, and truly stating the consideration, and may be in the form given in the Third Schedule to this Act or to the like effect. Form of mortgage.

32. The Corporation may issue to holders of their mortgages under this Act coupons for interest thereon in such form as they think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal money secured by the mortgage, and be authenticated in such manner as the Corporation shall think fit, and on presentation of a coupon to the treasurer of the borough, he shall pay to the presenter the amount of interest thereon expressed, and thereby appearing to be then due and payable, and on audit of the treasurer's accounts a coupon shall be accepted as a sufficient warrant for payment of the amount for which it was issued, but the treasurer shall not be bound unless he sees fit to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf. Corporation may issue coupons for interest on mortgages.

33. The mortgagees of the Corporation may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one twentieth of the amount which the Corporation has under the provisions of this Act borrowed on mortgage and has not repaid. As to appointment of a receiver for mortgagees.

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Payment off of money borrowed by instalments or sinking fund. 10 & 11 Vict. c. 16.

34. The sections of the Commissioners Clauses Act, 1847, with respect to mortgages to be executed by the Commissioners shall, subject to the provisions of this Act, be applicable to the mortgages to be made by the Corporation under this Act; provided that the Corporation shall pay off any money borrowed by them under this Act and the mortgage debt of the Company either by equal annual instalments of principal or of principal and interest, or by means of a sinking fund appropriated and invested in any securities authorised by law for investment by trustees, and with the accumulation thereof (if any) from time to time applied for that purpose, as follows; (namely,)

As regards any money borrowed before the expiration of five years from the passing of this Act and the mortgage debt of the Company, within ninety years after the expiration of such five years; and

As regards any money borrowed after the expiration of such five years, within ninety years after the same is borrowed.

Application of sinking fund.

35. The Corporation may at any time apply the whole or any part of the sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established; provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Sinking fund for annuities.

36. The Corporation shall from and after the passing of this Act, out of the borough fund, borough rate, or the revenue arising from their waterworks undertaking, make provision for the extinction of any annuities issued by them under this Act, either by equal annual instalments or by a sinking fund appropriated and invested, and with the accumulations thereof (if any) from time to time applied for that purpose, so as in either case to extinguish or be in a position to extinguish the whole of such annuities within ninety years from the passing of this Act, and if at the end of that time the annuities or any of them are not wholly extinguished, then the Corporation shall, so long as they are liable to pay the same, apply in or towards that payment the annual income arising from the sinking fund provided under this section, and the amounts of the instalments and the amounts to be from time to time appropriated for any sinking fund shall be such as the Local Government Board shall, having regard to the provisions of this and the two preceding sections, approve.

Power to re-borrow.

37. The Corporation may from time to time re-borrow any amount borrowed by them under this Act and paid off otherwise than by instalments or by means of a sinking fund, or by resale of surplus lands.

Power to borrow under 38 & 39 Vict. c. 83.

38. The Corporation, if they think fit, may borrow the moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner provided by this section shall be a charge upon and shall be paid out of the funds, rates, or revenues on the security of which moneys are herein-before authorised to be borrowed by the Corporation. Every such loan shall be discharged within ninety years from the date thereof, and such discharge or any part thereof shall be effected by means of a sinking fund if the Corporation shall so think fit, and if the Corporation at any time think fit to form any such sinking fund, all sums paid into the same shall (as soon as may be) be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys or (with the assent of the Local Government Board) in debentures, debenture stock, or annuity certificates issued under the authority of this section.

Repayment of borrowed money.

39. All moneys borrowed by the Corporation under the powers of this Act for the purpose of redeeming annuities or discharging any loan previously raised shall be paid off and discharged within the time within which the annuities redeemed or the loan paid off, as the case may be, are by this Act required to be redeemed or paid off.

Protection of lenders from inquiry.

40. A person lending money to .the Corporation shall not be bound or entitled to inquire as to the observance by the Corporation of any provision of this Act, or be bound to see to the application or be answerable for any loss, misapplication, or non-application of the money lent by him or of any part thereof.

Existing mortgages to have priority.

41. All mortgages granted by the Corporation subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages, debenture stock, and annuities granted or issued under this Act.

Application of revenue.

42. The Corporation shall keep accounts, and shall apply all money from time to time received by them in respect of the water-works undertaking, except borrowed money and money derived from the sale of surplus lands, as follows; (that is to say,)

First. In payment of their costs, charges, and expenses of and

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incidental to the collecting and recovering of water rents and rates and of the borrowing of money under this Act:

Secondly. In payment of the working and establishment expenses and cost of maintenance of their waterworks undertaking:

Thirdly. In payment to the several mortgagees of the interest on the mortgage debt of the Company according to their several priorities:

Fourthly. In payment of the annuities:

Fifthly. In providing the moneys required to pay the interest on moneys borrowed by them under this Act:

Sixthly. In providing the requisite instalments or sinking fund under this Act, or otherwise making provision for repayment of the moneys borrowed under this Act and of the principal of the mortgage debt of the Company:

Seventhly. In providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in any securities in which trustees are or may be authorised to invest trust moneys, and accumulating the same at compound interest until the fund so formed amounts to twenty thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their waterworks undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, or to the improving and extending their waterworks, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of twenty thousand pounds, and so from time to time as often as such reduction happens:

And any balance remaining in any one year shall be devoted to the reduction of the price of water charged to consumers of water for domestic purposes.

Audit of accounts.

43. The accounts of the receipts and expenditure of the Corporation shall be audited and examined once in every year at the same time as the borough accounts are audited by the borough auditors, and within fourteen days after the completion of the said audit the auditors shall report on the accounts audited and examined, and shall deliver such report to the town clerk, and the Corporation shall cause the same to be deposited in their municipal offices, and shall publish an abstract of such accounts in some one or more of the local newspapers circulating in the borough.

Application of money borrowed.

44. All money borrowed under this Act shall be applied for purposes of this Act only to which capital is properly applicable.

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Annual return to Local Government Board with respect to sinking fund.

45. The treasurer of the borough shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid off by instalments under this Act, transmit to the Local Government Board a return in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the amount paid off by instalment, and the purposes to which any portion of the sinking fund or investment, and the interest thereof respectively, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year, and in the event of any wilful default in making such return he shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board, by that return or otherwise, that the Corporation have failed to set apart the sum required for the sinking fund, or to pay any instalment, or have applied any portion of the money set apart for the sinking fund to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Corporation, if desirous to be heard, by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund, and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Power to make works according to deposited plans.

46. Subject to the provisions of this Act, the Corporation may, after acquiring the undertaking of the Company, make and maintain, in and according to the lines and levels shown on the deposited plans and sections, the reservoirs, filters, aqueducts, conduits, lines of pipes, road diversions, and other works shown on the deposited plans, which comprise the following works, all in the county of Gloucester; (that is to say,)

(No. 1.) A reservoir, herein-after called the "Upper Dowdeswell Reservoir," wholly in the parish of Dowdeswell, to be formed by an embankment across the River Chelt.

(No. 2.) A diversion of the turnpike road leading from Cheltenham to Oxford, wholly in the parish of Dowdeswell.

(No. 3.) An aqueduct, conduit, or line of pipes commencing within the Upper Dowdeswell Reservoir, and terminating in filters hereafter described under the number 4, wholly in the parish of Dowdeswell.

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(No. 4.) Filters wholly in the parish of Dowdeswell.

(No. 5.) An aqueduct, conduit, or line of pipes commencing within the said filters lastly herein-before described, on the south-west side thereof, and terminating by a junction with the aqueduct, conduit, or line of pipes herein-after described under the number 14, which aqueduct, conduit, or line of pipes will be situate in and will pass from, in, through, or into the parishes of Dowdeswell, Withington, and Charlton Kings.

(No. 6.) A reservoir, herein-after called the "Lower Dowdeswell Reservoir," wholly in the parishes of Dowdeswell and Withington, to be formed by an embankment across the said River Chelt.

(No. 7.) A diversion or raising of the said turnpike road leading from Cheltenham to Oxford, wholly in the parish of Withington.

(No. 8.) A diversion or raising of the said turnpike road leading from Cheltenham to Oxford, wholly in the parish of Withington.

(No. 9.) An aqueduct, conduit, or line of pipes to commence in the Rosley upper stream, and to terminate within the Lower Dowdeswell Reservoir herein-before described under the number 6, which aqueduct, conduit, or line of pipes will be situate in and will pass from, in, through, or into the said parishes of Withington and Dowdeswell.

(No. 10.) An aqueduct, conduit, or line of pipes to commence in the Rosley lower stream, and to terminate within the intended Lower Dowdeswell Reservoir herein-before described, near the junction of the said stream with the River Chelt, which aqueduct, conduit, or line of pipes will be situate in and pass from, in, through, or into the said parishes of Withington and Dowdeswell.

(No. 11.) An aqueduct, conduit, or line of pipes to commence in the Lineover stream, and to terminate within the intended Lower Dowdeswell Reservoir, near the south-west angle of the embankment thereof, which aqueduct, conduit, or line of pipes will be situate in and pass from, in, through, or into the said parishes of Charlton Kings, Dowdeswell, and Withington.

(No. 12.) An aqueduct, conduit, or line of pipes to commence within the intended Lower Dowdeswell Reservoir, near the south-west angle of the embankment thereof, and to terminate in filters herein-after described under the number 13, which aqueduct, conduit, or line of pipes will be situate in and pass from, in, through, or into the parishes of Dowdeswell, Withington, and Charlton Kings.

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(No. 13.) Filters wholly in the parish of Charlton Kings.
(No. 14.) An aqueduct, conduit, or line of pipes to commence within the filters lastly herein-before described under the number 13, near the northern side thereof, and to terminate at the eastern end of High Street, Cheltenham, which aqueduct, conduit, or line of pipes will be situate in and pass from, in, through, or into the parish of Charlton Kings and Cheltenham.

Together with all necessary and proper embankments, dams, channels, basins, byewashes, weirs, culverts, cuts, bridges, road diversions, road approaches, and other roads and communications, sewers, drains, sluices, filtering beds, wells, weirs, engines, engine-houses, pumps, conduits, catch-waters, tanks, mains, pipes, and other apparatus for the effectual construction, maintenance, and use of the said intended works or incidental thereto, for collecting, impounding, conveying, and distributing water in, to, and within the limits of this Act, and may take, divert, and collect, and impound, appropriate, and use for the purposes of this Act the waters of the several rivers, brooks, and streams following; (that is to say,) the River Chelt, the Lineover stream, the Rosley upper stream, the Rosley lower stream, the Dowdeswell Wood stream, the Woodlands stream, and the Sandywell stream, and the tributaries of the said several rivers, brooks, and streams, and all other streams and waters shown or mentioned on the deposited plan as intended to be intercepted or otherwise taken by the proposed waterworks, and all waters found in, on, or under any of the lands taken by them for the purposes of the Upper Dowdeswell and Lower Dowdeswell Reservoirs.

Limits of lateral and vertical deviation.

47. In making any of the works shown on the deposited plans the Corporation may, subject to the provisions of this Act, deviate from the lines thereof within the limits of deviation shown on the deposited plans, and may deviate from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding three feet, and in the case of other works to any extent not exceeding ten feet, but they shall not construct the embankment of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Temporary occupation of lands.

48. The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the reservoirs authorised by this Act and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if reservoirs and works were therein

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mentioned instead of a railway, and boundaries of reservoirs and works instead of the centre of a railway, and the Corporation instead of a company.

Period for completion of works.

49. If any work shown on the deposited plans is not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water, at any time and from time to time as occasion requires, subject to the provisions of this Act.

Power to take lands.

50. Subject and according to the provisions and for the purposes of this Act, the Corporation may from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference, and any easement, right, or privilege in, through, under, or over the same.

Limit of time for compulsory purchase of lands.

51. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

For protection of R. R. C. Rogers.

52. Whereas Richard Rogers Coxwell Rogers is or claims to be tenant for life of the greater portion of the land which will be required for the said reservoirs, and of the adjoining mansion and estate called the Dowdeswell Court Estate: Be it enacted, that from and after the times when the said lands shall be acquired by the Corporation, the said Richard Rogers Coxwell Rogers and the future owners of the said mansion and estate shall have and be entitled to enjoy the exclusive right of fishing, shooting, and fowling on or over the said reservoirs and lands by this Act authorised to be made and taken, situate in the said parishes of Dowdeswell and Withington, or one of them, with liberty at all times to keep a boat on one or both of the said reservoirs, and to use the same at pleasure: Provided always, that in the exercise of such privileges no damage be occasioned to the said reservoirs or the embankments thereof, or the other works belonging to the Corporation, or the said lands and the fences thereof, and that the waters in the said reservoirs be not fouled or injuriously affected by water fowl, fish, or otherwise, or by the exercise of the aforesaid privileges, nor shall the existence of such privilege interfere with the right of the Corporation to prevent any such fouling or injury as aforesaid, or to empty, repair,

or cleanse the said reservoirs from time to time as occasion may require.

For protection of the Reverend W. R. C. Rogers and S. H. Gael, Esquire.

53. Whereas certain lands adjoining and lying contiguous to the said stream called the Lineover stream, belonging or reputed to belong to the Reverend William Rogers Coxwell Rogers and Samuel Higgs Gael, are at present or may hereafter be supplied with water from the said Lineover stream, and it is necessary to secure for the use of such lands respectively a sufficient and regular supply of water before any of the water of the said Lineover stream shall be used or diverted for the purposes of this Act: Be it enacted, that the Corporation shall at their own cost provide for the use of the several owners and occupiers of the said lands, and all messuages and tenements erected or to be erected thereon, from and after the said water of the said Lineover stream is diverted, a sufficient and regular supply of water for the use of such lands, messuages, and tenements for all agricultural and domestic purposes; and in case of any difference as to the works necessary to be executed by the Corporation to provide and ensure a continuance of such supply, the same shall be settled by some engineer to be nominated by the President for the time being of the Institution of Civil Engineers: Provided always, that nothing herein contained shall be deemed to oblige the Corporation to provide such supply as aforesaid if the said Lineover stream shall fail or prove insufficient for that purpose during such time as the water from the said Lineover stream shall so fail or be insufficient: Provided also, that nothing herein contained shall extend to prevent any of the owners of the said lands from bringing any action or suit against the Corporation for compensation for any loss or injury they may sustain by any deficiency of water in their lands by reason of the works of the Corporation, but in estimating such compensation the works required to be executed shall be taken into consideration, and due allowance made for the same.

For protection of the Boddington Manor Estate.

54. For the protection of Thomas Purnell and his trustees or trustee, or other the owners or owner for the time being of Boddington Manor Estate, the following provisions shall have effect; (that is to say,)

(1.) Before commencing to appropriate any water which may be intercepted by any of the works by this Act authorised, the Corporation shall provide that in the Boddington mill stream at the point marked with the letter G on a map signed in duplicate by the Marquis of Lorne, the chairman to whom the Bill for this Act was referred, where the said stream enters the Boddington Manor Estate, there shall be a flow of not less than two hundred and fifty

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thousand gallons of water every day of twenty-four hours, and shall construct and thenceforth maintain at the point aforesaid such gauge or other works as may be necessary to measure the flow of the quantity of water aforesaid.

(2.) Such gauge or other works shall be open to the inspection and examination of the persons for the time being interested in the water so to flow as aforesaid.

(3.) The Corporation shall not be liable to any damages for any defect in the said quantity of two hundred and fifty thousand gallons in any day if such defect shall arise in consequence of the floodgates at the point marked with the letter K on the said map being open or out of repair, or in consequence of the flow of water from the said mill stream down both or either of the two watercourses marked respectively with the letters G and H and I and J on the said map.

(4.) Nothing herein contained shall bar or prejudice the right of the tenant for life, or other the owner or owners, occupier or occupiers for the time being of the said Boddington Manor Estate, or of any part thereof, to compensation for any injury which may be caused to such estate, or to any part thereof, by or through the execution of any of the works authorised by this Act, except injury in consequence of the loss of water power to Boddington Mill and of loss of waters for irrigation purposes to the fields numbered 92, 96, 97, 98, and 99 on the said map.

(5.) The Corporation shall not, except so far as may be necessary for the construction, maintenance, and examination from time to time of the gauges or other works so to be constructed as in this section prescribed, enter upon, take, or use any lands forming part of the Boddington Manor Estate, except with the previous consent in writing of the owner or owners for the time being of such lands.

(6.) If any difference arise between the Corporation and the owner or owners for the time being of the said estates touching this section, such dispute shall be determined by a hydraulic engineer to be agreed on between the parties in difference, or in default of agreement to be appointed, on the application of either of them, by the President for the time being of the Institution of Civil Engineers, and the costs of the reference shall be borne as he shall direct.

Compensation for water taken from the Chelt.

55. As compensation for the waters of the said River Chelt to be taken, impounded, and appropriated under the powers of this Act, the Corporation shall, from the day on which the waters of the said River Chelt shall be impounded by the Corporation, maintain a uniform flow of water just below the Lower Dowdeswell Reservoir by this Act authorised, or the works immediately connected therewith, into the existing course of the River Chelt, so that there shall be not less than one hundred thousand gallons of water flowing down the said river on every day in the year.

Gauge to be constructed.

56. For the purpose of measuring the quantity of water whereof the flow is to be maintained by the Corporation into the said River Chelt, they shall cause to be erected on that river below the Reservoir No. 6 by this Act authorised, and at some point near the parish boundary at Dowdeswell turnpike to be agreed upon by the engineer of the Corporation and the surveyor for the Local Board of the district of Charlton Kings, in the county of Gloucester (in this Act called the Charlton Local Board), or their umpire, to be appointed by them before they enter on the reference, a sufficient gauge, and the said gauge shall for ever thereafter be maintained in a proper state of repair by and at the expense of the Corporation; and if any difference shall arise between the Corporation and the Charlton Local Board or any person entitled to such compensation water as to the sufficiency of the said gauge or as to its being in a proper state of repair and efficiency, such difference shall be determined by an engineer appointed by the Local Government Board, whose decision shall be final, and all persons shall be deemed entitled to such compensation water whose lands, houses, or tenements lie contiguous to the said Chelt stream or are supplied with water therefrom.

Charlton Local Board and persons entitled to water and their officers may inspect gauge.

57. The Charlton Local Board and all persons entitled to such compensation water, and their officers and servants duly authorised, shall at all reasonable times have the right of access to the said gauge for the purpose of ascertaining the quantity of water from time to time passing over or through the same, and if at any time the said gauge shall be in an unfit state of repair or condition for the purposes for which it is intended, the same shall be forthwith put into a proper state of repair and condition by and at the expense of the Corporation, or if they fail so to do within seven days after notice given to them by or on behalf of the Charlton Local Board or any of the persons entitled to such compensation water as aforesaid to repair or renew the same, it shall be lawful for the Charlton Local Board or any of such persons to cause such work to be done and performed in

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connexion with the said gauge as shall be necessary for renewing or for placing it in a proper state and condition, and to recover the expense of such works with full costs of suit against the Corporation in any court of competent jurisdiction.

Penalty in case of default.

58. If at any time the Corporation fail to maintain the uniform flow over or through the said gauge of the quantity of water required under the provisions of this Act, they shall for each and every day during which they fail to maintain such uniform flow forfeit and pay to the Charlton Local Board the sum of ten pounds.

For protection of the Charlton Local Board.

59. For the protection of the Charlton Local Board the following further provisions shall have effect; (that is to say,)

(A.) The Corporation shall from time to time, at the request of the Charlton Local Board, lay down additional mains and pipes for supplying water to the inhabitants within the whole or any part of the portion of the parish of Charlton Kings herein-after described; (that is to say,)

So much of the parish of Charlton Kings as lies between the borough of Cheltenham and the following boundary:

From the point at which the boundary between the parishes of Leckhampton and Charlton Kings meets the boundary of the borough at its southern extremity, eastward in a straight line to the point at which Lilly Brook crosses the Cirencester Road; thence northward in a straight line to the point at which East End Lane meets the London Road; thence in a straight line to the point at Ham at which Mill Lane meets Ham Lane; thence in a straight line to the junction of Greenway Lane and Hewlet's Road at the Cheltenham Waterworks; thence in a straight line to the nearest point of the borough boundary:

And which mains and pipes shall be laid at such times and in such places as the Charlton Local Board shall require, and the Charlton Local Board shall exercise all legal powers vested in them to require the occupiers of any houses without a proper supply of water, and to which a supply can be furnished by means of such mains and pipes, to take a supply of water from the Corporation at rates not exceeding the rates by this Act authorised.

(B.) In the event of the aggregate amount of water rate payable annually by the consumers who shall be supplied by such additional mains and pipes being less than one-tenth

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part of the expense of providing and laying down such additional mains and pipes, the Charlton Local Board shall pay annually to the Corporation such a sum as with the amount received from the consumers shall amount to such one-tenth part: Provided always, that the sum to be paid by the Charlton Local Board to the Corporation under this provision shall in no case exceed the sum of six pounds per centum per annum on the expense of providing and laying such additional mains and pipes.

(C.) The Corporation shall from time to time, on the request of the Charlton Local Board, lay, provide, fix, and maintain throughout any part of the district of the Charlton Local Board all such mains, hydrants, and fire-plugs for public purposes as the Charlton Local Board shall require, and the Charlton Local Board shall pay to the Corporation an annual sum equal to six per centum on the cost of laying, providing, fixing, and maintaining such mains, hydrants, and fire-plugs.

(D.) All expenses incurred or payable by the Charlton Local Board under the provisions of this Act shall be charged on and defrayed out of the district fund and general district rate levied by them under the Public Health Act, 1875. 38 & 39 Vict. c. 55.

(E.) If any difference shall arise between the Corporation and the Charlton Local Board touching this section or anything to be done or not to be done thereunder, such difference shall be determined by arbitration in the manner provided by the Public Health Act, 1875.

(F.) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, alter, or prejudice any of the estates, rights, interests, powers, privileges, or authorities of the Charlton Local Board.

For protection of property of Mrs. Anne Welch.

60. For the benefit and protection of Anne Welch, her heirs and assigns, or other the owner or owners of the Arle Estate in the parish of Cheltenham (herein-after collectively referred to as and included in the expression "the owner or owners for the time being"), the following provisions shall have effect:

(1.) If the present supply of water from the River Chelt to Arle Farm be at any time diminished or interfered with in consequence of the execution of the works authorised by this Act, so as to injuriously affect the said estate, the Corporation shall at their own costs, charges, and expenses

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forthwith furnish and for ever thereafter, so long as such supply is diminished or interfered with, provide and maintain for the purposes of the said farm a sufficient supply of water to the extent the said supply is diminished or interfered with, and the water so supplied shall be as good in quality, and supplied at a point or points on the said farm as convenient and accessible, and shall in every respect be as available for the purposes of the farm as the existing supply.

(2.) If the flow of water in the River Chelt shall at any time after the execution of the said works, and in consequence thereof, be so far diminished as that the river shall cease to be a sufficient and effectual fence to the land or any part of the land of the owner or owners for the time being, the Corporation shall at their own expense erect a good and sufficient fence or fences along the present river boundary of such land.

(3.) In case any dispute or difference shall arise between the Corporation and the owner or owners for the time being as to the above provisions, such dispute or difference shall be referred to arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, in reference to purchase of lands otherwise than by agreement, and the decision of the arbitrators or arbitrator or umpire shall be final and conclusive between all parties, and the costs of the reference shall be in their or his discretion.

8 & 9 Vict. c. 18.

For protection of the Banbury and Cheltenham Direct Railway Company.

61. Whereas the works of the Corporation will at several points pass under or otherwise interfere with the railway, lands, and works of the Banbury and Cheltenham Direct Railway Company (herein-after called the Company), therefore be it enacted as follows; (that is to say,)

(1.) All pipes to be laid by the Corporation shall be carried under the railway embankments of the Company in culverts of not less than four feet in diameter.

(2.) If the Corporation make use of any culverts belonging to the Company, they shall pay a rent, to be agreed between the parties or settled by arbitration as herein-after provided, for the use of such culverts, or (at the option of the Company) shall pay a proportion of the cost of constructing the same, such proportion to be also either agreed between the parties or settled by arbitration.

(3.) The Corporation shall not call upon the Company to sell any lands belonging to them, and required by the Cor-

poration for the purposes of their undertaking, but shall purchase and acquire an easement only in and over such lands.

(4.) In the event of any damage being done or occasioned to the railway, land, or works of the Company either through the proximity of the works of the Corporation to the Company's railway or through any failure in the construction of such works, the repair of the same shall be paid for by the Corporation.

(5.) The Corporation shall not enter upon or interfere with the Company's railway, or any lands or works of the Company, or execute any works whatever under or affecting the same, until the Corporation shall have delivered to the Company plans, drawings, and specifications of such intended works, and until those plans, drawings, and specifications shall have been approved in writing by the engineer for the time being of the Company, or in the event of his failure for one calendar month after the delivery of the plans, drawings, and specifications, until the same shall have been approved by an engineer to be appointed, on the application of the Corporation, by the Board of Trade, and all the intended works shall be executed by the Corporation, at the sole expense in all things of the Corporation, according to such approved plans, drawings, and specifications, and to the satisfaction of the engineer for the time being of the Company.

(6.) Nothing in this Act nor in any of the Acts incorporated therewith shall entitle the Corporation to deposit soil upon the railway, lands, or works of the Company.

(7.) The Corporation shall bear and on demand pay to the Company the expense of the employment by them, during the construction or repair of the works affecting their railway, of an inspector, and a watchman if necessary, to be appointed by them for watching their railway and works with reference to and during the execution of the intended works or repairs, and for preventing as far as may be all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of any person or persons in the employ of the Corporation in reference thereto or otherwise.

(8.) In constructing or repairing the works by this Act authorised, or any of them, the Corporation shall not in any way obstruct or interfere with the traffic passing along

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the railway of the Company, and if by reason of any works or proceedings of the Corporation there shall be any obstruction of or interference with the said railway, so as to impede or prevent the convenient passage of engines and carriages along the same, the Corporation shall pay to the Company the sum of twenty pounds for every hour during which any obstruction or interference shall continue.

(9.) The Corporation shall not enter upon the railway, works, or lands of the Company for the purpose of inspection, alteration, or repair of any works of the Corporation without giving to the Company not less than seven days notice in writing of their intention so to do, except in case of extreme emergency, when twenty-four hours notice shall be deemed sufficient, and all acts and operations of the Corporation in relation thereto shall be done and executed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Company.

(10.) In the event of any dispute arising between the Company and the Corporation touching or concerning any of the matters referred to in the foregoing provisions of this section, the same shall be referred to an arbitrator, to be appointed for the purpose by the President for the time being of the Institution of Civil Engineers, whose decision in the matter shall be final.

For protection of property of T. P. W. Butt, Esquire.

62. For the benefit and protection of Thomas Packer Walter Butt, his heirs and assigns, or other the owner or owners of the Arle Court Estate in the parish of Cheltenham, and of the Arle Court Farm and Benhall Farm in the said parish of Cheltenham (herein-after collectively referred to as and included in the expression "the owner or owners for the time being"), the following provisions shall have effect:

(*a.*) The mill known as the Arle Mill and the land and buildings numbered thirty-seven to forty-nine inclusive on the deposited plans, and described in the book of reference, shall not be taken, entered upon, or used by the Corporation without the consent in writing of the owner or owners for the time being first had and obtained, nor shall the same be entered upon or used except for the purpose of ascertaining if the supply of water to the Arle Court Farm after mentioned be diminished or interfered with by any act or omission of the said owner

or owners for the time being, or his or their tenants, servants, or workmen, and the said mill shall not at any time after the execution of the works of the Corporation be worked as a water mill, nor shall the mill dam be removed or altered so as to diminish or interfere with the existing supply of water to the Arle Court Farm, or the regular flow of the stream, without the consent of the said Corporation.

(*b.*) If the present supply of water to the Arle Court Farm from the mill dam of the said mill be at any time hereafter, in consequence of the execution of the works authorised by the Act, diminished or interfered with, the Corporation shall at their own costs, charges, and expenses forthwith furnish and for ever hereafter, so long as such supply is diminished or interfered with, provide and maintain for the purposes of the said farm a supply of water of not less than two thousand gallons per day, and the water so supplied shall be as good in quality, and supplied at a point or points on the said farm as convenient and accessible, and shall in every respect be as available for the purposes of the farm as the present supply of water.

(*c.*) If the flow of water in the River Chelt shall at any time after the commencement of the said works and in consequence thereof be so far diminished as that the river shall cease to be a sufficient and effectual fence to the land or any part of the land of the owner or owners for the time being, the Corporation shall at their own expense erect a good and sufficient fence or fences along the present river boundary of such land. The necessity for such last-mentioned fence or fences shall be left at the decision and arbitrament of Messieurs Robert Wright Hall and Richard Hall (practising under the style or title of Richard Hall & Sons), Land Agents and Surveyors, of 37, Great George Street, Westminster, in the county of Middlesex, or other the surveyor or surveyors to be appointed in that behalf by the owner or owners for the time being.

(*d.*) If any deficiency or diminution in the supply of water to the market gardens of the owner or owners for the time being be at any time caused by the works or operations of the Corporation, the same shall be from time to time made good by the Corporation, and in case any dispute

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or difference shall arise between the Corporation and the owner or owners for the time being as to any deficiency or diminution in the supply of water, such dispute or difference shall be referred to arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, in reference to the purchase of lands otherwise than by agreements, and the decision of the arbitrators, arbitrator, or umpire shall be final and conclusive between all parties, and the cost of the reference shall be in their or his discretion.

8 & 9 Vict. c. 18.

(*e.*) The Corporation shall at all times hereafter, if required by the owner or owners for the time being, continue the supply of water to and for the purposes of the Benhall Farm upon the same terms as those upon which such supply is afforded and subsisting with the Cheltenham Waterworks Company.

Purchase of Slade Mill property by the Corporation.

63. The Corporation shall purchase and may hold, and the Ecclesiastical Commissioners for England shall sell, the hereditaments and premises known as the "Slade Mill," and lands held therewith (not exceeding twelve acres), situate in the parish of Boddington, in the county of Gloucester.

Certain lands not to be considered as superfluous lands. 8 & 9 Vict. c. 18.

64. The provisions of section 127 (sale of superfluous lands) of the Lands Clauses Consolidation Act, 1845, incorporated with this Act, shall not apply to the mills, mill dams, weirs, and lands held therewith by this Act authorised to be purchased by the Corporation.

Power to take additional lands by agreement.

65. The Corporation may from time to time for purposes of this Act purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and the Corporation may hold the same, not exceeding in the whole at one time five acres.

Power to agree for easements.

66. Persons empowered by the Lands Clauses Acts or otherwise to sell and convey or release lands may, but as regards persons so empowered by the Lands Clauses Acts only, subject to the provisions of those Acts and of this Act, grant to the Corporation, and the Corporation may take and hold, any easement, term, right, or privilege, not being of water, required for the purposes of this Act, in, over, or affecting lands, at a yearly rent or otherwise, and the provisions of the Lands Clauses Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such lands, grants, easements, terms, rights, and privileges as aforesaid.

Power to hold lands needful to protect waterworks against nuisances, &c. 8 & 9 Vict. c. 18.

67. It shall be lawful for the Corporation to hold any lands hereafter to be vested in them which they may deem necessary for the purposes of protecting their waterworks against nuisances, encroachment, or injury, and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act, and the recited Waterworks Acts or the Lands Clauses Consolidation Act, 1845, respectively: Provided always, that the Corporation shall not erect or authorise or permit the erection on any of such lands or any lands acquired under this Act, while so held by them, of any buildings other than buildings necessary for or connected with their waterworks.

Reservation of water rights, &c. on sale.

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

Constant supply.

69. The water to be supplied by the Corporation need not, except within the borough of Tewkesbury, be constantly laid on under pressure until the works authorised by this Act shall have been completed.

Rates for supply of water. 10 & 11 Vict. c. viii.

70. Section 24 of the Company's special Act of 1847, intituled "An Act for authorising the Cheltenham Waterworks Company to "raise a further sum of money," is hereby repealed, and the Corporation may demand and take for the supply of water for domestic purposes (including waterclosets) within the district any rates and charges not exceeding the rates and charges following; (that is to say,)

Where the annual value of the premises so supplied with water shall not exceed twenty pounds, at a rate per centum per annum not exceeding six pounds;

Where such annual value shall exceed twenty pounds, at a rate per centum per annum not exceeding five pounds:

Provided always, that the Corporation shall not be compellable to afford a supply of water for domestic purposes for any less sum than eight shillings and eightpence in any one year for every dwelling-house or part of a dwelling-house.

Rates for private baths.

71. In addition to the rates computed as above specified, the Corporation may charge for any private bath in any private dwelling-

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house or part of such dwelling-house or appurtenance thereto the sum of twenty shillings per annum, but the Corporation shall not be compelled to supply any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Water for other than domestic purposes.

72. The Corporation may supply any person with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Corporation and the persons desirous of having such supply of water: Provided that a supply of water for domestic purposes shall not include a supply for any of the purposes mentioned in section twelve of the Waterworks Clauses Act, 1863, nor for the use of schools, boarding-houses, workhouses, hospitals, or other public institutions, hotel-keepers, innkeepers, alehouse-keepers, vintners, or other persons for other purposes than those of his or her own family's consumption, or for baths, ponds, pools, or for washing carriages, or for horses, where such carriages or horses are kept for private use.

26 & 27 Vict. c. 93.

Incoming tenant not to be liable for arrears of water rate except by express agreement.

73. If any water consumer leave the premises to which water has been supplied without paying to the Corporation the water rate or charges due from him, the Corporation shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer, unless the incoming tenant shall have agreed with the Corporation or with the defaulting consumer to pay the arrears, but the Corporation shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act, if required so to do.

Rate for water may be ascertained by meter.

74. The Corporation and any person desirous of having a supply of water may agree that the rate or remuneration for such supply shall be determined by the quantity of water consumed, to be ascertained by a meter to be provided or approved by the Corporation, and may agree on the amount of the rate or remuneration to be paid for such supply; provided that such rate or remuneration be charged to all persons equally under similar circumstances.

Charges for supply of water for other than domestic purposes.

75. The Corporation may supply water within the limits of this Act for purposes other than domestic purposes by meter or otherwise, and on such terms, pecuniary and otherwise, and conditions as shall be agreed on between the Corporation and the person requiring the supply, and the moneys payable for the supply shall be water rates and recoverable accordingly: Provided that the Corporation shall not be bound to supply water otherwise than by measure to any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required.

Where several houses supplied by one pipe, each to pay.

76. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Corporation by a distinct pipe: Provided always, that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Proviso as to consent of owner of house. 10 & 11 Vict. c. 17.

77. Section 44 of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the "consent in writing of the owner or reputed owner of any such house, "or the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Rate payable by owners for small houses.

78. Where a house supplied with water is let to monthly or weekly tenants, or tenants holding for any period less than a quarter of a year, the owner instead of the occupier shall pay the rate for the supply, but the rate may be recovered in the first instance from the occupier, and may be deducted by him from rent from time to time due from him to the owner.

Corporation not bound to supply several houses by one pipe.

79. The Corporation shall not be bound to supply more than one house by means of the same pipe, and they may, if they think fit, require that a separate pipe be laid into each house supplied by them with water.

Power to sell or let meters.

80. The Corporation may from time to time sell and dispose of meters or let meters on hire, upon and subject to such terms (pecuniary or otherwise) and conditions as the Corporation think fit, and any money due to the Corporation for the hire of meters shall be recoverable in the same manner as rents or sums due to the Corporation for water. No meter belonging to the Corporation shall be subject to distress for rent nor to be taken in execution under any process of any court, or under any proceeding in bankruptcy against the person in whose possession the same may be.

Notice to Corporation of putting up meters, &c.

81. Before any person connects or disconnects any meter through which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Corporation of his intention to do so, and

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any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

82. Every consumer of water of the Corporation shall at all times, at his own expense, keep all meters belonging to him whereby any water of the Corporation is registered in proper order for correctly registering such water, in default whereof the Corporation may cease to supply water through such meters, and the Corporation shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, and such taking off, removal, testing, and inspecting, and replacing shall be done at the expense of the Corporation if the meter should be found in proper order, but otherwise at the expense of the consumer.

Application of certain provisions of 34 & 35 Vict. c. 41. to waterworks.

83. The following provisions of the Gasworks Clauses Act, 1871; namely,

Section 17. (Consumer to keep his meter in proper order);
„ 20. (Register of gas meters to be primâ facie evidence);
„ 22. (Power to remove meters and fittings);
„ 23. (Recovery of charges for gas);
„ 38. (Penalty for injuring meters);
„ 40. (Recovery of rents, &c.);
„ 42. (Contents of summons or warrant);
„ 43. (Warrant of distress shall include costs);
„ 45. (Service of notices by undertakers);
„ 46. (Liability to gas rent not to disqualify justice from acting);

shall extend and apply, mutatis mutandis, to the like purposes with respect to the waterworks and water supply, and to the Corporation.

As to supply for other than domestic purposes except by measure.

84. The Corporation may, if they think fit, in any case refuse to supply water for other than domestic purposes except by measure.

Power to sanitary authorities to demand supply of water.

85. If the Corporation of the borough of Tewkesbury, or any other sanitary authority within the limits of this Act, shall, after the Corporation have acquired the undertaking of the Company, at any time within fifteen years after the passing of this Act, give six months notice in writing to the Corporation that they require to be supplied by the Corporation with water in bulk for domestic use and all other purposes within their borough or sanitary district, then and in that case the powers of the Corporation to supply water within such borough or sanitary district shall, on the expiration of such period of six months, and during such time as such

supply in bulk shall be continued, cease and determine, and the Corporation shall from and after that period supply that borough or sanitary district with such quantity of water as may be required, not exceeding thirty gallons per head per day of the estimated population of that borough or sanitary district for the time being, but the Corporation shall not be bound to supply a quantity per head of the population of such sanitary district, other than Tewkesbury, exceeding the quantity per head for the time being supplied by the Corporation to the inhabitants of the borough of Cheltenham, nor to such an extent as will interfere with the supply of water for domestic purposes within the other parts of the limits. The price per one thousand gallons to be paid to the Corporation shall be such as shall in each case be agreed on, or in default of agreement as shall be determined by arbitration under the provisions of the Public Health Act, 1875. The price per one thousand gallons, to be determined as aforesaid, shall include the use, so far as may be necessary for that purpose, of all the then existing mains and pipes employed by the Corporation in the distribution of water within the borough of Tewkesbury or other sanitary district, as the case may be, and the Corporation shall from time to time, at the request of the Corporation of Tewkesbury or other sanitary authority, lay down such other and additional mains and pipes as that corporation or authority may require, and that corporation or authority shall pay an annual sum equal to six pounds per centum per annum on the net outlay thereby from time to time incurred, and on all such other outlay of the Corporation as may be incidental to the laying down of such mains and pipes or necessary for the supply of water in bulk or otherwise rendered necessary in carrying into effect such separate supply, and the Corporation of Tewkesbury or other sanitary authority shall not discontinue the taking of water under this section without repaying to the Corporation the loss (if any) sustained by the Corporation by reason of such outlay as aforesaid, and all matters of difference arising under this section shall be referred to arbitration as herein-before provided: Provided always, that no mains or pipes of the Corporation within the said borough of Tewkesbury, or within such other sanitary district as aforesaid, shall be used for the distribution of any water other than that to be supplied in bulk under the provisions of this enactment.

38 & 39 Vict. c. 55.

Supply of water in bulk.

86. Subject to the provisions of this Act, the Corporation may from time to time enter into and carry into effect such contracts and arrangements with any corporation, urban or rural sanitary authority, or other local authority, and the trustees of any turnpike

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or other road, or any highway board, or any surveyors of any highway, and any railway company, and any other companies, bodies, or persons, with respect to the supply of water in bulk or otherwise, as the Corporation think fit, and every such contract and arrangement may be for such period, on such terms, pecuniary or otherwise, and conditions as the Corporation think fit, and the parties thereto may by agreement vary, suspend, or rescind any such contracts or arrangements, and make others in lieu thereof and in addition thereto, but the Corporation shall not under any such agreement supply water so as to interfere with the supply for domestic purposes within the limits of water supply of this Act.

For preventing fouling of water.

87. The corporation shall not be compelled to supply with water any watercloset or any private fixed bath, or the apparatus or pipes connected therewith respectively, unless the same be constructed and used so as to prevent the waste or undue consumption of the water of the Corporation, and the return of foul air or noisome or impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Corporation.

Regulations for preventing waste, &c. of water.

88. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation when such water is to be supplied under constant pressure, the following provisions shall have effect; (namely,)

(1.) The Corporation may from time to time make, alter, and repeal such regulations as they think necessary for the objects aforesaid to be observed by persons supplied with water:

(2.) The Corporation may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus or receptacles for conveying, delivering, receiving, and measuring water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, erroneous measurement, or contamination of water:

(3.) The Corporation shall not be bound under any agreement or otherwise to supply or to continue to supply water to any person unless the regulations for the time being in force are duly observed by him:

(4.) In case of the failure of any person to observe any regulation for the time being in force, the Corporation may, if

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they think fit, after twenty-four hours notice in writing, enter and by or under the direction of their authorised officer repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the power of entry given by section fifteen of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto, shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered from him as water rent is recoverable:

26 & 27 Vict. c. 93.

(5.) A printed copy of regulations, purporting to have been made as aforesaid by the Corporation, and to be certified by the town clerk as a true copy, and to be sealed with the seal of the Corporation, shall be primâ facie evidence of regulations under this section.

The provisions of the Public Health Act, 1875, relating to byelaws shall apply to any regulations which the Corporation are authorised to make under this section.

38 & 39 Vict. c. 55.

Power for Corporation to supply materials, &c.

89. The Corporation may, if requested, by and at the cost of any person supplied or about to be supplied by them with water, furnish to him and from time to time repair or alter any such pipes, valves, water-meters, cocks, cisterns, baths, soil-pans, watercloseets, apparatus, and receptacles as are required or permitted by their regulations, and the expense thereof may be recovered by the Corporation as water rent is recoverable, and the Corporation may provide all materials and do all work necessary or proper for the purposes of this section.

Notice of discontinuance.

90. A notice to the Corporation for the discontinuance of the supply of water shall not be of any effect unless it is in writing and left in the office of the town clerk.

Power to enter for purpose of cutting off supply, &c.

91. Where the Corporation is authorised to cut off or remove any pipe or work or turn off any supply of water, their officers and workmen, after giving twenty-four hours notice to the occupier, or, if there is none, to the owner, may enter into the building or land supplied between the hours of nine in the forenoon and four in the afternoon, or with the authority in writing of a justice at any other time, and may therein do all acts necessary or proper for cutting off or removing or turning off such pipe or work or supply (as the case may be), and may remove and carry away any meter,

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pipe, instrument, or apparatus the property of the Corporation, making compensation to the owner for any damage sustained by him, and if any person obstructs or attempts to obstruct or incites any person to obstruct any officer or workman of the Corporation in the exercise of any power conferred by this section, he shall for every such offence be liable to a penalty of not exceeding five pounds.

Recovery of sums due by action or distress.

92. If any person fails to pay any water rent, meter rent, damages, costs, expenses, or other sum due to or recoverable by the Corporation under this Act, they may recover the same by proceedings in any court of competent jurisdiction, or the same may be levied by distress (the defaulter being first duly summoned), and any justice may issue his warrant accordingly, and the remedies of the Corporation under this section shall be in addition to their other remedies.

Corporation may sell or lease lands not required for purposes of Act.

93. Subject to the provisions of this Act, the Corporation from time to time, if and when they think fit, may sell or exchange all or any part of any lands acquired by them under the powers of this Act and not required for the purposes thereof, or they may lay out the same for building purposes, and sell or exchange the same, or otherwise, at their option, they may demise or grant upon lease for any yearly rent, with or without fine, for such estate, term, or interest, not exceeding a term of ninety-nine years, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions as the Corporation think fit (and in case of sale in consideration of a gross sum, or of an annual rent, or of both, or of any payment in any other form), all or any part of such lands, and the Corporation may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title or otherwise, and may fix reserved biddings and prices, buy in at auctions, and alter or rescind, on terms or gratuitously, any contract or agreement for sale or lease and the consideration or rent fixed thereby, and accept surrender of any lease, and either before or after such conveyance or lease is granted may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands, and execute and do all deeds and things necessary to effect the several purposes aforesaid. All moneys received by the Corporation under or by virtue of this section, except annual rent, shall be applied only to repayment of borrowed money, or to other purposes to which capital is properly applicable: Provided

always, that none of the land hereby authorised to be taken from Richard Rogers Coxwell Rogers, not required for the purposes of the said reservoirs, shall at any time hereafter be sold, exchanged, leased, laid out, or otherwise disposed of for the purposes of building.

Contents of summons, &c.

94. Any summons or warrant issued for any purpose of this Act may contain, in the body thereof or in a schedule thereto, several names and several sums.

Costs of distress.

95. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice, and shall be included in the warrant of distress.

Judges, &c. not disqualified.

96. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any water rent, meter rent, or other charge payable to the Corporation.

Contracts for water, &c. not to disable members of Corporation.

97. Any person entering into any contract with the Corporation for a supply of water to him, or for any work to be done for or meter or apparatus to be furnished to him for purposes of such supply, shall not thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the borough, or as an officer or servant of the Corporation, or incur any penalty by reason of such contract or of his being, continuing, or acting as such councillor, officer, or servant.

Application of penalties.

98. Penalties recovered by the Corporation under this Act shall belong to the Corporation, and shall be paid to the treasurer of the borough, and shall be carried to the credit of the borough fund.

Penalties not to be cumulative.

99. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for that purpose this Act and every Act incorporated wholly or in part herewith shall be deemed several Acts.

Form and service, &c. of notices by Corporation.

100. Any instrument (including a notice, order, or requisition, consent, demand, or other document) made, given, delivered, or served under this Act by the Corporation may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk being affixed thereto in print or writing, or by a stamp, on behalf of the Corporation, and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to

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address it to such owner or occupier by his description as owner or occupier, as the case may be, of the property, such property being therein named or generally described without further name or description of the owner or occupier, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies may be served on the respective owners and occupiers of the several houses or buildings concerned), and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which it is given or served, or if the building is unoccupied, and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it or a copy thereof on some conspicuous part of the building.

Corporation *not exempt* from general Acts.

101. Nothing in this Act shall exempt the Corporation from the provisions of any general Act passed or to be passed for the improvement of the sanitary condition of towns or the abatement of nuisances.

As to actions against Corporation.

102. Nothing in this Act shall exempt the Corporation from any indictment, suit, action, or other proceeding at law or in equity in respect of any nuisance caused by them.

Effect of schedules.

103. The schedules to this Act shall be read and have effect as part of this Act.

Expenses of Act.

104. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation out of the borough fund, borough rate, or general district rate, or out of moneys borrowed under the powers of this Act, and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

SCHEDULES.

THE FIRST SCHEDULE.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY TO CORPORATION.

In pursuance of and subject to the provisions of the Cheltenham Corporation Water Act, 1878, and in consideration of , the Cheltenham Waterworks Company do hereby grant, convey, and assign their undertaking unto the mayor, aldermen, and burgesses of the borough of Cheltenham, to hold the same unto them, their successors and assigns, as from the twenty-fourth day of June one thousand eight hundred and seventy-eight, and the said mayor, aldermen, and burgesses do hereby accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common seals this day of one thousand eight hundred and seventy-

Seal of the Cheltenham Waterworks Company.

THE SECOND SCHEDULE.

FORM OF CERTIFICATE OF ANNUITY.

Cheltenham Corporation Water Annuities.

Annuity No. £

By virtue of the Cheltenham Corporation Water Act, 1878, the mayor, aldermen, and burgesses of the borough of Cheltenham (herein-after called the Corporation) do hereby certify that of is, under and subject to the provisions of that Act, entitled to a perpetual annuity of charged on and issuing out of the revenues of the waterworks undertaking of the Corporation, and on and out of the borough fund and borough rate for the time being of the borough of Cheltenham, which annuity is payable to the said , his executors, administrators, or assigns, clear of all deductions (except for income tax), at [*here insert the names of the banks or the bankers for the time being of the Corporation*], by equal half-yearly

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payments on the day of and the day of in each year.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Cheltenham this day of one thousand eight hundred and .

Entered

L.S.

Town Clerk.

THE THIRD SCHEDULE.

FORM OF TRANSFER OF ANNUITY.

I of , in consideration of the sum of £ paid to me by of , do hereby transfer to (herein-after called the transferee) the annuity or annuities of numbered , created under the Cheltenham Corporation Water Act, 1878, and all my right and interest therein and thereto, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I the transferee do hereby agree to take the same annuity [*or* annuities, *as the case may be*] subject to the same conditions.

As witness our hands and seals this day of one thousand eight hundred and .

L.S.

THE FOURTH SCHEDULE.

MORTGAGE OF RATES.

The Cheltenham Corporation Water Act, 1878.

Mortgage No. £

By virtue of the above-mentioned Act, and subject to the provisions thereof relating to priorities of charges, the mayor, aldermen, and burgesses of the borough of Cheltenham, in consideration of pounds

paid to them by of , A.D. 1878.
grant to him, his executors, administrators, and assigns, the borough fund and borough rate, and the revenues of the waterworks undertaking, to hold until the said sum be repaid to him or them, with interest at the yearly rate of in the hundred, by equal half-yearly payments on the day of and the day of in every year from the date hereof, the principal to be repaid on the day of at the option of either party, and all payments to be made at the office of the treasurer of the borough of Cheltenham.

Given under the seal of the mayor, aldermen, and burgesses this day of one thousand eight hundred and .

L.S.

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