ANNO SECUNDO

VICTORIÆ REGINÆ.

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Cap. xxv.

An Act for enabling the *Cheltenham* Waterworks Company to enlarge and extend their Works, and for amending the Act relating thereto.

[4th *June* 1839.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for better supplying the Town and Neighbourhood* (5 G. 4. c. 132.) *of* Cheltenham *in the County of* Gloucester *with Water*, whereby several Persons therein named, and their Successors, were incorporated by the Name of "The *Cheltenham* Waterworks Company:" And whereas the said Company, acting under the Authority of the said recited Act, have for many Years last past supplied and are now supplying the said Town with Water: And whereas since the passing of the said recited Act the Population of the said Town of *Cheltenham* has greatly increased, and it is expedient that an additional Supply of Water should be obtained for the Use of the said Town and the Neighbourhood thereof: And whereas it is desirable that the said Company should be enabled to extend the Supply of Water to the several Parishes of *Charlton Kings*, *Leckhampton*, *Swindon*, and *Presbury*, all in the said County of *Gloucester*: And

whereas it is expedient that some of the Powers and Provisions of the said Act should be altered, amended, enlarged, and extended, and further Powers given to the said Company; but the several Purposes aforesaid cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Powers of recited Act to apply to this Act.

and by the Authority of the same, That all the Powers, Authorities, Provisions, Directions, Regulations, Privileges, Penalties, Forfeitures, Rates, Charges, Restrictions, Clauses, Matters, and Things whatsoever contained in the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth (so far as the same are not expressly altered, repealed, or otherwise provided for by this Act), shall extend and be construed to extend to this Act, and to the several Works and Things hereby authorized or required to be made and done, and shall operate and be in force for carrying this Act into execution, as fully and effectually to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in this Act and were made Part thereof, and the said recited Act and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be construed as One Act.

Power to take Water from certain Springs in the Parishes of Dowdeswell and Charlton Kings in the County of Gloucester.

II. And be it further enacted, That it shall be lawful for the said Company, or their Committee of Management for the Time being, and they are hereby authorized and empowered, by themselves, their Agents, Officers, Workmen, and Servants, to enter upon the Land, and to take the Water flowing into the same out of and from the Two several Springs herein-after mentioned; (that is to say,) one of such Springs rising and being in the Parish of *Dowdeswell* in the said County of *Gloucester*, in a Field belonging to Mistress *Hester Rogers*, and marked 29 on the Map or Plan herein-after mentioned, and which for Distinction from other Springs rising in the said Parish of *Dowdeswell* shall be called for the Purposes and Meaning of this Act the "*Dowdeswell Spring*," and the other of such Springs rising and being in the Parish of *Charlton Kings* in the said County of *Gloucester*, in a certain Field of *Conway Whithorne Lovesy* Esquire, and marked Number 6 on the Map or Plan herein-after mentioned, and which for Distinction from the other Springs rising in the said Parish of *Charlton Kings* shall be called for the Purposes and Meaning of this Act the "*Charlton Kings Springs*," and also to conduct the Water from the aforesaid Springs respectively by proper Aqueducts or Conduits and other Works to the Reservoir or Reservoirs of the said Company, in the same Manner and with the same Powers and Authorities as in the said recited Act are contained in respect of the Water thereby authorized to be taken, and the Aqueducts, Conduits, Reservoirs, and other Works necessary or proper to be made or executed in pursuance of the said recited Act.

Map and Book of Reference to remain with Clerk of the Peace.

III. And whereas a Map or Plan describing the Line of such intended Aqueducts and Conduits, and the Lands from, into, or through which the same respectively are intended to be carried, and a Book of Reference thereto containing a List of the Names of

the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Gloucester*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy; and all Persons shall at any reasonable Time have Liberty to inspect and peruse the same, and have a Copy thereof or such Part thereof as such Persons shall require, such Copy to be made by the said Clerk of the Peace or his Deputy on being paid the Sum of One Shilling on every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies.

Limiting Deviation from Plan

IV. And be it further enacted, That the said Company shall not, in laying and making such Aqueducts, Pipes, and Conduits, deviate more than One hundred Yards from the Line or Course thereof described in the said Map or Plan: Provided always, that nothing herein contained shall authorize or empower the said Company to deviate into any Lands or Grounds unless the same shall be marked on the said Plan and mentioned in the said Book of Reference, unless with the Consent in Writing of the Owners for the Time being of such Lands or Grounds.

Misnomers in Books of Reference, &c. not to prevent the Execution of the Act.

V. Provided always, and be it further enacted, That it shall be lawful for the said Company to carry into effect the Purposes of this Act, although the Lands or Grounds described or mentioned in the said Map or Plan and Book of Reference, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or the Owners or Lessees thereof, or any other Persons interested therein or in any Part thereof, shall happen by Mistake to be misnamed or inaccurately described, if (in the event of Dispute about the same) it shall appear to any Two or more of Her Majesty's Justices of the Peace for the said County, certified by Writing under their Hands, that such Misnomer or incorrect Description proceeded from Mistake or Inadvertence; and every Certificate of such Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County: Provided always, that nothing in this Act contained shall authorize or empower or be deemed or construed to authorize or empower the said Company of Proprietors to take or purchase the Lands or Grounds belonging to *Samuel Nettleship* Esquire, and marked Number 1 and 2 on the said Plan and in the said Book of Reference, or any Part thereof.

Power to contract for Purchase of Springs, Lands, and Buildings.

VI. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to treat, contract, and agree with the Owners of and Persons interested in the said Springs for the Purchase thereof, and for making Satisfaction for any Damage to be done thereto, and to contract for the absolute Purchase of any Lands, Tenements, or Hereditaments described in the said Map or Plan, and mentioned in the said Book of Reference, as are situate on the Course of or within the aforesaid Limits of Deviation from the Line of the said Aqueducts, Pipes, or Conduits,

Conduits, for carrying the Water from the said Springs herein-before called *Dowdeswell Spring* and *Charlton Kings Spring*, and to accept and take a Conveyance thereof, in the same Manner as if the said Springs, and such Lands, Tenements, and Hereditaments, had been included in and subject to the Provisions of the said recited Act.

Parties to deliver a Statement of their Estates and Claims within Two Calendar Months after Notice.

VII. And be it further enacted, That on or before the Expiration of Two Calendar Months next after Notice in Writing from the said Company, or their Agent duly authorized, of their Intention to take or use any Springs, Lands, Tenements, or Hereditaments, or any Part thereof, for the Purposes of this Act, shall have been given or left at the last known Residence of any Person, or given to the Clerk or known Agent of any Corporation, seised, possessed, or interested in or authorized by this Act to accept and receive Satisfaction and Compensation for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person or Corporation shall deliver or cause to be delivered at the Office of the Clerk to the said Company a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he or they claim to be entitled to or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in satisfaction and compensation for the Value of such Estate, Share, Interest, or Charge, and for such Injury or Damage respectively.

Corporations and Persons empowered to agree for Satisfaction and Compensation.

VIII. And be it further enacted, That all Corporations and other Persons by this Act capacitated to sell and convey any Lands, or to sell and convey any other Rights or Interests in Lands, and the respective Owners, Lessees, and Occupiers of any Lands required for the Purposes of this Act, may agree to accept and receive, and may (subject to such Restrictions as in this or the said recited Act are contained as to the Payment thereof) accept and receive Satisfaction for the Value of such Lands, or of the Interest therein by them conveyed, and also Compensation for or on account of any Damage occasioned to such Lands by reason of the severing or dividing of the same, or by reason or on account of the Execution of any of the Works by this Act authorized, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations or other Parties by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid), Lessees, and Occupiers respectively, and the said Company; and in case the said Company and the said Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them concerning which they do not so agree, shall be ascertained and settled by the Verdict of a Jury, if required, as by this Act is directed.

In case the Parties refuse or are incapable to

IX. And for settling all Differences which may arise between the said Company and the several Owners and Occupiers of or Persons or Corporations interested in any Springs, Lands, Tenements, or Here-

Hereditaments which may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Corporation, Trustee, or other Person so interested, or entitled and capacitated to sell, contract, or convey as aforesaid shall not agree with the said Company as to the Amount of the Purchase Money or Satisfaction or other Compensation as aforesaid; or if any of such Parties shall refuse to accept such Purchase Money or Satisfaction or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within One Calendar Month next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury; or if any of such Parties as aforesaid shall, for the Space of One Calendar Month next after Notice in Writing shall have been given to him, or in case of any Corporation to the Clerk, Agent, or principal Officer of any such Corporation, either personally or by being left at his Place of Abode, neglect or refuse to treat or shall not agree with the said Company for the Sale and Conveyance of the respective Estates and Interests which they respectively are hereby capacitated to convey, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability be incapable of making such Agreement or Conveyance as shall be necessary or expedient for enabling the said Company to take such Springs, Lands, Tenements, or Hereditaments, or shall not disclose and prove the State of Title to the Premises of which they respectively may be in Possession, or the Share, Interest, or Charge which they may claim to be entitled unto or interested in, in case they shall be required by the said Company to do so; or in any other Case where Agreement for Compensation for Damages incurred in the Execution of any of the Powers of this Act cannot be made; then and in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County of *Gloucester*, or in case the said Sheriff or his Under Sheriff shall be one of the said Company, or shall be in anywise interested in the Matter in question, then to any of the Coroners of the said County not interested as aforesaid, or if the Sheriff and all the Coroners shall be interested, then to some Person then living in the said County who shall have filled the Office of Sheriff or Coroner in the said County and be free from personal Disability, and not interested as aforesaid, (a Person having more recently served either Office being always preferred,) commanding such Sheriff, Coroner, or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impannel, summon, and return, a Jury of at least Twenty-four sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff,

treat, the Amount of Satisfaction and Compensation to be settled by a Jury.

Under Sheriff, Coroner, or other Person, or by some other Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may order and authorize such Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or (being Quakers) upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and Affirmations of all Persons who shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands (except for such Interest therein as shall have been of right purchased by the said Company from any other Person or Corporation), and also the separate and distinct Sum or Sums of Money to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further wholly obviated, removed, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party with whom any such Controversy shall arise, by personally serving or leaving such Notice at the Dwelling House of the Person, or the Clerk, Agent, or principal Officer of any such Corporation: Provided also, that in all such Cases the Party claiming such Satisfaction or Compensation shall be the Plaintiff, and shall be entitled to all such Advantages and Privileges as Plaintiffs are in Actions tried in any of Her Majesty's Courts of Record at *Westminster* by Law entitled.

Verdicts to be recorded.

X. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Person having the Custody of the Records of the Quarter Sessions for the said County, and shall be deemed Records to all Intents and Purposes,

poses, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying to such Person for such Inspection the Sum of One Shilling, and shall be entitled to be furnished with Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriff or Jurors or Witnesses making default.

XI. And be it further enacted, That if any such Sheriff, Under Sheriff, Coroner, or other Person herein-before authorized and directed to act as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse (such Excuse to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person), shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Ten Pounds; all which Penalties and Forfeitures shall and may be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace having Jurisdiction within the Limits of this Act, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as those of the Superior Courts.

Corruptly swearing, Perjury.

XII. And be it further enacted, That every such Jury and Juryman as aforesaid shall, in addition to the Penalties hereby inflicted, also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oaths, or being Quakers upon their solemn Affirmations, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the Pains and Penalties to which Persons guilty of wilful Perjury shall or may by Law be subject or liable.

Expences of Jury and Witnesses how to be paid.

XIII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in or be occasioned by the Execution

Execution of any of the Powers of this Act, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and the Attendance and reasonable Fees of One Counsel, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, shall be borne by the said Company; and such Costs, Charges, and Expences shall be settled and determined by the Sheriff or other Officer presiding; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of the Goods or Chattels of the said Company (unless the Treasurer of the said Company shall pay such Costs, Charges, and Expences out of any Monies received by him by virtue of this or the said recited Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by or on the Behalf of the said Company, one Moiety of the said Costs, Charges, and Expences, to be settled and determined as aforesaid, shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the remaining Moiety shall be defrayed by the said Company; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender and Satisfaction of the Whole thereof.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by the Company.

XIV. And be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Springs, Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, or from any other Cause, (except the wilful Refusal of such Person or Corporation to convey the said Springs, Lands, Tenements, or Hereditaments, or to accept the Purchase or Compensation Money for the same,) the Purchase Money for any Springs, Lands, Tenements, or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Re-investment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands, Tenements, and

Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes (except such as may be occasioned by Litigation between Claimants), and for the Payment of the Dividends and Interests of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Expences of Conveyances and verifying Titles to be paid by the Company.

XV. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsover incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company: Provided also, that in case the said Company shall not require the making out or furnishing of such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Lands purchased or taken, such Seller shall be bound, at the Expence of the said Company, to produce or cause the Production of the Title Deeds relating to the said Lands, when required by the said Company so to do, without furnishing any Abstract of his Title.

How such Expences are to be ascertained.

XVI. And be it further enacted, That if the said Company and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such

Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof, it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Party from whom such Lands shall have been purchased or taken, shall be paid to the Party aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited the Sums claimed in respect of the same in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "the *Cheltenham* Waterworks Company," pursuant to the Method prescribed by the Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, for better securing Monies and Effects paid into the said Court; which Sum shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

Power to enter Lands on Payment or Tender of Purchase Money.

XVII. And be it further enacted, That upon Payment or legal Tender of such Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner aforesaid, for the Purchase of any Springs, Lands, Tenements, or Hereditaments, or of any Estate or Interest in any Springs, Lands, Tenements, or Hereditaments, to the respective Proprietors of the same, or other Persons entitled to receive such Money, within Three Calendar Months next after the same shall have been so agreed upon or awarded, or whenever any of the respective Cases shall happen wherein such Money, Satisfaction, or Compensation is authorized or directed to be paid into the Bank of *England*, then, upon Payment into the Bank of *England* in manner in such Case authorized or directed, it shall be lawful for the said Company immediately to enter upon such Lands, Tenements, or Hereditaments, and thereupon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, paid or compensated for by such Payment as aforesaid, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act, and the said Company shall not be bound to see to the Application of any such Purchase Money, Compensation, or Satisfaction; and such Payment or Tender and Conveyance as herein-before mentioned, or such Deposit in the

Bank of *England* as aforesaid, shall not only bar all Right, Title, Interest, Claim, and Demand of every such Party, but shall also bar all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever, of and in the said Lands so compensated and paid for as aforesaid: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid shall have been made it shall not be lawful for the said Company, or for any Person acting under their Authority, to enter upon such Lands, Tenements, and Hereditaments for any of the Purposes of this Act, save for the Purpose of surveying or valuing the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Sheriff authorized to deliver Possession of the Lands required.

XVIII. And be it further enacted, That in all Cases where by this Act the said Company are authorized or empowered to enter upon and take Possession of any Springs, Lands, Tenements, or Hereditaments required for the Purposes of this Act, and the Owner or Occupier of the said Springs, Lands, Tenements, or Hereditaments, or any other Person, shall refuse to give up the Possession thereof, or shall hinder or prevent the said Company from entering upon or taking Possession of the same, it shall be lawful for the said Company to issue their Precept to the Sheriff of the County in which such Springs, Lands, Tenements, or Hereditaments shall be situate to deliver Possession of the said Springs, Lands, Tenements, or Hereditaments to such Person as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Springs, Lands, Tenements, or Hereditaments accordingly, and to levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to give Possession, or hindering or preventing the said Company from entering upon or taking Possession of the same, by Distress and Sale of his Goods and Chattels.

If Land not contracted for within Three Years the Power of purchasing to cease.

XIX. And be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued, and pay or cause to be paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using such Lands shall cease and be utterly void.

Enabling the Company to purchase Ten Acres of Land for Reservoirs.

XX. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person or Corporation (who shall be willing to sell the same) for the Purchase of any Lands, not exceeding in the whole Ten Statute Acres, in addition to the Lands by the said recited Act or by this Act authorized to be taken, in such Places as the said Company shall deem eligible, for the Purpose of making and providing additional Reservoirs or other Works connected with the said Undertaking which the said Company shall judge requisite; and it shall be lawful for

for all Corporations, and Persons under any Disability, or otherwise, to sell or grant and convey to the said Company and their Successors any Lands whatsoever for the Purposes herein-before mentioned, or any of them, in the same Manner as is in the said recited Act or in this Act directed concerning the Lands to be taken for the Purposes thereof.

Power to extend Supply of Water to Charlton Kings, Leckhampton, Swindon, and Prestbury.

XXI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to extend the Supply of Water, under the Powers and Provisions of the said recited Act and this Act, to the several Parishes of *Charlton Kings*, *Leckhampton*, *Swindon*, and *Prestbury*, all in the said County of *Gloucester*, or some of them, and for that Purpose to lay down in the several public Streets, Ways, and Thoroughfares in such Parishes respectively, and also in any private Lands, Grounds, Roads, or Ways in such Parishes respectively, with the Consent in Writing of the Owners of the Soil thereof respectively, but not otherwise, such Mains, Pipes, Branches, Plugs, and other Works as may be necessary and proper for supplying the Inhabitants thereof with Water; and that all the Powers, Provisions, Penalties, Forfeitures, Rates, Charges, Remedies, Restrictions, Matters, and Things contained in the said recited Act with reference to the Parishes and Places therein referred to shall be construed to apply to and to include the said several Parishes of *Charlton Kings*, *Leckhampton*, *Swindon*, and *Prestbury*, as fully and effectually to all Intents and Purposes as if the same had been named in the said recited Act.

Securing a Supply of Water to the Lands connected with the Springs.

XXII. And whereas certain Lands lying contiguous to the said Springs, and the Course of the Waters flowing therefrom, are at present supplied with Water from such Springs respectively, 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 shall be used for the Purposes of this Act; be it therefore enacted, That all and every the Works to be made, constructed, and formed by the said Company under the Powers of this Act shall be so made, constructed, and formed that the several Owners and Occupiers of the Lands now entitled to the Use and Enjoyment of the Waters flowing from the said Springs shall from Time to Time for ever hereafter be constantly and regularly provided with a competent and sufficient Supply of Water for the Use of such Lands for all agricultural and domestic Purposes: Provided always, that nothing in this Act contained shall extend or be construed to extend to oblige the said Company to provide sufficient Water for the future constant Supply of such Lands for the Purposes aforesaid, if the said Springs or Streams now respectively supplying the same shall fail or prove insufficient for that Purpose, during such Time as the Water from the said Springs or Streams shall so fail or be insufficient: Provided also, that nothing herein contained shall extend or be construed to extend to prevent any of the Owners of the adjoining Lands from bringing any Action or Suit against the said Company for Compensation for any Loss or Injury they may sustain by any Deficiency of Water in their Lands or Grounds by reason of any of the Works of the said Company.

XXIII. And

Providing for altering the Situation of the Pipes in case they shall interfere with any Dwelling House to be erected on Miss Rogers's Ground.

XXIII. And be it further enacted, That if at any Time hereafter the said *Hester Rogers*, or other the Owner for the Time being of the Lands now occupied by her through which the said Pipes or Works shall extend or be made for conveying the Water from the *Dowdeswell Spring*, shall be desirous of erecting a Dwelling House or Dwelling Houses upon the said Land, then and in every such Case the said Company shall, within Four Calendar Months after Notice in Writing from the said *Hester Rogers*, or other the Owner for the Time being of the said Land, of her Intention so to build, and of the Site intended for such building, shall take up and remove so much of the said Pipes and Works as may be lying in or placed on such Site, and alter and divert the Course of such Pipes and Works to other Portions of the same Lands or Grounds of the said *Hester Rogers*, so as that the same shall not interfere with such Dwelling House: Provided always, that the said Company shall not in any Event be required to make any Alteration or Diversion which would carry the said Pipes or Works above the Level of the said Spring: Provided also, that in the Event of the said *Hester Rogers*, or the Owner or Owners for the Time being of the said Land, not actually erecting a Dwelling House or Dwelling Houses in pursuance of such Notice within Twenty-four Months from the Date thereof, that then the said *Hester Rogers*, or other the aforesaid Owner or Owners for the Time being, shall pay the Expence of such Alteration or Diversion.

Company to have Power to raise a Sum of 4,375*l.* beyond what has already been raised.

XXIV. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves for the Purposes of this Act, or by the Admission of new Subscribers, in addition to the Money subscribed by them for the Purposes of the said Act of the Fifth Year of His said late Majesty King *George* the Fourth, and in such Proportions and at such Time or Times as they shall think proper, such Sum or Sums of Money not exceeding in the whole the Sum of Four thousand three hundred and seventy-five Pounds; and the Amount of the Money so to be raised from Time to Time shall be divided into such and so many distinct and integral Shares of such Amount as will conveniently allow a proper Proportion thereof to be appropriated to the then Proprietors of Shares in the said Undertaking respectively according and in Proportion to their respective Interests in the Joint Stock of the said Company; and such new Shares shall be offered to the then Proprietors of Shares in the said Undertaking in the Proportion of One for every original Share of Two hundred and fifty Pounds held by them respectively therein, and the same shall vest in and belong to such of the then Proprietors of Shares as shall accept the same, and shall pay the Value or Amount thereof to the said Company at such Times and in such Instalments and in such Manner as the same shall be called for by the Committee of Management for the Time being of the said Company; and in case any of the said Proprietors shall refuse or neglect for One Calendar Month next after Offer of the same by Letter under the Hand of the Clerk of the said Company given to or sent by the Post to him, or left at his usual or last Place of Abode, to accept the Shares so to be appropriated to him, then and in every such Case it shall be lawful for the

the said Company and they are hereby empowered to sell and dispose of such Shares as shall not be accepted as aforesaid, unto such Corporations or Persons as may be willing to become Purchasers thereof, for such Sums of Money as the said Company may be able to obtain for the same.

New Shares to be deemed Personal Estate, and the Possessors thereof entitled thereto in proportion with other Proprietors.

XXV. And be it further enacted, That every new Share to be created in pursuance of the Powers of this Act shall be deemed Personal Estate, and shall be transmissible and transferrable as such, and shall not be of the Nature of Real Estate; and all such Corporations and Persons as shall become entitled thereto, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Shares in the said Undertaking to the Amount or nominal Value of such Shares so by them possessed as beneficially as the Proprietors of Shares of Two hundred and fifty Pounds in the said Undertaking, but in the Proportion nevertheless which the Amount or nominal Value of such Shares respectively so be created as aforesaid may bear to the Sum of Two hundred and fifty Pounds, and shall be entitled to a Share of all the general Profits and Dividends of the said Company in the like Proportion; and all such Corporations and Persons aforesaid shall be deemed to be and are hereby declared to be thenceforth united to and incorporated with the said Company;

New Shares to be considered as Part of the general Capital.

and all such new Shares so to be created as aforesaid shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management, in all respects and to all Intents and Purposes, as if the same had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said new Shares, and the Amount of such Calls, which Calls the said Company or their Committee of Management are hereby empowered to be of such Amount and payable at such Times as they shall think fit; and all the Regulations, Provisions, and Authorities contained in the said recited Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth, for enforcing the Calls for the Capital Stock of the said Company by the said last-mentioned Act authorized to be raised, and for the Recovery thereof or of any Arrears thereof, and relating to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls which shall be made for the said new Shares hereby authorized to be created as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Directing how Proprietors of new Shares shall vote.

XXVI. And be it further enacted, That every Person who shall by virtue of this Act have subscribed for and become entitled to such a Number of the new Shares so to be created as aforesaid as that the aggregate Sum of the Amounts or nominal Values of such new Shares shall be Two hundred and fifty Pounds, shall be allowed to vote in respect of such Number of Shares, either in Person or by Proxy, at the several Meetings of the said Company, in the same Manner, to the same Extent, and subject to the same Stipulations, Provisions, Restrictions, and Limitations as are mentioned or contained in the said recited Act with respect to the Right of voting by

the Proprietors of original Shares of Two hundred and fifty Pounds; and in case the Number of new Shares so held shall exceed the nominal Value of Two hundred and fifty Pounds, then the Proprietor holding the same shall for every Sum of Two hundred and fifty Pounds be considered as holding the same Number of original Shares of Two hundred and fifty Pounds.

Company may raise Money by Mortgage.

XXVII. And be it further enacted, That it shall be lawful for the said Company, or their Committee of Management for the Time being, to borrow and take up at Interest any Sum or Sums of Money not exceeding Five thousand three hundred and eight Pounds on the Credit of the said Waterworks, in addition to any Sum raised or authorized to be raised by new Shares, or by Mortgage or otherwise, by virtue of the said recited Act, and to assign the Property of the said Waterworks, and the Sums of Money arising or to arise to the said Company of Proprietors, or any Part thereof, in Manner and Form in the said recited Act of the Fifth Year of His said Majesty King *George* the Fourth particularly mentioned; and that all and every the Directions and Provisions contained in the said last-mentioned Act touching the Money thereby authorized to be raised by Mortgage, and the assigning or transferring the same and the Interest thereof, and all other the Matters and Things thereby provided in relation thereto, shall be equally in force and applicable in respect to all Monies that may be raised by Mortgage under and by virtue of this Act.

Repealing Power to make Bye Laws.

XXVIII. And be it further enacted, That so much of the said recited Act as authorizes the said Company at their Annual General Meeting to make such Rules, Orders, Regulations, and Bye Laws for the Government of the said Company and their Concerns as should from Time to Time be deemed expedient, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who should offend against such Rules, Bye Laws, and Orders not exceeding Five Pounds for any One Offence, and as enacts that such Rules, Bye Laws, Orders, and Regulations, being reduced into Writing, and entered in the Order Book of the said Company, and authenticated by the Common Seal thereof, should be binding on and allowed by all Parties, and should be sufficient in any Court of Law or Equity to justify any Person or Persons who should act under the same, shall be and the same is hereby repealed.

Repealing Provision as toLimitations of Actions.

XXIX. And be it further enacted, That so much of the said recited Act as enacts that no Action or Suit should be brought against any Person for any thing done in pursuance of the said recited Act, or in relation to the Matters therein contained, after Three Calendar Months from the Fact committed; and that every such Action or Suit should be brought and tried in the County where the Cause of Action should have arisen, and not elsewhere; and that the Defendant in every such Action or Suit should or might, at his Election, plead specially or the General Issue, and give the said Act and the special Matter in Evidence, at any Trial, and that the same was done in pursuance and under the Authority of the said Act; and if the same should appear to have been so done, or if such Action or Suit should have been

been brought before the Expiration of Twenty-eight Days next after Notice should have been given as therein mentioned, or after sufficient Satisfaction made or tendered as therein provided, or after the Time limited for bringing the same, or should be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury should find a Verdict for the Defendant; and upon such Verdict, or if the Plaintiff should be nonsuited, or discontinue his Action or Suit after the Defendant should have appeared, or upon any Demurrer Judgment should be given against the Plaintiff, then and in every such Case the Defendant should recover Treble Costs, and have such Remedy for recovering the same as any other Defendant hath or had in other Cases by Law; shall be and the same is hereby repealed.

Interpretation of Words.

XXX. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall comprise and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and apply to Females as well as Males; and where the Word "Lands" shall be used the same shall be understood to include Messuages, Springs, Tenements, and Hereditaments; unless it be in any of the Cases aforesaid especially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

Expences of Act.

XXXI. And be it further enacted, That all the Costs, Charges, and Expences incurred preparatory to, and attending the applying for, obtaining, and passing of this Act, shall be paid and discharged by the said Company out of the Monies already received or to be received by virtue of the said recited Act or this Act, in preference to any other Payment whatsoever.

Public Act.

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

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