ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cx.

An Act for better supplying the Town of *Gainsborough* and the Neighbourhood thereof with Water; and for other Purposes.

[19th *June* 1865.]

WHEREAS the present Supply of Water to the Town of *Gainsborough* and the Neighbourhood thereof is inadequate for the Wants of the Inhabitants, and it is expedient that a better Supply of Water should be provided: And whereas the Parties herein-after named, with others, are willing at their own Expense to provide such Supply of Water, and for that Purpose to construct and maintain the Works herein-after mentioned, if authorized by Parliament so to do: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may be cited for all Purposes as "The *Gainsborough* Waterworks Act, 1865." Short Title.

8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 93. & 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," save in so far as the Provisions of those Acts are varied or excepted by this Act, are incorporated with and form Part of this Act.

Sect. 12 of 10 & 11 Vict. c. 27. incorporated.

3. Section 12 of "The Harbours, Docks, and Piers Clauses Act, 1847," is incorporated with this Act, and in the Application of that Enactment to the Works hereby authorized the Word "Work" shall mean the Main Pipe first described in and authorized by this Act.

Interpretation of Terms in this Act.

4. In this Act and in the Acts incorporated herewith the following Words and Expressions have the Meanings hereby assigned to them:

The Expression "the Company" means "the *Gainsborough* Waterworks Company" incorporated by this Act:

The Expression "Court of competent Jurisdiction," or any other like Expression in this Act or the Acts incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute.

Interpretation of Terms in General Acts.

5. In construing "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," as incorporated with this Act, the Expressions "the Special Act" mean this Act, and the Expressions "the Waterworks" or "the Undertaking" mean the Waterworks and Works connected therewith by this Act authorized; the Expressions "the Promoters of the Undertaking" or "the Undertakers" mean the Company incorporated by this Act, unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

Limits of Act for Supply of Water.

6. The Limits of this Act for the Supply of Water by the Company shall be the Town of *Gainsborough* and the Neighbourhood thereof in the Township of *Gainsborough*, and so much of the adjoining Township of *Morton* as is situate within One Mile from any Part of the adjoining Boundary of the said Township of *Gainsborough*, all in the Parts of *Lindsey* in the County of *Lincoln*.

Same Meanings of Words in incorporated Acts as in this Act.

7. The several Words and Expressions to which by the Acts or Parts of Acts incorporated with this Act Meanings are assigned have in construing this Act the same respective Meanings, unless there

there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be expressly assigned to them by this Act.

Incorporation of Company.

8. The Persons following, (that is to say,) Sir *Henry Hickman Bacon* Bart., Sir *Charles Henry John Anderson* Bart., *William Hutton*, *John Edward Sandars*, the Reverend *Jacob Clements*, *Draper Mackinder* M.D., *John Philip Duigan* M.D., *James Marshall*, *Frederick . George Smith*, *Thomas Wheeldon*, *Thomas Dyson*, *Charles Markham* sen., *Henry Curtis*, *George Wilson*, *Joseph Mawer*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying Water within the Limits of this Act, and for making and maintaining the Waterworks hereby authorized, and for carrying into effect the Purposes of this Act, and such Company shall be incorporated by the Name of "The *Gainsborough* Waterworks Company," and by that Name shall be a Body Corporate with perpetual Succession and a Common Seal, and shall have Power to purchase, take, hold, and sell Lands, Houses, and other Property for the Purposes of the Undertaking within the Restrictions herein and in the incorporated Acts contained.

First Ordinary Meeting.

9. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act.

Quorum of Meetings of Company.

10. The Quorum of every Meeting of the Company shall be Fifteen Proprietors, holding in the aggregate not less than One Twentieth of the nominal Capital of the Company; and the prescribed Number of Shareholders who may require the Directors to call an Extraordinary Meeting of the Company shall be Ten Shareholders, holding in the aggregate not less than One Fortieth Part of the nominal Capital of the Company.

Number and Qualification of Directors.

11. The Number of the Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to reduce Number of Directors.

12. It shall be lawful for the Company at any Time to reduce the Number of the Directors, so that the reduced Number shall not exceed Five, and no Director shall be entitled to receive any Remuneration.

Quorum of Meeting of Directors.

13. The Quorum of a Meeting of Directors shall be Three.

First Directors.

14. The said Sir *Henry Hickman Bacon* Bart., Sir *Charles Henry John Anderson* Bart., *William Hutton*, *Jacob Clements*, *John Philip*

Philip Duigan M.D., *Frederick George Smith*, *Thomas Wheeldon*, *Henry Curtis*, and *Joseph Mawer* shall be the First Directors of the Company.

Provision as to Directors retiring at First Ordinary Meeting and for future Elections.

15. The First Directors shall continue in Office until the First Ordinary Meeting of the Company, and at that Meeting the Shareholders, present personally or by proxy, may either continue in Office the First Directors, or any of them, or may elect a new Body of Directors or a new Director to supply the Places of those not continued in Office, the First Directors being eligible for Re-election; and at the First Ordinary Meeting of the Company in the Year One thousand eight hundred and sixty-six, and at their First Ordinary Meeting in every subsequent Year, the Shareholders present personally or by proxy shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845," and of this Act in that Behalf; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue Directors until others are elected in their Stead, as in "The Companies Clauses Consolidation Act, 1845," provided.

Capital.

16. The Capital of the Company shall be Ten thousand Pounds, divided into One thousand Shares of Ten Pounds each.

Calls.

17. One Fourth of a Share shall be the greatest Amount of any One Call to be made on any Share created under the Powers of this Act, and Three Fourths of a Share shall be the utmost aggregate Amount of Calls made in any One Year upon any Share, and Two Months at least shall be the Interval between successive Calls.

Shares not to vest until One Fifth paid up.

18. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to borrow on Mortgage.

19. The Company may from Time to Time borrow and re-borrow on Mortgage any Sums not exceeding Two thousand five hundred Pounds, but no Money shall be so borrowed by the Company under the Powers of this Act until the whole of the Capital of the Company by this Act authorized to be raised shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such Capital has been subscribed for *bonâ fide* and issued, and that Half of such Capital has been paid up, and that not less than One Fifth of the Amount of each

each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, and such Justice shall grant his Certificate accordingly upon such Evidence as he shall think fit, which Certificate shall be sufficient Evidence that the Matters aforesaid have been duly proved.

Application of Monies.

20. The Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Arrears may be enforced by Appointment of a Receiver.

21. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall be not less than Three hundred Pounds in the whole.

Power to construct Works and enter upon and take Lands.

22. And whereas a Plan and Section of the Waterworks showing the Lines, Situations, and Levels thereof respectively, together with a Book of Reference to such Plan containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, Streets, Bridges, Rivers, Railways, and Railway Bridges in, over, upon, through, or under which the same are intended to be constructed and maintained, have been deposited with the Clerk of the Peace for the Parts of *Lindsey* in the County of *Lincoln*: Therefore it shall be lawful for the Company, subject to the Provisions and Restrictions in this Act and the said incorporated Acts contained, to make and maintain the said Waterworks, and all necessary and proper Conveniences connected therewith, in the Lines and Situations and upon the Lands, Streets, Bridges, Rivers, Railways, and Railway Bridges delineated upon the said Plan and described in the said Book of Reference and according to the Levels shown on the said Section, and for that Purpose to purchase, take, and use all or any of the said Lands or any Right of Way, or of laying, relaying, renewing, maintaining, enlarging, altering, examining, regulating, cleansing, draining, and repairing Mains and Pipes and any other Easement upon, in, or over such Lands, and to enter upon and use all or any of the Streets, public Bridges, Rivers, Railways, and Railway Bridges delineated on the said Plan, or of the Lands situate on either Side of any such Streets and Railways and comprised within the Limits of Deviation delineated on the said Plan, which in any of the Cases aforesaid the Company shall deem necessary for the Purposes

of the said Works or any of them, or for any other Purposes connected therewith.

Powers to deviate within Limits of Deviation.

23. In the Construction of any of the Works hereby authorized the Company may deviate from the Lines thereof, as laid down on the deposited Plan, to any Extent within the Limits of Deviation shown thereon, and vertically from the Levels of such Works as shown on the deposited Section to any Extent not exceeding Three Feet in the Case of a Reservoir, and not exceeding Five Feet in any other Case.

Purchase of Lands for extraordinary Purposes.

24. The Company may from Time to Time purchase by Agreement and hold in addition to the Lands described on the deposited Plan and Book of Reference any Quantity of Land for extraordinary Purposes, not exceeding in the whole at any One Time Two Acres, and may also from Time to Time purchase by Agreement any such Right or Easement in, upon, under, or over Lands as they may think requisite for the Purposes of this Act, and such Powers shall extend to and include any Right or Easement in or over any Wells or Springs of Water not being running Streams.

Power to sell surplus Lands.

25. All Lands, Rights, Easements, and Property acquired by the Company may be retained and used, and any Portion thereof not required for the Purposes of this Act may, subject to the Provisions of this Act and the Acts incorporated herewith, be sold and disposed of as the Company may from Time to Time direct.

Application of Monies arising from Sale.

26. On any Sale by the Company under this Act or any Act incorporated herewith of any Lands and Property, the Company may reserve to themselves all or any Part of the Easements belonging thereto, and may make such Sale, subject to such Reservation, accordingly.

Application of Proceeds of Sale.

27. The Purchase Monies or net Proceeds derived by the Company from the Sale of any superfluous Lands shall from Time to Time be applied by the Company in paying off, so far as the same will extend, the Mortgages then affecting the Undertaking of the Company.

Period within which Works are to be completed.

28. The Waterworks shown on the deposited Plan, and hereinbefore authorized, shall be completed within Three Years after the passing of this Act, and on the Expiration of that Period the Powers by this or the said incorporated Acts granted to the Company for executing the said Waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that nothing in this Act contained shall be

be held to restrain the Company, after the Expiration of the said Period, from extending, altering, enlarging, removing, or replacing any of their Main Pipes, and Mains and Pipes, within the Limits of this Act, from Time to Time, as Occasion may require, for supplying the Inhabitants within the Limits of this Act with Water.

Power to take Water from River Trent.

29. It shall be lawful for the Company for the Purposes of the Company to divert, take, and use Water from the River *Trent*, at a Point on the East Side thereof at or near *Ashcroft* Mill, in the said Township and Parish of *Gainsborough*, and with such Water to supply the District within the Limits of this Act: (Provided always, that the Quantity of Water so to be taken from the River *Trent* shall not exceed Six million Gallons in any One Week, reckoned from Twelve o'Clock at Noon on One *Saturday* to Twelve o'Clock at Noon on the following *Saturday*).

Water only to be taken from River Trent when it shall exceed the Depth of Thirty Inches perpendicular.

30. Nothing in this Act contained shall authorize or empower the Company to take or use any Water out of the said River *Trent* except at such Times as the said River *Trent*, in the navigable Channel thereof within the Parish of *Gainsborough*, shall exceed the Depth of Thirty Inches perpendicular in Water, and so as not to occasion any Diminution in such Depth, and the Company shall pay annually to the Company of Proprietors of the River *Trent* Navigation the Sum of Five Pounds clear of all Deductions, and which shall be recoverable in like Manner as any Penalties are recoverable by virtue of this Act.

For preventing Obstruction to the River Trent.

31. It shall not be lawful for the Company, their Agents, Deputies, Officers, Workmen, or Servants, to cause any Obstruction, Injury, or Impediment to the Navigation of the River *Trent*, or any of the Side Cuts or Canals belonging to the Company of Proprietors of the River *Trent* Navigation, nor to do more Damage in the Execution of the Powers hereby granted than shall be unavoidable.

Water to be laid on under Pressure.

32. The Water to be supplied by the Company shall be constantly laid on under Pressure, but not necessarily under a Pressure greater than can be obtained by Gravitation from the Reservoir authorized by this Act to be constructed on the *Upton Road*: Provided always, that a Supply requiring any greater Pressure shall be furnished during Three Hours out of every Twenty-four Hours.

Power to purchase existing Waterworks.

33. It shall be lawful for the Company and they are hereby empowered to purchase by Agreement from the Owners, Lessees, and Occupiers thereof any Reservoirs, Wells, Springs of Water, Mains, Pipes, and other Works connected therewith in the Nature of Waterworks now used for the Purpose of supplying Water for domestic Use

Use to the Inhabitants of any Parts of the said Town and Neighbourhood of *Gainsborough*, and to pay for the same out of the Revenue or Capital of the Company such Consideration in Money, either annual or in gross, as may be agreed upon, and the Property so purchased, and all Rights, Powers, and Privileges held therewith, or incident thereto, shall thereupon be conveyed to and vest absolutely in the Company for the Purposes of this Act, and become Part of the Undertaking of the Company.

Rates at which Water is to be supplied.

34. The Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Company shall be laid, or of any Person who under the Provisions of this Act or any Act incorporated herewith shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier, or other Person, a sufficient Supply of Water for domestic Purposes, at any Rate which may be agreed upon between the Company and such Owner, Occupier, or other Person, not exceeding the Rates herein-after specified; (that is to say,)

If no more than One Watercloset.

If there be no more than One Watercloset in or appurtenant to the Dwelling House to be supplied with Water, then at and after a Rate not exceeding Six Pounds *per Centum per Annum* on the annual Rackrent or Value of such Dwelling House: Provided that the Company shall not be required to supply any House or Part of a House for a less Sum than Five Shillings *per Annum*:

If more than One Watercloset, or if there be a private Bath.

If there be more than One Watercloset, or if there be a private Baths in such Dwelling House, then, in addition to the Rates computed as above specified, the following Rates shall be payable; (that is to say,)

For each additional Watercloset the Sum of Five Shillings *per Annum*, and for each private Bath the Sum of Ten Shillings *per Annum*, and such additional Sums shall be paid with and as Part of and may be recovered by the same Means as the Rate for the Supply of Water for domestic Purposes: Provided always, that for Baths containing, as usually filled for Use, a greater Quantity of Water than Fifty Gallons, the Company may charge an increased Rate in proportion to the Size of such Baths.

Certain Persons and Owners to have the Option of Supply by Meter.

35. In any Case where a Person entitled under this Act or any Act incorporated herewith to be supplied by the Company with Water for domestic Purposes shall for such Supply be liable to an annual Payment of at least Two Pounds in the aggregate for any One House or Premises, or to an annual Payment of at least Four Pounds in the aggregate as Owner of Twelve or more adjacent Houses or Premises, no such House being of an annual Value exceeding Six Pounds, such Person or Owner may require the Company to supply Water to such House or Premises respectively by Meter into Cisterns, such

such Meters and Cisterns to be provided by the said Person or Owner, and the Water shall then be charged for by the Company by Meter accordingly, instead of by a Per-centage upon Rental; but the Payment to be made to the Company in such Case shall not be less than Two Pounds and Four Pounds *per Annum* respectively, the Water to be so supplied by Meter to be charged for at a Rate not exceeding Sixpence *per* Thousand Gallons, and to be paid by the Owner or Person requiring such Supply.

Water for other than domestic Purposes.

36. It shall be lawful for the Company to supply any Person with Water for other than domestic Purposes within the Limits of this Act at such Price and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water, and such Water may, if so agreed, be supplied by the Company by Measure; and in order to provide for the Supply of Water in Bulk by Measure for other than domestic Purposes within the Limits of this Act, the Company shall make from Time to Time, as Circumstances may in their Judgment require, a Scale of the Charges according to which they will supply Water in Bulk by Measure for other than domestic Purposes; and all Persons within the District shall be entitled to a Supply of Water in Bulk by Measure for other than domestic Purposes at the Charges and upon the Terms and Conditions mentioned in the Scale of Charges for the Time being in force within the Limits of this Act, and such Scale shall be published in the Office of the Company; provided that any Agreement to be made in pursuance of this Enactment may be determined by either Party by a Three Months Notice in Writing: Provided always, that no Person shall be entitled to a Supply of Water for other than domestic Purposes, or to have his Supply of Water for those Purposes continued, if the Company shall be of opinion that such Supply would render insufficient the Supply of Water for domestic Purposes to be afforded under this Act or the Acts incorporated herewith.

Penalty for Injury to and fraudulent Use of Meters, &c.

37. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter, Pipe, or Fittings belonging to the Company, or who shall fraudulently alter the Index to any Meter, or shall knowingly and wilfully prevent any Meter from duly and properly registering the Quantity of Water supplied, shall for every such Offence forfeit to the Company a Sum not exceeding Five Pounds, and the Company may, in addition thereto, recover the Amount of any Damage by them sustained.

Meters not to be altered or repaired, except under Direction or with Con-

38. No Meter, whether supplied by the Company or the Consumer, shall be altered or repaired, except under the Directions or with the Consent of the Company, or the Surveyor or other Officer of the Company, and the Company shall be entitled to keep in repair all Meters

sent of Company.

Meters which may be provided by the Consumer at the Cost of the Consumer, at such moderate Rate of Remuneration as may be agreed on between the Company and the Consumer, or in case of Dispute as may be fixed by Two Justices.

Penalty for affixing Tubes to Company's Pipes without their Consent.

39. It shall not be lawful for any Owner or Occupier of any House supplied with Water by the Company, without the Consent of the Company, to affix or permit or suffer to be affixed to any of the Mains or other Pipes of the Company, or to any Service Pipe of such Owner or Occupier, other than and except a Pipe supplied by means of or through a Meter, any Gutta Percha or other Tubes or Pipes for the Purposes of washing the Windows or Fronts of Houses or other Buildings, or the Pavements or Roads adjacent thereto, or for watering Gardens, or for any other Purposes whatsoever; and any Person who shall act contrary to this Enactment shall for every such Offence forfeit to the Company any Sum not exceeding Forty Shillings.

Company may require Pipes, &c. to be repaired.

40. The Company may by Notice in Writing, under the Hand of their Surveyor or other duly authorized Officer, require any Person who shall have suffered any Pipe, Cock, Cistern, or other Apparatus to be out of repair forthwith to put the same into a proper State of Repair, and if such Person shall not, within Three Days after the Service of such Notice, so repair such Pipe, Cock, Cistern, or other Apparatus as to prevent any Waste of Water therefrom, the Company may repair the same, and if the Expenses of such Repair shall not be repaid to the Company on Demand, the same may be recovered by the Company as Damages.

Particulars of Penalties shall be published.

41. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this Act or the said incorporated Acts, or any of them, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board to be hung up or affixed in some conspicuous Part of the principal Office or Place of Business of the Company, and also shall cause One of such Boards to be hung up or affixed in some conspicuous Place within the said Town of *Gainsborough*, and near each of the Reservoirs of the Company, and such hanging up or affixing shall be as good and effectual, to all Intents and Purposes whatsoever, as if the same were done in the Manner by the 145th Section of "The Companies Clauses Consolidation Act, 1845," mentioned and required.

Regulation for prevent-

42. For the Purpose of preventing the Waste, Misuse, or undue Consumption or Contamination of the Water of the Company, the Company

Company may from Time to Time make such Rules and Regulations as they may think necessary to be observed by the Persons supplied with such Water, and may thereby direct the Use and prescribe the Size, Nature, Strength, and Materials, and the Mode of Arrangement, Alteration, and Repair of the Pipes, Valves, Cocks, Cisterns, Baths, Soilpans, Waterclosets, and other Apparatus or Receptacles, or any of them, to be used by such Persons respectively for conveying, delivering, and receiving such Water, and may thereby interdict any Arrangement and the Use of any Pipes, Valves, Cocks, Cisterns, Baths, Soilpans, Waterclosets, and other Apparatus or Receptacles which in their Judgment will be likely to occasion any such Waste, Misuse, undue Consumption, or Contamination, and shall not be bound to supply or continue to supply Water to any such Person unless such Rules and Regulations be and continue to be duly observed by him, and the Pipes, Valves, Cocks, Cisterns, Baths, Soilpans, Waterclosets, and other Apparatus and Receptacles used or to be used shall be made of such Size, Nature, Strength, and Materials, and shall be so arranged, kept, and repaired as the Company shall from Time to Time prescribe or otherwise approve.

ing Waste, &c. of Water.

43. Except in the Case in which the Owner of any Dwelling House or Tenement the annual Value of which shall not exceed the Sum of Ten Pounds shall have agreed with the Company to pay the Water Rent for the Supply of Water to such Dwelling House or Tenement, the Water Rent due in respect of such Supply shall be payable by and may be recovered from the Occupier of such Dwelling House or Tenement.

Occupier liable to Water Rent in certain Cases.

44. All Water Rates or Rents due to the Company, and all Damages, Costs, and Expenses by this Act or any Act incorporated therewith directed to be paid, and the Amount whereof shall not be disputed, may be levied by Distress; provided that the Amount so to be levied from any One Person or Body Corporate shall not exceed Twenty Pounds, and any Justice on Application may issue his Warrant accordingly: Provided that if it be shown to the Satisfaction of the Justice that there is reasonable Ground to dispute the Amount due for such Rates and Rents, then such Justice shall refuse to adjudicate, and the Amount due shall be recoverable in any Court of competent Jurisdiction.

Undisputed Rates may be recovered by Distress.

45. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice or in a Schedule thereto.

Several Names in One Warrant.

46. Any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Rate

Costs of Distress.

or

or Sum shall be paid by the Person liable to pay such Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum.

Company to supply Local Board with Water for Purposes herein named.

47. The Company shall and they are hereby required to supply the Local Board of Health of the District of *Gainsborough* with Water in Bulk for the following Purposes, or any of them; that is to say,

Cleansing the Public Sewers:

Cleansing and watering the Streets:

Supplying any public Pumps, Baths, or Wash-houses within the District of the Local Board which are or may be established for the free Use of the Inhabitants, or paid for out of any Rates levied within the District:

For exercising Fire Engines and for all other sanitary or public Purposes:

Such Water to be so supplied at such Places within the District as the Local Board shall from Time to Time require, the Local Board paying for the same at the Rate of Fourpence *per* Thousand Gallons, subject to Reduction as herein-after provided, and also paying the Expense of providing, laying down, and fixing all Pipes, Meters, Hydrants, and other Apparatus necessary for affording such Supply: Provided always, that Water for extinguishing Fires shall be supplied by the Company free of Charge, as required by Section 42 of "The Waterworks Clauses Act, 1847."

Rate payable by Local Board to be subject to Reduction.

48. The Rate of Fourpence *per* Thousand Gallons for Water supplied by the Company to the Local Board for sanitary Purposes shall be subject to Reduction as follows: Whenever the Company in any Half Year pays to its Shareholders a Dividend on the Capital of the Company for the Time being at the Rate of Five Pounds Ten Shillings *per Centum per Annum*, the Price to be paid for such Water in the following Half Year shall be Threepence Three Farthings *per* Thousand Gallons, and in like Manner when the Dividend in any Half Year is Six Pounds *per Centum per Annum*, the Charge for Water in the following Half Year shall be reduced to Threepence Halfpenny *per* One thousand Gallons, and so on each half-yearly Increase of Dividend of Half *per Centum*, to be followed by a Reduction in the next Half Year of One Farthing *per* One thousand Gallons, until the Price of the Water shall be reduced to Threepence *per* One thousand Gallons, when no further Reduction shall be made.

If Local Board require to purchase,

49. If the Local Board of Health of the District of *Gainsborough* shall be desirous of purchasing the Undertaking of the Company under

under the Power contained in Section 53 of the Local Government Act, 1858, and shall signify such Desire to the Company by Notice in Writing to be given and acted upon by the Local Board within Five Years after the Completion of the Works authorized by this Act, including the Service Mains and Pipes throughout the continuous Portion of the Town, then the Company shall be bound and they are hereby required to make such Sale upon the following Terms: The Purchase Money to be paid to the Company to be equal to the whole Amount expended for the Purposes of the said Undertaking, with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Day on which the Works authorized by this Act are completed and the Company commence to supply Water therefrom throughout the continuous Portion of the Town, the Company allowing to the said Local Board the whole Amount of the clear Earnings of the Company after deducting all the Expenses of Maintenance and Management of the Company from the Time of commencing to supply Water as last aforesaid: Provided that in no Case shall the Board be liable to pay more than One hundred and fifteen Pounds for every One hundred Pounds expended for the Purposes of the Undertaking, and that in case the net Earnings of the Company shall have exceeded a Total of Five Pounds *per Centum per Annum* for such Time the Difference shall be retained by the Company.

under Local Government Act, the Company to sell on specific Terms.

50. The Company shall at all Times keep proper Accounts and Vouchers relative to their Share and borrowed Capital and the Expenditure thereof for the several Purposes authorized by this Act or incident thereto, and relative to all Receipts and Outgoings in respect of their Property, Works, and Undertaking; and if the Local Board shall give Notice in Writing to the Company of the Intention of the Local Board to purchase the Works of the Company upon the Terms and Conditions mentioned in this Act, the Company shall within One Month after Receipt of such Notice deliver to the Local Board a full Statement in Writing under the Hands of the Chairman and Secretary of the Company of the said Accounts of the Capital and Revenue and Expenditure of the Company from the passing of this Act up to the Time of such Notice, and in such Statement the Company shall state the Amount claimed by the Company as the Purchase Money for their said Undertaking; and the Local Board shall after the Receipt of such Statement have Power at all reasonable Times, by themselves and their Officers and Clerks, and any Accountants or other Persons whom they may employ for the Purpose, of inspecting and examining all Books of Account of the Company, and all Receipts, Vouchers, and other Documents relating to the same, and to make such Copies thereof or Extracts therefrom as they think fit without Payment.

Company to keep Accounts of Capital and Expenditure, and after Notice to purchase by Local Board to deliver Statement thereof to them.

Penalties not to be cumulative.

51. Penalties imposed on the Company or on any Person by several Acts for one and the same Offence shall not be cumulative, and for this Purpose this Act and the several Acts incorporated with this Act shall be deemed several Acts.

Saving Jurisdiction of Commissioners of Sewers for the Wapentakes of Manley, Corringham, and Aslacoe.

52. Except as by this Act otherwise expressly provided, nothing in this Act or in the Acts incorporated in this Act contained shall lessen, defeat, prejudice, or affect the Jurisdiction or any of the Rights, Privileges, Powers, or Authorities of the Commissioners of Sewers for the Time being of and for the Limits of the Levels in the County of *Lincoln*, City of *Lincoln*, and County of the said City, and Part of the County of *Nottingham*, acting in and for the Wapentakes of *Manley*, *Corringham*, and *Aslacoe*, in the Parts of *Lindsey*, in the County of *Lincoln*, but that the same and all Estate, Franchise, Right, Title, and Interest of the said Commissioners shall continue as fully and effectually to all Intents and Purposes as if this Act had not been made; and except as aforesaid nothing herein or in the Acts incorporated herein contained shall be construed to authorize the Company or any of their Agents, Servants, or Workmen to alter, divert, or obstruct the Course or to diminish the Breadth, Depth, or Capacity of the Channel or Waterway of any River, Stream, Cut, Drain, or Watercourse within the Limits of the said Levels, or any other River, Stream, Sewer, Cut, Drain, or Watercourse through or by means of which the Waters of the said Levels pass to their respective Outfalls, or to destroy, diminish in Height or Width, weaken, injure, or interfere with any Banks, Bridges, Culverts, or other Works affecting the Drainage of the said Levels, without the Consent in Writing of the said Commissioners or their Clerk or Surveyor for the Time being for that Purpose first obtained.

Works of the Company affecting the Drainage to be done to the Satisfaction of the Commissioners of Sewers.

53. All the Works of the Company to be done within the Limits of the said Levels in the Construction and Maintenance of the said Waterworks, or in any Manner connected therewith, so far as the same may affect the Drainage or the several Works, Aids, or Defences of the said Levels, shall be done and completed to the reasonable Satisfaction of the Surveyor for the Time being of the said Commissioners of Sewers, and in case of any Difference of Opinion as to such Works between such Surveyor and the Engineer of the Company, then to the Satisfaction of some Third Engineer to be named by such Surveyor and the Surveyor for the Time being of the Local Board of Health of the District of *Gainsborough*.

Lands purchased by the Company not to be exempt

54. Nothing in this Act contained shall exempt any Lands, Tenements, and Hereditaments which may be taken or held by the Company, so far as concerns the Drainage and Preservation of the said Levels, from the Control, Survey, Order, Direction, and Management of

of the said Commissioners, nor from the Payment of any Drainage and other Rates, Taxes, and Impositions imposed or to be imposed by the said Commissioners to which such Lands, Tenements, and Hereditaments within the said Levels would have been subject to if this Act had not been passed. from Jurisdiction of Commissioners of Sewers.

55. If any Person shall sustain any Damage or Injury in his or their Lands by or in consequence of any lowering of or interference with the Bank of the River *Trent* or any other Banks, or any Bridges, Culverts, Sewers, Cuts, Drains, Watercourses, or other Works affecting the Drainage of the said Levels within the said Wapentake of *Manley*, *Corringham*, and *Aslacoe*, by reason of the Construction or Maintenance of the said Waterworks, or by or in consequence of any Defects in the same, or in any Manner connected therewith, then and in every such Case the Company shall and they are hereby required to make good such Damage, and to restore and make good such Banks, Bridges, Culverts, Sewers, Cuts, Drains, Watercourses, and other Works, to the reasonable Satisfaction of the said Commissioners of Sewers; and in case of any Difference as to such Works between the Surveyor of the said Commissioners and the Engineer of the Company, the same shall be referred to some indifferent Engineer to be nominated by such Surveyor and the Surveyor of the Local Board of Health of the District of *Gainsborough*. Company required to repair any specific Damage.

56. If at any Time after the said Waterworks shall have been completed any Obstruction or Injury shall be occasioned to the Drainage, or to any of the Works, Aids, and Defences of the said Levels, from the Construction or Maintenance of any Works of the Company, or from the working of the said Waterworks, or from the State in which any Part of the said Waterworks shall then be, the Company shall make good and repair such Injury immediately after the Discovery thereof, and shall also make full Compensation to the said Commissioners and to any Person who shall be aggrieved by reason of such Obstruction or Injury. Company to keep Works in repair and make good any Damage hereafter.

57. Nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of "The Public Health Act, 1848," or "The Local Government Act, 1858," or of any General Act relating thereto or to the Subject Matter thereof which may pass during the present or any future Session of Parliament. Company not exempt from Provisions of General Acts.

58. Nothing in this Act shall in any way alter, affect, annul, extinguish, defeat, release, abridge, prejudice, or destroy the Rights, Privileges, and Interests of "The *Gainsborough* Gas Company," save as the same may be affected by the due and lawful Exercise of the Powers of the Company of laying down Pipes for the Conveyance and Transmission For Protection of Gainsborough Gas Company.

Transmission of Water for the Purposes of this Act: Provided always, that any Alteration which it may be necessary to make in the Position of the Pipes of the *Gainsborough* Gas Company shall be horizontally and not vertically, and that so often as such Alteration may be required it shall be carried into execution and done by the Engineer or Servants of the *Gainsborough* Gas Company at the Costs and Expense of the Company.

Saving Rights of the Crown.

59. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of Lord of Manor.

60. Nothing in this Act shall in any way alter, affect, annul, extinguish, defeat, release, abridge, prejudice, or destroy the Rights, Privileges, and Interests of Sir *Henry Hickman Bacon* Baronet, the Lord of the Manor of *Gainsborough* aforesaid, or of the Lord for the Time being of the said Manor, save as the same may be affected by the due and lawful Exercise of the Powers of the Company for acquiring Lands and Easements and for constructing Reservoirs and laying down Mains and Pipes for the Conveyance and Transmission of Water for the Purposes of this Act.

Expenses of Act.

61. All the Costs, Charges, and Expenses of and attending the applying for, obtaining, and passing this Act, and incidental thereto, shall be paid by the Company.

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