CHAP. cxxxiii.

A.D. 1870.

An Act for enabling the Local Board of Health in and for the district of the borough of Reading to execute certain works for the Improvement of the Water Supply and Sewerage of the borough, and the Drainage of Lands in and adjoining thereto; and for other purposes.

[1st August 1870.]

WHEREAS the mayor, aldermen, and burgesses of the borough of Reading in the county of Berks are the local board of health in and for the district of that borough (herein-after called the Local Board):

And whereas by the Reading Local Board Waterworks Act, 1868, all the undertaking of the Reading Waterworks Company as therein defined (including the power to take water from the river Kennet, and including the powers conferred upon the said company by the Reading Waterworks Act, 1868,) was transferred to and vested in the Local Board, and the said company was dissolved and has ceased to exist, and the Local Board have now the sole power of supplying water within their district for public and private purposes:

And whereas the said river Kennet passes through very populous parts of the borough of Reading, and a considerable amount of sewage and other noxious and deleterious matter passes or flows into the said river both within the borough and at other places above the source of supply of the waterworks of the Local Board:

And whereas the Conservators of the River Thames have, under the powers for that purpose conferred upon them by the Thames Navigation Act, 1866, required the Local Board to discontinue the flow or passage of the sewage of their said borough into the river Kennet, and the Local Board have accordingly prepared and are proceeding to carry into effect a scheme for other disposition of the said sewage and its utilisation for irrigation and other purposes:

A.D. 1870.

And whereas the population of the said borough and the demand for water therein is rapidly increasing, and such demand could be more effectually provided for if the Local Board were empowered to deepen the bed or channel of the portions of the river Kennet and of the navigation or navigable channel which lie between and include the locks called respectively Fobney Lock and Blake's Lock, as the same are herein-after defined, and to execute the other works herein-after mentioned in connexion therewith:

And whereas there is a large area of land within and adjacent to the said borough of Reading, and abutting upon and lying near to the said river Kennet and the navigable channel and branches thereof respectively, which land, by reason of its being but slightly raised above the level of the water in the river and navigation, is liable to be frequently flooded, and is at times very damp and detrimental to the sanitary condition of the said borough:

And whereas the deepening of the channel of the river and navigation and the consequent lowering of the level of the water therein will facilitate the drainage of the said low lands, and will accordingly benefit the said borough and at the same time improve the value of those lands, and it is expedient that such provisions should be made as are herein-after contained for more effectually securing the completion of such drainage and the contribution by the owners of the lands drained towards the cost thereof and of the said works by this Act authorised:

And whereas Richard Benyon, of Englefield House in the county of Berks, Esquire, is or claims to be the tenant for life of a considerable portion of the said low lands, and in consideration of the benefit which such lands will derive from the deepening of the channel of the river and navigation he has agreed to contribute and pay to the Local Board the sum of five thousand pounds towards the cost of carrying out the works for that purpose upon having the repayment thereof secured in manner herein-after provided by a rentcharge upon the lands herein-after mentioned, and it is expedient that the Local Board should be empowered to receive and recover and apply such sum accordingly:

And whereas it is expedient that the Local Board on the one hand, and the Great Western Railway Company, who are now the proprietors of the Kennet and Avon Canal Navigation and of the Kennet Navigation, on the other hand, should be empowered to enter into and carry into effect agreements as herein-after provided with reference to the execution of the works by this Act authorised, so far as the same affect the said navigation, and for other purposes:

And whereas it is expedient that the Local Board should be empowered to raise money and to levy and apply rates and assessments for and towards the objects of this Act:

And whereas it is expedient that other powers, as herein-after mentioned, should be conferred upon the Local Board:

And whereas plans and sections relating to the objects of this Act, and plans showing the lands which the Local Board are by this Act authorised to acquire by compulsion, with a book of reference to such plans, have been deposited with the clerk of the peace for the county of Berks at his office at Abingdon, which plans, sections, and book of reference are herein-after referred to as the deposited plans, sections, and book of reference respectively:

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

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

Short title.

1. This Act may be cited for all purposes as "The Reading "Local Board Waterworks, Sewerage, Drainage, and Improvement "Act, 1870."

Provisions of general Acts herein named incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Waterworks Clauses Acts, 1847 and 1863 (except the clauses and provisions of the Waterworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit), are incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Public Health Acts or by the Acts wholly or partially incorporated herewith have the same respective meanings; and

The expression "the Local Board" means the Local Board of Health in and for the district of the borough of Reading in the county of Berks;

The expression "the river and navigation" means and includes those portions of the river Kennet which lie between Fobney Lock in the parish of Saint Giles, Reading, in the county of Berks, and Blake's Lock in the same parish and county, and all the cuts, canals, and channels which, together with the said

A.D. 1870.

river, form the navigation or navigable channel between those locks, and including the said locks and all the branches of the said river not forming part of the said navigation or navigable channel which communicate therewith between the same locks;

The expression "the Public Health Acts" includes the Public Health Act, 1848, and the several Acts passed prior to the year 1858 amending the same, and the Local Government Act, 1858, and the several Acts subsequently passed amending the same;

And the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Act to be executed by Local Board.

4. This Act shall be executed by the Local Board with the powers and indemnities and, so far as may be necessary for the execution of this Act, according to the provisions of the Public Health Acts, and those Acts shall, in relation to the Local Board and the several objects and purposes of this Act, be read and construed, subject to the provisions of this Act, as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Public Health Acts are expressly varied or otherwise provided for by this Act.

Power to Local Board to appoint committee.

5. The Local Board may from time to time appoint a committee for the execution of this Act, and the Local Board from time to time may remove any member of the committee and appoint any other member of the Local Board in his place, and from time to time may delegate to the committee such of the powers, authorities, and duties of the Local Board under this Act as they think fit, and the acts and proceedings of the committee within the limits of such delegation shall be deemed the acts and proceedings of the Local Board, and the quorum of such committee shall be three; and the Local Board may from time to time make such regulations as it thinks fit for the guidance of the committee, and the acts and proceedings of the committee shall from time to time be submitted to the Local Board for approval.

Power to construct works and take lands.

6. Subject to the provisions of this Act, the Local Board may execute the works herein-after described, and as regards the works

herein-after firstly, secondly, fourthly, and fifthly described, they shall execute the same in accordance with the deposited plans and sections, and they may for the purposes of those works from time to time enter upon, take, and use all or any of the lands shown upon the deposited plans and described in the deposited book of reference relating to such works respectively. The works which the Local Board are by this Act authorised to execute are as follows: A.D. 1870.

First, they may dredge and deepen the bed or channel of the river and navigation:

Secondly, they may also, so far as may be found necessary or expedient, alter, dredge, and deepen the bed and channel of the branches of the river Kennet not forming part of the navigation or navigable channel which communicate therewith between Fobney Lock and Blake's Lock aforesaid:

Thirdly, they may wholly remove Blake's Lock aforesaid and the weir, tumbling-bay, and flash lock connected therewith, and may alter and, if thought fit, remove, and upon such alteration or removal shall reconstruct, Fobney Lock aforesaid, and County Lock, in the said parish of Saint Giles, Reading, and the gates, basins, weirs, sluices, tumbling-bays, and other works and conveniences connected therewith respectively:

Fourthly, they may construct, lay down, and maintain a sewer, or a pipe or pipes, for the passage of sewage from the south end of Katesgrove Lane in Reading to a point upon the farm in the said hamlet of Whitley, known as Manor Farm, three hundred and sixty yards or thereabouts south-east of Manor Farm House:

Fifthly, they may construct, lay down, and maintain a conduit, aqueduct, or line of pipes, commencing by a junction with the navigation near Fobney Lock aforesaid, and terminating at and in the reservoir belonging to the Local Board known as Whitley Tank.

Defining the extent of deepening of bed of river Kennet.

7. The Local Board shall so execute the works firstly by this Act authorised that the level of the water of the river and navigation between Fobney Lock and County Lock shall be fifty feet six inches above the datum line shown on the deposited sections, and it shall not be lawful for the Local Board to use any of the lands by this Act authorised to be acquired for the purposes of sewage irrigation until they shall have executed such works in manner aforesaid.

Blake's Lock not to be removed

8. It shall not be lawful for the Local Board to remove or interfere with Blake's Lock aforesaid, and the weir, tumbling-bay,

A.D. 1870.

until the channel is deepened.

and flash lock connected therewith, until they shall have deepened, in accordance with the provisions of this Act, the bed or channel of the river and navigation.

Depth of water between Fobney Lock and Blake's Lock.

9. The Local Board in deepening and dredging the river Kennet between Fobney Lock and Blake's Lock shall so execute the works that there shall be a navigable depth of water therein of not less than four feet and six inches at all times.

Local Board not to interfere with bed of river Kennet, except according to deposited plans and sections.

10. Nothing in this Act contained shall authorise the Local Board to encroach upon or interfere with any part of the soil or bed of the river Kennet or the shores thereof within the jurisdiction of the Conservators of the River Thames at the time of the passing of this Act, except according to the deposited plans and sections, without first obtaining the consent of the Conservators of the River Thames.

Nothing in this Act to exempt Local Board from proceedings for nuisance, &c.

11. Nothing in this Act shall exonerate the Local Board from any indictment, action, or other proceeding for nuisance or damages in the event of any nuisance being caused by them in the construction or use of the work fourthly by this Act authorised, or in conveying or disposing of the sewage or refuse from sewers by means of the said work, or in any other manner, or of any damage occurring from the want of repair of the said work or of any part thereof.

As to purchase by the Local Board of Saint Giles's Mill.

12. The Local Board, if within three months after the passing of this Act required in writing so to do by the owner or owners thereof for the time being, shall purchase from such owner or owners the mill on the river Kennet known as Saint Giles's Mill, with the machinery, water power, lands, messuages, rights, hereditaments, and easements thereto belonging or held therewith, and all the estate, right, title, and interest of such owner or owners therein and thereto (including the goodwill of the business now carried on thereat), and if the Local Board and such owner or owners as aforesaid cannot agree upon the amount of the purchase money, the same shall be ascertained by arbitration under the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement.

Incorporation of parts of Railways Clauses Act.

13. The provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, except in so far as the same are expressly modified by or inconsistent with

this Act, are incorporated with this Act; and the expression "the company" in those provisions shall mean for the purposes of this Act the Local Board, and the expression "the railway" shall mean any part of the river and navigation or any ditch or drain proposed to be deepened by the Local Board under the authority of this Act: Provided always, that the powers of the said Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands shall not be exercised, except within a distance not exceeding fifty yards from the centre of any such part of the river and navigation or any such ditch or drain respectively.

Extending certain provisions of 10 & 11 Vict. c. 17.

14. The provisions of the Waterworks Clauses Act, 1847, with respect to the construction of the waterworks shall extend and apply as well to the works firstly, secondly, thirdly, and fourthly as to the work fifthly by this Act authorised.

Powers of deviation from line and levels.

15. In executing the works fourthly and fifthly by this Act authorised the Local Board may deviate from the lines thereof as shown on the deposited plans relating thereto respectively to any extent not exceeding twenty feet, and may deviate from the levels thereof as shown on the deposited sections relating thereto respectively to any extent not exceeding five feet.

Period for completion of works.

16. If the several works by this Act authorised are not completed within five years after the passing of this Act, then on the expiration of that period the powers of the Local Board under this Act for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed: Provided always, that, subject to the provisions of this Act, the Local Board may from time to time alter, enlarge, and extend their engines, machinery, wells, boreholes, waterwheels, tanks, filtering beds, mains, and pipes in such way and manner as shall be necessary for supplying water within their district.

Power to alter Saint Giles's Mill.

17. The Local Board may and shall, with the consent and at the request of the owner for the time being of the mill on the river Kennet known as Saint Giles' Mill, make such alterations in the waterwheels, works, and machinery of the said mill as the deepening of the channel of the river Kennet by this Act authorised may render necessary in order to place the said mill in as efficient working condition as the same would have been in if such deepening had not been effected, and if any difference shall arise between such owner and the Local Board as to the nature and extent of the alterations so to be made by them, the same shall be settled in the manner provided by the Companies Clauses Consolidation Act, 1845,

A.D. 1870.

with reference to the settlement of disputes by arbitration, and in case two arbitrators are appointed and they refuse or neglect to appoint an umpire as provided by that Act such umpire shall be appointed by the Board of Trade.

Local Board not to take greater quantity of water from the river Kennet.

18. Nothing in this Act contained shall authorise the Local Board to take from the river Kennet any greater quantity of water than they were before the passing of this Act authorised to take from the said river, and all the provisions in any Act of Parliament which regulate the quantity of water which may be taken by the Local Board from the said river shall remain as valid and effectual as if this Act had not passed.

Power to take Manor Farm and adjoining lands.

19. In addition to the lands which the Local Board are by this Act authorised to enter upon, take, and use for the purposes hereinbefore described they may from time to time enter upon, take, and use all or any of the lands, houses, and buildings known as Manor Farm, and certain other lands, houses, and buildings adjoining or near thereto, and which are respectively shown on the deposited plans and described in the deposited book of reference respectively relating thereto.

Power to sell any parts of Manor Farm and adjoining lands not required to be retained.

20. The Local Board may from time to time, if they think fit, sell and dispose of, either for a sum in gross or in consideration of an annual rentcharge, or by way of exchange, or partly in one mode and partly in another, and generally in such manner and on such terms and conditions as they think fit, all or any part of the said lands from time to time acquired by them under the last-mentioned section of this Act, and which the Local Board shall no longer have occasion to retain or shall not have used for the purposes of sewage irrigation or other purposes of this Act: Provided that the Local Board shall not sell or dispose of any such lands under the powers of this section without first offering to sell the same to the respective vendors thereof.

Right of pre-emption to be claimed within six weeks after offer of sale.

Declaration before justice evidence that such offer was made.

21. If any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they shall signify their desire in that behalf to the Local Board, or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease, and a declaration in writing made before a justice by some person not interested in the matter in question stating that such offer was made and was refused, or not accepted within six weeks from the time of making the same, or that the person or all the persons

entitled to the right of pre-emption were out of the country, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

Differences as to price to be settled by arbitration.

22. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the Local Board do not agree as to the price thereof, then such price shall be ascertained by arbitration in the manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, for settling cases of disputed compensation.

Tenancies of sewage lands to be determinable by notice in case of nuisance.

23. The Local Board shall not let any of the lands acquired by them under the powers of this Act whilst the same are used by them for the purposes of sewage irrigation for any term of years not determinable by a notice expiring at a period not longer than a year from the date of such notice whenever in the opinion of the Local Board the land is so used as to create or to be likely to create a nuisance, or shall be adjudged by two justices to be so used.

Local Board to compensate owner of Whitley Grove estate.

24. The Local Board shall pay to the owner of the Whitley Grove estate compensation, to be assessed in case of difference in manner provided by the Lands Clauses Consolidation Act, 1845, for all residential or other damage, if any, which shall be caused by the execution of any of the powers of this Act.

Powers for compulsory purchases limited.

25. The powers of the Local Board for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Power to acquire additional lands by agreement.

26. In addition to the lands which the Local Board are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act, but subject to the provisions of this Act, from time to time by agreement purchase in fee, either absolutely or in consideration of any yearly or other rent, or take on lease, any additional quantity of land not exceeding in the whole thirty acres, or any easement or right in or over such additional lands which they may from time to time think requisite for any of the purposes of this Act.

Owners may grant easements.

27. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell or convey or lease lands shall, subject to the provisions of those Acts respectively, have full power to grant to the Local Board in fee, either absolutely or in

A.D. 1870.

consideration of any yearly or other rent, any lands or any easement, right, privilege, power, or authority in, over, or affecting any lands by this Act authorised to be purchased by the Local Board compulsorily or by agreement, and which the Local Board from time to time think requisite for any of the purposes of this Act.

Application of 23 & 24 Vict. c. 106. to easements.

28. For the purposes of this Act the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Power to stop up and appropriate Minster Millstream.

29. And whereas the stream known as Minster Millstream in the borough of Reading was formerly but is no longer used as a millstream, and has become and is a nuisance and prejudicial to health: Therefore the Local Board may, with the consent in writing of the owner or owners for the time being of the said stream, stop up the said stream and appropriate the bed or soil thereof, and may fill up or otherwise deal with or dispose of the same in such manner as they shall think fit, and all existing rights (if any) in and over the said stream shall thereupon cease and be extinguished.

Power to use part of towing-path.

30. The Local Board from time to time and at all times, for the purpose of obtaining access to all or any part of the Manor Farm, and the lands, houses, and buildings adjoining or near thereto, which they may acquire under the authority of this Act, may pass over and use with their carts, horses, and servants that part of the towing-path in the borough of Reading on the west side of the Kennet Navigation which lies between the southern boundary of the borough and Willow Street in Reading.

Providing for payment of 5,000*l.* by Richard Benyon, Esquire.

31. The sum of five thousand pounds which Richard Benyon, Esquire, has agreed to contribute and pay towards the cost of the execution by the Local Board of the works firstly and secondly by this Act authorised shall be paid to the treasurer for the time being of the Local Board by the said Richard Benyon, his executors or administrators, not later than three calendar months after the delivery to him or them of a certificate under the seal of the Local Board, and the hand of their surveyor, that the said works have been duly executed in accordance with this Act; and if the said sum be not paid within the period herein-before stated the same may be recovered by the Local Board from the said Richard Benyon, his executors or administrators, by action or other proceeding in any court of competent jurisdiction: Provided that if within one calendar

month after the delivery of the said certificate the said Richard Benyon, his executors or administrators, gives notice in writing to the Local Board that in his or their opinion the said works have not been duly executed in accordance with this Act, then the question of the due execution of the said works shall be referred to and determined by an engineer to be agreed upon by the said Richard Benyon, his executors or administrators, and the Local Board, or, failing agreement, such question shall be determined on the application of either party by one of the inspectors acting under the "Local Government Act, 1858," to be nominated for that purpose by one of Her Majesty's Principal Secretaries of State, and the Local Board shall thereupon make, do, and complete all such alterations, acts, matters, and things as the said engineer or inspector, as the case may be, shall decide to be necessary for the due execution of the said works in accordance with this Act, and in such case the said sum of five thousand pounds shall not be recoverable by the Local Board until the expiration of three calendar months next after the said engineer or inspector, as the case may be, shall have certified the due execution of the said works in the manner required by him.

Application of 5,000*l.* contribution by Richard Benyon, Esquire.

32. The sum of five thousand pounds to be contributed and paid by Richard Benyon, Esquire, his executors or administrators, to the Local Board under the provisions of this Act shall when received be applied towards payment of the cost of executing the works firstly and secondly by this Act authorised, if and so far as the same shall not then have been defrayed by the Local Board, or if the same shall have been wholly defrayed by the Local Board, then such sum of five thousand pounds shall be applied in the reduction of the principal moneys borrowed by the Local Board for the purposes of this Act and then remaining due and unpaid.

Creating charge of 318*l.* 4*s.* 8*d.* per annum on lands of Richard Benyon in his favour.

33. In consideration of the payment by the said Richard Benyon of the said sum of five thousand pounds, the lands mentioned in Schedule (D.) to this Act, and the fee simple and inheritance thereof, except such portion of the said lands as may be acquired by the Local Board under the authority of this Act, are hereby charged with the payment to the said Richard Benyon, his executors, administrators, and assigns, of the yearly sum of three hundred and eighteen pounds four shillings and eightpence, payable in equal portions half-yearly for the term of twenty-five years, and being a proportionate repayment of the said sum of five thousand pounds with interest at four pounds per centum per annum, the first of such half-yearly payments to be made on the expiration of six calendar months next after the payment by the said Richard Benyon, his

A.D. 1870.

executors or administrators, to the Local Board of the said sum of five thousand pounds, and the subsequent half-yearly payments to be made at the end of each succeeding six months.

Tenants for life to keep down rent-charges.

34. The said Richard Benyon, and every succeeding tenant for life, tenant in tail, and other person having a limited interest in the said lands by this Act charged with the said yearly payment, shall, as between himself and the persons in remainder or reversion, be bound to pay the half-yearly payments of such charge which shall become payable during the continuance of his interest; and, in case he be in the actual occupation or entitled to an apportioned part of the rents and profits of such lands up to the time of the termination of his interest, he shall also be bound to pay an apportioned part of the half-yearly payment of such charge which shall become due next after the termination of his interest proportional to the time which elapsed between the day for the previous half-yearly payment and the day of such termination: Provided that no person becoming entitled in possession to any estate or interest in the said lands shall be liable, as between himself and the persons entitled to the said charge, to pay any arrears of the charge remaining unpaid at the time of his becoming so entitled in possession beyond the amount of one half-yearly payment of such charge: Provided also, that the amount paid by any person in respect of such arrears, and any costs occasioned by nonpayment thereof, shall be a debt from the person who in the first instance ought to have paid the same, or from his estate to the person who paid the same, and shall be recoverable accordingly.

Richard Benyon to have charge for sums from time to time unrepaid with priority over future incumbrances.

35. From the date of the payment of the said sum of five thousand pounds, the said Richard Benyon, his executors, administrators, and assigns, shall have a charge on the said lands so charged as aforesaid for the said half-yearly payments, or such of them as shall from time to time remain undischarged, but subject to all charges and incumbrances affecting such lands at the time of the passing of this Act.

Yearly charge to be personal property.

36. The yearly charge by this Act created shall, as regards the holder thereof for the time being, be deemed to be personal property, except that any holder of such charge who shall desire to extinguish the same by reuniting it to the lands charged shall have power for that purpose to direct by any deed that it shall be reunited to and merge in the beneficial interest in the said lands as if it were of the same nature and tenure therewith.

Rentcharge to be recoverable as

37. The yearly charge by this Act created may be recovered by the said Richard Benyon, or other the person for the time being

entitled to the same, by the same means and with the like powers and in like manner in all respects as a rentcharge in lieu of tithes would be recoverable if charged on the same lands under the Act of the seventh year of King William the Fourth for the commutation of tithes in England and Wales, and the several Acts passed for amending the same, and as if such yearly charge by this Act created were a rentcharge in lieu of tithes made payable to the said Richard Benyon or to such other person as aforesaid under the said Act.

tithe rentcharge.

38. The Local Board from time to time may agree with any person or persons being the owner or owners of any of the drainage lands for and with respect to the payment by such owner or owners by way of contribution towards the cost of the works firstly and secondly by this Act authorised, and of the drainage of his or their lands, of such gross or annual sum or sums of money as may be agreed upon; and the Local Board may and they are hereby empowered, notwithstanding anything in this Act to the contrary, to release and discharge the owner or owners making such payment, and the present and future lessees, occupiers, and tenants of the drainage lands in respect of which such payment is made, or any part thereof, from all liability to the payment of all or any drainage rate authorised by this Act to be demanded: Provided always, that every sum of money so received by the Local Board shall be applied to the following purposes, and to no other purpose whatever, that is to say, in payment of the cost of executing the said works respectively, if and so far as the same shall not then have been defrayed by the Local Board, or if the same shall have been wholly defrayed by the Local Board, then such sum of money shall be applied in the reduction of the principal moneys borrowed by the Local Board for the purposes of this Act and from time to time remaining due and unpaid.

Power to agree with owners of lands in drainage district.

39. For the purpose of more effectually draining any lands in the parishes of Burghfield, Shinfield, Saint Giles Reading, and Saint Mary Reading, in the county of Berks, which may admit of being more effectually drained by reason of the execution of the works firstly and secondly by this Act authorised, or any of them, and which lands are in this Act referred to as "the drainage lands," the Local Board may from time to time deepen all or any of the ditches and drains within such lands respectively to such an extent as may be necessary for the purpose aforesaid: Provided that as regards any of the drainage lands of which Richard Benyon, Esquire, is now the tenant for life, it shall not be lawful for the Local Board to execute

Power to deepen ditches and drains.

A.D. 1870.

any drainage works within such lands without the previous consent in writing of the said Richard Benyon or other the person or persons for the time being entitled to the rents and profits of such lands.

Power to make new drains with consent.

40. The Local Board may also, with the consent of the owner thereof respectively for the time being, open and make in and upon any of the drainage lands any new ditches or drains for the purpose of more effectually draining such lands: Provided that no such new ditch or drain made under the authority of this Act shall be more than eleven feet in width at the bottom.

Assessment for ascertaining payments to be made by owners of drainage lands.

41. For the purpose of determining the amount to be contributed by the owners of the drainage lands respectively towards the execution as well of the drainage works as of the works firstly and secondly by this Act authorised, the Local Board, when and so soon as they shall have completed the works firstly and secondly by this Act authorised, and when and so soon as they shall have completed any works for the drainage of any of the drainage lands under the authority of this Act (and which last-mentioned works are hereinafter referred to as "drainage works"), as the case may be, shall direct a surveyor or other competent and impartial person, not being an agent or officer of the Local Board, and not being interested in any of the lands to be assessed, or an agent or officer of a person so interested, to make an assessment in writing containing the names of the owners of all the lands to be thereby assessed for the purposes of this Act, and also containing, by reference to a numbered plan to be thereto annexed, a description of the lands so to be assessed, and of the extent thereof belonging to each such owner; and such assessor shall divide such several lands into classes according to the different degrees of benefit which in his judgment the lands respectively will derive from the drainage works executed by the Local Board (having regard to the special cost thereof), and from the execution by the Local Board of the works firstly and secondly by this Act authorised; and he shall fix and assess the probable or actual additional annual value, for the purposes of rating the same under this Act, of those lands respectively: Provided always, that as regards any of the drainage lands of which Richard Benyon, Esquire, is now the tenant for life, and any other of the drainage lands which the said Richard Benyon may acquire as tenant for life prior to the execution on such lands by the Local Board of any drainage works, it shall not be lawful, for the purposes of rating the same under this Act, to estimate or to fix or assess any probable or actual additional annual value as derived by the said lands respectively from the execution by the Local Board of the works firstly and secondly by this

Act authorised, but only such probable or actual additional annual value as the said lands respectively, in the judgment of such surveyor or other person aforesaid, will derive from any drainage works executed by the Local Board (having regard to the special cost of such drainage works), it being the intention of this Act that the payment of the said sum of five thousand pounds, as herein-before provided, by the said Richard Benyon, his executors or administrators, shall exonerate the said lands from any further contribution or payment, by means of the drainage rate or otherwise, towards the execution of the works firstly and secondly by this Act authorised.

Notice of assessment.

42. A copy of the draft of any assessment to be made under this Act when so made shall be deposited at the office of the clerk to the Local Board, or in some convenient place in the borough of Reading, and notice shall be given by advertisement twice in some newspaper published therein that the said draft has been so deposited for the inspection of all persons affected thereby, and calling upon all persons affected thereby to state their objections thereto, if any, within a time to be named in such notice, not exceeding one calendar month from the last publication of such notice.

Power of appeal.

43. If any person shall deny his liability to be assessed or charged under this Act, or shall think himself aggrieved by reason of the amount assessed or charged upon his lands as aforesaid, it shall be lawful for him to appeal to the Court of Quarter Sessions of the borough of Reading at any time within three calendar months next after the last publication of the said notice of the deposit of the draft assessment, on giving to the Local Board or their clerk one month's previous notice in writing of such appeal and of the grounds thereof; and it shall be lawful for the justices not interested in the premises in such sessions assembled to hear the matter of every such appeal, and at the same or any adjourned Court of Quarter Sessions of the borough of Reading to make such order therein to confirm or amend the assessment or strike out the name of any persons therefrom, and also to award such damages and make such order concerning the costs, as to them shall seem reasonable, and the costs and damages which shall be so awarded shall be levied by distress, and the said justices shall issue their warrant accordingly, and in case any such appeal shall appear to the said justices to be frivolous, vexatious, or without foundation, they shall award such costs to be paid by the appellant as to them shall seem reasonable, and such costs shall be levied in manner aforesaid, and the decision of the Court shall be final and conclusive on all parties.

Assessment to be filed.

44. The said assessment when so finally settled after such appeal as aforesaid, or (if there be no appeal within the time prescribed as aforesaid) as made and published by the Local Board in manner hereby directed, shall be fairly written or engrossed on parchment, and shall be sealed by the Local Board, and the same, with the plan thereto annexed, which plan shall also be sealed by the Local Board, shall be deposited with and kept by the clerk to the Local Board for the inspection of all persons interested therein, and shall be admissible in evidence in all courts and by all judges, justices, and others.

Power to levy drainage rate.

45. When and so soon as any assessment has been filed as hereinbefore provided, the Local Board may in each year, during the period of thirty years from the filing of such assessment, assess, levy, and charge upon the drainage lands thereby respectively assessed a yearly rate, to be called "the drainage rate," not exceeding in any one year four per centum upon a gross sum equal to twenty years purchase of the additional annual value, as fixed by such assessment, which such lands will acquire from the execution by the Local Board of the works firstly and secondly by this Act authorised, and of the drainage works executed by the Local Board, and such further sum as shall be sufficient, within a like period of thirty years, to produce by means of a sinking fund a sum equal in amount to such gross sum, and the Local Board shall set apart and accumulate in the way of compound interest, by investing the same in the purchase of Exchequer bills or other Government securities, a like amount of the yearly rate so assessed, and shall apply the same in paying off moneys borrowed under the authority of this Act to the extent of such gross sum.

Form of assessment of drainage lands.

46. The assessment of any drainage lands made under this Act may be in the form specified in the Schedule (A.) to this Act annexed, or to the like effect.

Occupiers to pay drainage rate and deduct same from rent.

47. The occupiers of any drainage lands rated under this Act shall pay the drainage rate assessed thereon, and may deduct the amount so paid out of the rents payable by them, and the owners or lessees of the land shall allow the deductions out of the rents, and every such occupier shall accordingly be discharged of so much money as the drainage rate so paid by him amounts to, as if the same were actually paid to the owner or lessee as landlord; provided that this enactment shall be without prejudice to any agreement already or hereafter made between landlord and tenant.

No beneficial lessee for four years

48. Provided that no occupier of any drainage lands rated under this Act who is lessee thereof under any beneficial lease for lives, or

under any lease or agreement for a term of years, of which at the time appointed by the Local Board for the commencement of any drainage rate four years or more are unexpired, shall be entitled to deduct the amount of the drainage rate paid by him out of the rent reserved by his lease or agreement.

unexpired to deduct drainage rate from rent.

49. Where any drainage lands rated under this Act are unoccupied at the time of making any drainage rate, the owner thereof shall pay the amount of such drainage rate thereon.

Owners of unoccupied lands to pay rates.

50. Where any person liable to pay any drainage rate under this Act fails to pay any such rate due from him for thirty days after being required to pay the same by demand in writing under the hand of the clerk to the Local Board, a justice may, after the person in default has been duly summoned, issue a warrant of distress, and the bailiff or other person to whom the warrant is addressed may and shall seize and distrain any goods or chattels of the person so failing being on his lands in respect of which such drainage rate is payable, and the distress may be impounded, sold, replevied, dealt with, and disposed of as in case of distress for rent in arrear on lease for years, and the surplus, if any, arising from the sale of any such goods and chattels, after paying thereout the drainage rate and the expenses of the distress and sale, and the unsold goods and chattels, if any, shall be returned on demand to the person whose goods are distrained.

Drainage rates to be recovered by distress.

51. Where no sufficient distress for levying the drainage rate and expenses can be found on the drainage lands rated thereto, then those lands shall remain a security for payment thereof, and all goods and chattels from time to time thereafter found thereon may be distrained, dealt with, and sold as by this Act provided with respect to the original distress, until all arrears of the drainage rate and expenses, and the expenses of every further distress, and all other costs and charges incurred by reason of the nonpayment of the drainage rate, are fully paid and satisfied.

Lands to remain liable if no distress found.

52. Where any drainage rate under this Act, or any part thereof, is not paid within thirty days after it becomes payable, the Local Board may recover such rate and all penalties for nonpayment thereof by action or other proceeding in any court of competent jurisdiction against the person or any of the persons liable to pay the same.

Rates may be recovered by action.

53. When and so soon as the Local Board have completed and opened for public traffic the alteration or diversion of the western end of King's Road in the parish of Saint Lawrence, Reading, now

Power to stop up and appropriate portion of King's Road.

A.D. 1870.

being made by them, they may stop up and discontinue as a public thoroughfare the portion of the said road shown on the deposited plan relating thereto as intended to be stopped up, and may appropriate the site and soil thereof to the purposes of the Local Board, or otherwise dispose of the same, as they may think fit, and thereupon all rights of way and other rights in and over the said portion of road, and the site and soil thereof, shall absolutely cease and determine.

Power to stop up portion of Vastern Footpath.

54. When so soon as the Local Board have completed and opened for public traffic the new road or street, and alterations of roads or streets, now in course of construction for affording communication between Station Road and Vastern Street, and between Vastern Street and Vastern Road or Footpath, in the parish of Saint Lawrence, Reading, they may stop up and discontinue as a public thoroughfare so much of the public highway and footpath known as Vastern Lane, Road, or Footpath as extends for a distance of two hundred yards in a northerly direction from the junction thereof with the said new road or street, and thereupon all rights of way and other rights in and over the said portion of lane, road, or footpath shall absolutely cease and determine.

Power to make agreements with Great Western Railway Company.

55. The Local Board on the one hand, and the Great Western Railway Company on the other hand, may from time to time enter into and carry into effect agreements with reference to the mode of execution by the Local Board of the works by this Act authorised, so far as the same affect the Kennet and Avon Canal Navigation and the Kennet Navigation, and with respect to the execution by the Local Board of such other works for the protection of the said company and the said navigation as may be found desirable, and with respect to the stopping up of Vastern Lane, Road, or Footpath, and the construction and alteration of new roads and other works in connexion therewith and in relation thereto.

Nothing deemed to legalise nuisances or affect any remedy which Local Board at present have.

56. Nothing in the provisions of this Act relative to the flow or passage of sewage, or of any matter aforesaid, shall be deemed to legalise or permit any nuisance, or shall take away or prejudicially affect any remedy or right which the Local Board, or any person or body, would or might have had or exercised if this Act had not been passed, as against the person or body for the time being causing or suffering the flow or passage thereof.

Improvement rates for expenses of executing Act.

57. For defraying the expenses of the several works by this Act authorised, and of otherwise carrying the powers and provisions of this Act into execution, the Local Board from time to time, when and so often as occasion shall require, and according to the powers,

provisions, and restrictions of "the Public Health Acts," may make and levy a rate, to be called "the improvement rate," upon the owners and occupiers of all kinds of property within their district for the time being assessable under "the Public Health Acts" to the general district rate: Provided always, that the Local Board shall not under the powers of this Act levy in any one year improvement rates exceeding in the whole two shillings in the pound on the full net annual value of the rateable property in the district.

Provisions as to general district rates to apply to improvement rates.

58. The several powers and provisions of "the Public Health Acts," with respect to the making, levying, collection, and recovery of general district rates, and with respect to exemptions and limitations, shall extend and apply to the improvement rates under this Act.

Improvement rates may be collected with general district rates.

59. For the purpose of diminishing the expenses of assessing, making, levying, and collecting any improvement rate under this Act the Local Board may include the same in any general district rate under "the Public Health Acts," and may make, levy, collect, and recover the same as part of any general district rate.

Amount of rate to include expenses of recovering it.

60. The amount of any improvement rate under this Act may, if the Local Board think fit, be such an amount as in their judgment will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Improvement rate may be recovered by action.

61. Whenever any person neglects to pay any improvement rate due to the Local Board, the Local Board may recover the same, with all costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the Local Board under this enactment shall be in addition to their other remedies for the recovery of such rate.

Power to borrow.

62. For the purposes of this Act the Local Board may from time to time borrow, under the authority and by virtue of this Act, in addition to any moneys they have borrowed or are authorised to borrow under the authority and by virtue of "the Public Health Acts," at interest on the security of any lands acquired by the Local Board under the authority of this Act, and of the improvement and drainage rates by this Act authorised to be levied and taken, and as a collateral security of their general district rates, such sums as they from time to time think requisite, not exceeding in the whole sixty thousand pounds, and they may grant mortgages of the said lands and of the said improvement, drainage, and

A.D. 1870.

general district rates accordingly, and after having paid off, otherwise than by a sinking fund, any moneys so borrowed they may re-borrow the amount so paid off, and so toties quoties: Provided always, that the mortgages granted by the Local Board under this Act shall be without prejudice to any mortgages granted by the Local Board under "the Public Health Acts," and "The Reading Local Board Waterworks Act, 1868," respectively, on the security of the general district rates before the passing of this Act, and from time to time after the passing of this Act while the same respectively are in force: Provided also, that the mortgages granted by the Local Board under this Act and the transfers thereof may be according to the forms in Schedules (B.) and (C.) to this Act annexed, or to the like effect.

Arrears may be enforced by appointment of a receiver.

63. The mortgagees of the Local Board under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

As to paying off mortgages.

64. The moneys to be borrowed under this Act may be borrowed for such time, not exceeding fifty years, as the Local Board determine in each case, and the Local Board shall either pay off the moneys borrowed by them under the authority of this Act by equal annual instalments, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest, by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will be sufficient to pay off the moneys so borrowed or a part thereof respectively, at such times as the Local Board may determine.

Expenses of executing this Act not otherwise provided for charged on general district rates.

65. All money borrowed by the Local Board under the authority of this Act on the security of the general district rates, and the interest thereof, and all expenses incurred by the Local Board in carrying this Act into execution or incidental thereto, so far as the said money, interest, and expenses are not otherwise expressly provided for by this Act or defrayed out of the moneys from time to time carried to the credit of the improvement account herein-after mentioned, but no further, are hereby charged on the general district rates, as if the same were expenses charged on and payable out of the money levied by means of such rates under "The Public Health Act, 1848," and may be lawfully advanced and paid thereout.

Local Board to keep separate improvement account.

66. For the purposes of this Act the Local Board shall keep a distinct and separate account, to be called "the improvement account," of all their receipts, credits, payments, and liabilities under this Act with respect to the execution thereof.

Certain moneys borrowed under this Act to be deemed to be moneys borrowed under the Reading Local Board Waterworks Act, 1868.

67. And whereas the execution by the Local Board of the works firstly, secondly, and fifthly by this Act authorised will to a considerable extent render unnecessary the construction of the works authorised by "The Reading Waterworks Act, 1868," the cost of which was under the provisions of "The Reading Local Board Waterworks Act, 1868," to be defrayed out of moneys by that Act authorised to be borrowed by the Local Board on the security of their waterworks: Therefore any moneys borrowed by the Local Board under the authority of this Act, and expended by them in and upon the execution of the works firstly, secondly, and fifthly by this Act authorised, to the extent of not exceeding five thousand pounds, shall be deemed to be moneys borrowed by the Local Board under the authority of "The Reading Local Board Waterworks Act, 1868," and to the extent of the moneys so from time to time borrowed and expended under the authority of this Act (not exceeding the said sum of five thousand pounds) the powers of the Local Board of borrowing money under the authority of the former Act shall cease and determine.

General district rates to include money required by Local Board under this Act.

68. The Local Board from time to time, in estimating the amount required to be raised by means of a general district rate for the purposes of their district, and in making such rate, shall include the money, if any, for the time being required by the Local Board to be raised out of the general district rates for the purposes of and under the provisions of this Act in one and the same rate and assessment as the money authorised to be levied by "The Public Health Act, 1848," by means of general district rates, and shall collect the same as part thereof, as if the same were expressly charged by that Act on those rates.

Application of moneys borrowed.

69. All moneys borrowed under the authority of this Act shall be applied by the Local Board only as follows:

First, in payment of the whole or such part as the Local Board think fit of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto:

Secondly, in the construction of the several works, including drainage works, and in the purchase of lands, by this Act respectively authorised:

Thirdly, in the exercise of the powers of this Act with respect to the paying off of moneys borrowed and of re-borrowing.

A.D. 1870.

Application of other moneys.

70. All moneys from time to time received from "the improvement rate," and all other rates, rents, revenue, and moneys under this Act carried to the credit of the improvement account, except where otherwise provided by this Act, shall be applied by the Local Board as follows:

First, in payment of such part, if any, as the Local Board think fit of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto:

Secondly, in payment of the interest on the moneys from time to time borrowed by the Local Board under this Act:

Thirdly, in carrying into execution the several purposes of this Act:

Fourthly, in providing the sinking fund by this Act required:

Fifthly, in payment of any charges or expenses for the time being payable out of the general district rate of the district, or otherwise for the public benefit of the inhabitants and the improvement of the district.

Not to affect powers of Local Board under Public Health Acts.

71. Nothing in this Act contained shall take away, prejudice, or affect the powers of the Local Board under the provisions of "the Public Health Acts" and any supplemental Acts, or "The Reading Local Board Waterworks Act, 1868," of making any general or special district, water, highway, or other rates for the purposes of such Acts or any of them.

Recovery of moneys by Local Board.

72. All rates and sums due to the Local Board on any account whatsoever under this Act, and all costs, damages, penalties, and expenses by this Act directed to be paid to them, may be ascertained, levied, and recovered respectively, and proceedings for the recovery thereof may be taken in the name of any officer of the Local Board, and the remedies of the Local Board under this enactment shall be in addition to the other remedies for the recovery of any such rates, sums, costs, damages, forfeitures, penalties, and expenses respectively.

Contents of summons or warrant.

73. Any summons, warrant, notice, demand, or other process issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Provisions of 29 & 30 Vict. c. 89. (*Pub.*) extended to this Act.

74. The several provisions of "The Thames Navigation Act, 1866," with respect to the pollution of water shall be held to apply to this Act.

Saving rights of the Conservators of

75. Except as herein expressly provided, nothing in this Act contained shall extend or be construed to extend to prejudice or

derogate from the estates, rights, interests, liberties, privileges, or franchises of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the said conservators did or might lawfully claim, use, or exercise.

Saving rights of Local Board.

76. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, or prejudice any of the estates, rights, powers, or privileges of the Local Board.

Expenses of Act.

77. The costs, charges, and expenses of and preliminary and incidental to the preparing, obtaining, and passing of this Act shall be paid by the Local Board.

A.D. 1870.

SCHEDULES.

SCHEDULE (A.)

FORM OF ASSESSMENT.

We, the Local Board of Health in and for the district of the borough of Reading in the county of Berks, acting under "The Reading Local Board Waterworks, Sewerage, Drainage, and Improvement Act, 1870," at a meeting held on the day of 18 , at of the clock in the [forenoon] at in the borough of Reading, do hereby assess, rate, and charge the lands specified in the annexed schedule, and therein distinguished by the numbers by which the same lands are distinguished on the annexed plan, called "the Reading drainage lands plan," and the names of the respective owners and occupiers of which lands, so far as they are known to us, are set forth in that schedule with the several sums assessed in respect thereof.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Reading in the county of Berks, as and being the Local Board of Health in and for the district of that borough, this day of in the year of our Lord 18 .

SCHEDULE ABOVE REFERRED TO.

Occupier.	Owner.	Parish or Place.	No. on Plan.	Description of Lands.	Extent of Lands.	Class.	Additional annual Value.

SCHEDULE (B.)

FORM OF MORTGAGE.

The Reading Local Board Waterworks, Sewerage, Drainage, and Improvement Act, 1870.

Mortgage No. . £ _____.

By virtue of the above-mentioned Act the Local Board of Health in and for the district of the borough of Reading in the county of Berks, in consideration of pounds paid to the treasurer of the said district by *A.B.* of for the purposes of the above-mentioned Act, do grant to him, his executors,

administrators, and assigns, the interest of the Local Board in the lands acquired by the Local Board under the said Act, and in the improvement rates and drainage rates under the said Act, and in the money to be received in respect thereof [and also, if the Local Board think fit, as a collateral security the general district rates of the Local Board], to hold until the said sum of pounds, with interest at the rate of pounds per centum per annum for the same, shall be fully paid and satisfied. And it is hereby declared that the said principal sum shall be paid on the day of at [*place of payment*].

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Reading in the county of Berks, as and being the Local Board of Health in and for the district of that borough, this day of in the year of our Lord .

SCHEDULE (C.)

Form of Transfer of Mortgage.

The Reading Local Board Waterworks, Sewerage, Drainage, and Impro vement Act, 1870.

I, *A.B.*, of in consideration of pounds paid to me by *C.D.*, of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, the mortgage No. granted on the day of by the Local Board of Health in and for the district of the borough of Reading in the county of Berks under the above-mentioned Act for securing the sum of and interest [*or, if the transfer be by indorsement*, the within-written security], and all my right and interest in and under the same.

As witness my hand and seal this day of .

SCHEDULE (D.)

All those lands situate in the parish of Shinfield in the county of Berks known as Hartley Manor Farm, in the occupation of William Coldicutt, and containing two hundred and fifty-eight acres and fifteen perches or thereabouts.

All those lands situate in the said parish of Shinfield being part of Arbor Farm, in the occupation of Arnold Lainson, and containing twenty-seven acres one rood and thirty-nine perches or thereabouts.

A.D. 1870.

All those lands situate in the parish of Burghfield in the said county of Berks, in the occupation of the said Arnold Lainson, being other part of Arbor Farm aforesaid, and comprising the lands known as Anmers Farm, and containing together four hundred and thirty-nine acres and twenty-seven perches or thereabouts.

All those lands situate in the said parish of Burghfield known as Grazeley Farm, in the occupation of Nicholas Mott, and containing twenty-six acres three roods and twelve perches or thereabouts.

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