CHAPTER clxxxvi.

An Act to confer powers on the Maldon Water Supply Company Limited and to authorise the transfer of their undertaking to the Corporation of Maldon and for other purposes. [2nd August 1898.] A.D. 1898.

WHEREAS in the year one thousand eight hundred and sixty-two certain persons formed themselves into a company under the name of the Maldon Water Supply Company Limited (hereinafter referred to as "the Company") for the purpose of supplying with water the parliamentary borough of Maldon in the county of Essex and the inhabitants thereof and of carrying on the business usually carried on by a waterworks company and the Company was duly registered under the Companies Act 1862:

And whereas the present share capital of the Company consists of three thousand four hundred and fifty pounds divided into six hundred and ninety shares of five pounds each of which four hundred and ten shares have been issued and been fully paid up and the remaining two hundred and eighty shares have not been issued and the Company have borrowed five thousand six hundred and fifty pounds by means of five hundred and sixty-five debentures each of ten pounds carrying interest at the rate of four pounds per centum per annum and terminable in one thousand nine hundred and one:

And whereas the parliamentary borough of Maldon included the municipal borough but has ceased to exist as a parliamentary borough:

And whereas the Company have acquired lands and erected waterworks and are now supplying the said municipal borough of Maldon with water:

And whereas the demand for water in and around Maldon has increased and is increasing and in order the better to meet such demand it is expedient that subject to the provisions of this Act the works herein-after specified should be authorised:

[*Price* 1*s.* 9*d.*]

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And whereas an agreement for the sale and transfer of the undertaking of the Company to the mayor aldermen and burgesses of the borough of Maldon (in this Act referred to as "the Corporation") has been entered into and the same is set forth in the Second Schedule to this Act and it is expedient that the said agreement should be confirmed and carried into effect:

And whereas it is expedient that the Corporation be authorised to borrow money for the purposes of this Act:

And whereas since the deposit of the Bill for this Act an additional provision was made thereto which has received the consent of the town council of the borough of Maldon and of the owners and ratepayers of that borough in accordance with the provisions of the Borough Funds Act 1872:

And whereas an absolute majority of the whole number of the members of the said town council at a meeting held on the twenty-ninth day of March one thousand eight hundred and ninety-eight after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Essex Herald a local newspaper published or circulating in the said borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and the general district rate of the said borough:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas estimates have been prepared for the works by this Act authorised to be made and maintained and such estimates amount to seven thousand pounds:

And whereas plans and sections showing the lines and levels of the works authorised by this Act to be maintained and continued and of the work to be executed and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be used for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Essex and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the objects of this Act cannot be attained 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) :— A.D. 1898.

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Maldon Water Act 1898.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act (namely) :—

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 :

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of those Acts "with the consent "in writing of the owner or reputed owner of any such house "or of the agent of such owner."

Interpretation.

3. In this Act unless the subject or context otherwise requires—

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings ;

"The Company" means the Maldon Water Supply Company Limited ;

"The Corporation" means the mayor aldermen and burgesses of the borough of Maldon ;

"The works" and "the waterworks" respectively mean and include the waterworks and the works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvements thereof respectively which they may construct under the powers of this Act ; and

"The undertaking of the Company" means and includes the undertaking of the Company as the same is defined in the said agreement.

Limits of Act.

4. The limits of this Act for the supply of water (herein-after referred to as "the limits of this Act") shall be the municipal borough of Maldon in the county of Essex.

PART II.—TRANSFER OF UNDERTAKING.

Agreement between Company and Corporation confirmed.

5. The agreement dated the twelfth day of March one thousand eight hundred and ninety-eight and made between the Company of the one part and the Corporation of the other part as set forth in the Second Schedule to this Act is hereby subject to the provisions of this Act ratified and confirmed and made binding on both parties thereto and may and shall be carried into effect according to the true intent and meaning thereof.

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Transfer of undertaking by deed.

6. The sale of the undertaking of the Company under the scheduled agreement shall be carried into effect and evidenced by a deed to be executed on or before the thirty-first day of December one thousand eight hundred and ninety-eight which may be in the form set forth in the First Schedule to this Act or to the like effect with such variations and additions as circumstances require and on the execution of the deed by the Company the undertaking of the Company with their rights powers and privileges shall by virtue of the deed and this Act become and shall thenceforth be transferred to and vested in the Corporation subject as in the scheduled agreement mentioned and subject also and according to the provisions of the deed and this Act and such transfer and vesting is in this Act referred to as "the transfer" Provided always that if the said deed be not executed on or before the said thirty-first day of December the undertaking shall by virtue of this Act be transferred to and vested in the Corporation subject as in the scheduled agreement mentioned and subject also and according to the provisions of this Act.

Existing debenture debt to be first charge on water undertaking.

7. The existing debenture debt of the Company amounting to five thousand six hundred and fifty pounds and the interest thereon shall after the transfer and until discharged be a first charge on the water undertaking of the Corporation.

Pending actions by or against Company.

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

Contracts of Company to be binding on Corporation.

9. All conveyances leases (if any) deeds contracts bonds agreements and other instruments affecting the Company and in force at the date of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Vesting of books in Corporation.

10. Subject as herein-after provided all books plans and documents in the possession of the Company which are necessary for the conduct of the business of the Company (but not including the minute books of proceedings of shareholders directors or committees the share register or transfer books of the Company or any books plans or documents which are not reasonably necessary

for the purposes of the Corporation as owners of the Company's undertaking) shall on and after the date of the transfer be transferred to the Corporation:

Provided that all books plans and documents which may be required for the purposes of making up the accounts of the Company and of the winding-up and dissolution of the Company may be retained by the Company until such winding-up and dissolution is completed when they are to be handed to the Corporation who by their officers and servants are in the meantime to be allowed access thereto at all reasonable times and that the directors solicitors and agents of the Company shall for the purposes of making up the accounts of the Company and of winding-up and dissolving the Company and of the proceedings connected therewith have access at all reasonable times to all other books plans and documents which shall be transferred to the Corporation:

Any difference which may arise between the Company and the Corporation as to the custody of any books or documents belonging to the Company or the inspection thereof shall be settled by some person to be nominated in that behalf by the Local Government Board.

Receipt.

11. The receipt in writing of any three of the directors of the Company or (in the event of their refusing to sign the same) of the bankers of the Company for the price or consideration or purchase money and all other sums and moneys to be paid to the Company by the Corporation shall be conclusive evidence of the payment of the sum or sums in such receipt acknowledged to be received and shall effectually discharge the Corporation from all liability in respect of the payment of the sum or sums in such receipt acknowledged to have been received and from being answerable or accountable for any loss misapplication or non-application thereof respectively Provided that if there shall be any default by the directors in signing such receipt or if from any other cause the Corporation are unable to obtain such receipt they may pay such moneys into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt given to the Corporation by the cashier of the said bank for such moneys shall have the same effect as the receipt of the said three directors.

Debts of Company to be paid by Corporation.

12. All debts rents charges and sums of money (including the existing debenture debt of the Company) which at the date of transfer are due or owing to or from the Company shall be paid discharged settled satisfied or received by the Corporation and the Corporation shall at all times keep the Company its liquidators and

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contributories indemnified against all debts rents charges and sums of money due or owing from the Company and against all other liabilities or obligations of the Company.

Books &c. to be evidence.

13. All books and documents which if the transfer had not been made would have been evidence in respect of any matters for or against the Company shall be admitted in evidence in respect of the same and the like matter for or against the Corporation.

Application of purchase money.

14. The purchase money and all other moneys paid to the Company by the Corporation under the scheduled agreement and this Act shall be applied by the directors in the manner following :—

(1) In payment of the costs charges and expenses of the Company of and incidental to and in connexion with and preliminary to the several matters proceedings and things specified in the 11th clause of the scheduled agreement ;

(2) In payment to the shareholders of the Company of the moneys to be provided by the Corporation in lieu of interest under the 9th clause of the scheduled agreement such moneys to be divided rateably amongst such shareholders in proportion to the amount paid up on their several holdings ;

(3) In paying the directors officers and servants of the Company such remuneration as the shareholders may in general meeting by resolution prescribe ;

(4) In making a rateable division of the residue amongst the holders of the shares of the Company in proportion to the amount paid up on their several holdings :

And the directors may and shall exercise all powers and do all acts necessary or proper for the foregoing purposes respectively and also for the declaration of the dividends amongst the shareholders of the Company in accordance with the 9th clause of the scheduled agreement and for payment of such dividends.

Winding up of Company.

15. So soon as conveniently may be after the transfer the Company shall forthwith proceed to take the necessary steps for a voluntary winding up of their affairs and for that purpose the directors and the Company may exercise all powers and do all acts necessary and proper in that behalf.

Defining shareholders.

16. The persons who at the date of the transfer appear on the books of the Company to be the proprietors of shares in the capital of the Company or their respective executors administrators or assigns shall be considered to be the shareholders thereof for the purposes of the distribution of the Company's assets.

Payment into court when person

17. Where the directors of the Company are for twelve months after the appointed day unable after reasonable inquiry to ascertain

the person to whom any part of the purchase money or other moneys to be distributed by them is payable or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same the directors may pay the same into the High Court or if not exceeding three hundred pounds into the county court of Essex holden at Maldon under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the Company and directors from all further liability with respect to the money so paid. A.D. 1898. entitled to money cannot be found.

PART III.—WORKS AND SUPPLY.

18. Subject to the provisions of this Act the Company may continue and maintain their existing waterworks in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks and other works shown on the deposited plans all in the county of Essex (that is to say):— Power to maintain waterworks.

(A) A pumping station No. 1 with wells shaft boring reservoir and other works and conveniences connected therewith abutting on Spital Road in the parish of Saint Peter in the borough of Maldon on the south side of Spital Road on land belonging or reputed to belong to the Company and occupied by them and situate on the north-easterly side of and adjoining the field numbered 175 on the $\frac{1}{2500}$ inch Ordnance map second edition of 1897 for the said parish of Saint Peter in the said borough of Maldon:

(B) A pumping station No. 2 with well boring and other works and conveniences connected therewith situate and adjoining Wantz Mill on the south-easterly side thereof and situate in the said parish of Saint Peter on land belonging or reputed to belong to the Company and occupied by them:

And subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the following waterworks and other works all in the said county of Essex (that is to say):—

(C) A water tower and other works connected therewith situate in the said parish of Saint Peter to be situate in or on the north-eastern corner of a certain plot or parcel of land belonging to the Company and part of a larger plot numbered 208 on the said $\frac{1}{2500}$ Ordnance map and nearly opposite the works described under (A):

(D) A conduit or line of pipes wholly in the said parish of Saint Peter commencing at the pumping station No. 1 (Work A) and terminating at the said water tower (Work C):

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And the Company may also from time to time on any lands now belonging to them or acquired under the powers of this Act maintain all such wells adits culverts drains tanks water-towers filters walls approaches engines machinery and appliances as may be necessary or expedient in connexion with the foregoing works or any of them or for obtaining and distributing water for the purposes of their undertaking.

Power to take lands and waters.

19. Subject to the provisions of this Act the Company may enter upon take and use such of the lands described in the deposited plans and books of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Company all springs which may be found in on or under any of the lands for the time being belonging to the Company.

Power to take easements &c. by agreement.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Purchase of lands by agreement.

21. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole twenty acres in extent or any easement (not being an easement of water in which other than parties to the agreement have an interest) in over or under any such lands Provided that the Company shall not deal with such lands so as to create or permit a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

Restriction on taking houses of labouring class.

22. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working

for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Company may lease &c. spare lands of undertaking. Reservation of water rights &c. on sale.

23. The Company may demise and lease for such terms as the Company think fit and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking and on the lease or sale by the Company of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

As to pressure.

24. The water to be supplied by the Company need not be constantly laid on under pressure and the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the existing pumping station in Maldon.

Rates at which water is to be supplied for domestic purposes.

25. The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at rates and charges according to the rateable value of his dwelling-house or part of a dwelling-house not exceeding the following (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed six pounds per annum the sum of ten shillings a year where there is no watercloset or twelve shillings a year where there is a watercloset:

Where the rateable value exceeds six pounds but does not exceed eight pounds per annum the sum of twelve shillings a year where there is no watercloset or fourteen shillings a year where there is a watercloset:

Where the rateable value exceeds eight pounds but does not exceed eighteen pounds per annum the sum of one shilling and sixpence in the pound;

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Where the rateable value exceeds eighteen pounds but does not exceed twenty-eight pounds at a rate per annum not exceeding one shilling and fourpence in the pound:

Where the rateable value exceeds twenty-eight pounds but does not exceed forty pounds at a rate per annum not exceeding one and threepence in the pound:

Where the rateable value exceeds forty pounds and upwards at a rate per annum not exceeding one shilling and twopence in the pound:

All inns and hotels whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding nine pounds per centum:

When the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

For the purposes of this section the rateable value shall be the net rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

The Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable.

Rates for watercloseets and private baths.

In addition to the foregoing charges the Company may charge in respect of every watercloset beyond the first a sum not exceeding five shillings per annum and for every fixed bath a sum not exceeding six shillings per annum Provided that for every bath containing as usually filled for use more than forty gallons the Company may if they supply the same charge an increased rate in proportion to the size of the bath Such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Certain provisions as to supply.

26. The Company shall not be compelled to supply water in the following cases:—

To any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed

and used as to prevent the waste undue consumption or contamination of the water of the Company ;

To any bath which shall be capable of containing when filled for use more than fifty gallons of water :

Provided that the foregoing provisions shall not entitle the Company to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate :

Nor shall the Company be compelled to supply water in the following cases except as therein mentioned :—

To any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purposes for which water is required otherwise than by agreement or by meter at the option of the consumer ;

To any workhouse hospital or other large public institution otherwise than by meter upon such terms as may be agreed between the Company and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

Rate for supply by meters in certain cases.

27. The price to be charged by the Company to those owners or occupiers who under the provisions of the last preceding section shall elect to take the water by meter or who shall be compellable by the Company to accept a supply by meter shall be as follows :—

Where the quantity taken in any quarter of a year shall not exceed fifty thousand gallons at a rate not exceeding two shillings for every thousand gallons ;

And where the quantity taken in any quarter of a year shall exceed fifty thousand gallons then at a rate not exceeding one shilling and sixpence for every thousand gallons ;

The Company shall not be compellable to afford a supply by meter for a less sum than four pounds in any one year.

Power to supply water for other than domestic purposes.

28. Subject to the provisions of this Act the Company may if they think fit enter into agreements for the supply of water within the limits of this Act for other than domestic purposes on such terms and conditions as they think fit and may enter into agreements for the supply of water by measure within the limits of this Act either for domestic or other purposes provided that such supply for other than domestic purposes does not at any time interfere with the supply for domestic purposes.

Company not bound to supply several houses by one pipe.

29. The Company shall not be bound to supply more than one house by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

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Where several houses supplied by one pipe each to pay.

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

Supply of water to tenements in a row.

31. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements or any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water and every person offending against this enactment shall be liable for every such offence to a penalty not exceeding five pounds.

Water for flushing sewers &c.

32. The Company if required by the Corporation of Maldon or any road or sanitary authority within the limits of supply to supply them with water for flushing sewers and drains or for watering streets or other public purpose may give such supply (if they the Company can in their opinion do so without interfering with their supply for domestic purposes) at a rate not exceeding one shilling and sixpence for every thousand gallons.

Power to sell or let meters

33. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the Company of such meters and fittings as the Company may prescribe or as may be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rates rents or charges due to the Company.

Notice to Company of connecting or disconnecting meters.

34. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of an officer of or

person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds. A.D. 1898

Register of meter to be primâ facie evidence.

35. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed Any dispute as to such quantity shall be determined on the application of either party by a court of summary jurisdiction who may order by whom the costs of the proceedings shall be paid and the decision of such court shall be final and binding upon all parties.

Fraudulently injuring meters &c.

36. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Repair of meters.

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

Power to remove meters and fittings.

38. The Company after forty-eight hours notice in writing under the hand of the secretary or of some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter

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or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

Power for Company to supply materials &c.

39. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and water-closets apparatus receptacles fittings and appliances as are required or permitted by their byelaws in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Byelaws for preventing waste &c. of water.

40. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say):—

(1) The Corporation may make byelaws for the purposes aforesaid and may by any such byelaws prescribe the size nature strength materials workmanship and the mode of arrangement connexion disconnexion alteration and repair of pipes valves meters cocks tanks cisterns baths soil-pans waterclosets and other apparatus or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and the use of any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle likely to occasion waste misuse undue consumption erroneous measurement or contamination of water:

(2) In case of failure of any person to observe any byelaws for the time being in force the Corporation may if they think fit between the hours of nine in the forenoon and four in the afternoon after twenty-four hours notice in writing enter his premises and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and the expense of every such replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered from him in a summary manner:

(3) All byelaws made by the Corporation under this section shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 except so much of section 185 as relates to byelaws made by a rural sanitary authority and shall be in force only within those parts of the water limits in which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

Application of Company's powers &c. to Corporation.

41. From and after the transfer all the powers rights privileges and authorities of the Company under this Part of the Act conferred on them shall be by virtue of this Act transferred to and vested in the Corporation and this Part of the Act shall be read and have effect as if the Corporation had been named therein instead of the Company Provided that notwithstanding anything in this section the Company shall also have and may exercise after the date of transfer all or any rights conferred by this Act for ascertaining and enforcing the payment of all moneys which on the date of transfer may be due to them so far but so far only as may be necessary for the purpose of ascertaining and enforcing such payment.

PART IV.—FINANCIAL.

Power to borrow.

42.—(1.) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts herein-after specified (if any) (that is to say):—

(A) For the purchase of the undertaking of the Company and for paying any sums payable by the Corporation to the Company under this Act and the scheduled agreement and for discharging the existing debenture debt of the Company and defraying the taxed costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation including the costs charges and expenses of the Company payable by the Corporation under this Act and the scheduled agreement (other than the costs of this Act) such sum not exceeding twenty thousand pounds as may be required:

(B) For the construction of the works authorised by this Act and the improvement of the waterworks of the Corporation the sum of ten thousand pounds:

(C) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose.

(2.) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the

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Corporation may mortgage or charge the revenue of the water undertaking of the Corporation when so transferred as herein-before provided and the district fund and general district rate of the borough.

Incorporation of certain provisions of Public Health Act 1875.

43. The following provisions of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages); and

Section 238 (Transfer of mortgages);

shall extend and apply mutatis mutandis to and in relation to mortgages made under the powers of this Act.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

44. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Discharge of borrowed moneys.

45. The Corporation after they borrow money under this Act shall within twelve months after borrowing the same commence out of the revenue of the water undertaking and the general district rate to discharge or make provision by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other for the discharge or redemption of the moneys borrowed by the Corporation for the purposes of this Act within the following periods namely:—

As regards money borrowed for the purpose of paying the costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act the period of ten years from the time herein-before prescribed for commencing to discharge such moneys; and

As regards other moneys borrowed for the purposes of this Act the period of fifty years from the time herein-before prescribed for commencing to discharge such moneys:

And such respective periods are herein-after referred to as "the prescribed period."

Regulations as to sinking fund.

46. The following regulations shall be observed by the Corporation in relation to any sinking fund formed under this Act:—

(1) Such equal yearly sums shall be paid by the Corporation out of the revenue of the water undertaking and the general district rate or either of them into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum will be sufficient to pay off and redeem the moneys for the discharge and redemption of which the

sinking fund is created within such period not exceeding the prescribed period as the Corporation may in each case determine with power for the Corporation from time to time to increase such payments into the sinking fund so as to accelerate the payment off and redemption and discharge of such moneys Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the revenue of the water undertaking or the general district rate:

(2) All sums paid into the sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages debenture stock or other securities authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Corporation or securities transferable by delivery Any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the Corporation in like manner:

(3) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys for the repayment of which the sinking fund was formed in such order and manner as they deem proper Provided that whenever any of such moneys have been so paid off or redeemed the Corporation shall thenceforward until the whole of such principal moneys have been paid off or redeemed pay out of the revenue of the water undertaking and the general district rate or either of them into the sinking fund every year in addition to the other sums herein-before required to be paid into the sinking fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based:

(4) Whenever and so long as the securities in the sinking fund taken at the market value of the day are equal to the amount of debt outstanding for the repayment of which the sinking fund was formed the Corporation may in lieu of investing the yearly income thereof apply the same in payment of the interest on the debt and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

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Appointment of a receiver.

47.—(1.) The mortgagees of the Corporation under this Act may enforce payment of the arrears of interest or of principal or of principal and interest due to them by the appointment of a receiver The amount of principal in arrear to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court.

Annual return to Local Government Board.

48. The town clerk shall within twenty-one days after the thirty-first day of March of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or any interest thereon has been applied during the same period and the total amount remaining invested at the end of the year In the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be recoverable in a summary manner on the prosecution of the Local Government Board and not otherwise.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set aside any sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court The provisions of this section shall mutatis mutandis apply to appropriations and annual payments.

Power to reborrow.

49. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other property or of fines or premiums on leases or other moneys received on capital account other than borrowed moneys they may reborrow

the same and so from time to time Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys originally borrowed and any amounts from time to time reborrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of repayment be deemed to form part of the original loan and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by reason of such reborrowing.

Protection of lender from inquiry.

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

Application of money borrowed under Act.

51. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes of this Act for which they are authorised to be borrowed and to which capital is properly applicable.

Corporation not to regard trusts.

52. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Separate accounts to be kept as to water.

53. The Corporation shall (after the date of the transfer) keep the accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from revenue and such accounts shall be subject to the same provisions as to audit as other accounts of the Corporation.

Application of revenue of water undertaking.

54. The Corporation shall (after the date of the transfer) apply all money from time to time received by them on account of revenue arising from their water undertaking—

(1) In payment of the expenses of and incidental to the collection and recovery of rates and of the working and establishment expenses and cost of maintenance of such undertaking;

(2) In payment of the interest on the amount of the existing debenture debt of the Company until redemption;

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(3) In payment of the interest on any moneys borrowed by the Corporation under this Act;

(4) In providing the requisite instalments or sinking fund or otherwise making provision for repayment or payment off of any moneys borrowed by the Corporation under the powers of this Act and of the existing debenture debt of the Company;

(5) In repayment or recoupment to the district fund or general district rate of any money expended out of that fund for the purposes of such undertaking;

(6) In providing a reserve fund if the Corporation think fit by setting aside such sums as they from time to time think reasonable and investing the same and the resulting income thereof in securities in which sinking funds under this Act may be invested and accumulating the same at compound interest till the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the revenue of the Corporation from such undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the said undertaking and so that if the said fund is at any time reduced it may be again restored to the amount aforesaid and so from time to time as often as such reduction happens Provided that if and so long as such reserve fund shall amount to the full maximum sum the interest thereof shall be applied by the Corporation in the manner in which the revenue of the said undertaking is by this Act authorised to be applied;

(7) In improving and extending the water undertaking of the Corporation;

(8) And so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on improving and extending the undertaking and paying the current expenses connected therewith interest on the said debenture debt and on moneys borrowed and instalments contributions to the sinking fund appropriations and annual repayments may be applied by the Corporation in the repayment of any moneys borrowed by the Corporation for the purchase of the said undertaking or may as to the whole or any part thereof in the discretion of the Corporation be carried to the credit of the district fund or general district rate.

As to deficiency in receipts.

55. Any deficiency in the revenues or receipts of the Corporation on account of their water undertaking shall be from time to time made good out of the district fund and the next general district

rate to be made by the Corporation shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund. A.D. 1898.

PART V.—MISCELLANEOUS.

Liability to water rent not to disqualify justices &c.

56. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of summons &c.

57. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Deposit of copy of Act with registrar.

58. The Company shall forthwith after the passing of this Act give notice thereof to the registrar of joint stock companies and shall within three months after the passing of this Act forward a printed copy thereof to him and it shall be recorded by him and if such copy is not so forwarded within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which such copy is omitted to be forwarded and every director and manager of the Company who knowingly and wilfully authorises or permits such default shall incur the like penalty and every penalty under this section shall be recoverable summarily.

Costs of Act.

59. All costs charges and expenses of the Company of and incident to the preparing for and obtaining and passing of this Act or otherwise in relation thereto shall be paid in the first instance by the Company and ultimately as is provided by the agreement set forth in the Second Schedule hereto.

Expenses of Act.

60. The costs charges and expenses of the Corporation of and incidental to obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall after taxation by the taxing officer of the House of Lords or the House of Commons be paid by the Corporation out of any of the rates leviable by them or out of moneys to be borrowed by the Corporation under this Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

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

IN pursuance of and subject to the provisions of the Maldon Water Act 1898 and in consideration of

the Maldon Water Supply Company Limited do hereby grant convey and assign unto the mayor aldermen and burgesses of the borough of Maldon the undertaking of the Maldon Water Supply Company Limited To hold the same unto the mayor aldermen and burgesses of the borough of Maldon subject to the rents and covenants now affecting the same and the mayor aldermen and burgesses of the borough of Maldon do accept the same accordingly.

In witness whereof the Maldon Water Supply Company Limited and the mayor aldermen and burgesses of the borough of Maldon have hereto set their respective common seals this day of one thousand eight hundred and

THE SECOND SCHEDULE.

THIS AGREEMENT made the 12th day of March 1898 between The Maldon Water Supply Company. Limited (herein-after referred to as "the Company") of the one part and The Mayor Aldermen and Burgesses of the Borough of Maldon in the County of Essex (herein-after referred to as "the Corporation") of the other part.

Witnesseth that the parties hereto agree as follows :—

1. The Company shall sell and the Corporation shall purchase as a going concern the whole of the undertaking of the Company their waterworks premises and other property and all and singular their assets and effects of whatever nature or kind (except as herein-after mentioned) with the rights and privileges belonging thereto all which are herein-after referred to as "the undertaking of the Company" (subject nevertheless to all charges mortgages liens and incumbrances and debts liabilities and obligations affecting the undertaking of the Company or any part thereof) and save and except as in the second clause of this agreement is provided for such amount of compensation as may failing agreement be settled by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Corporation and the expression "lands" shall mean the undertaking of the Company Provided that for the purpose of any such arbitration the sale and purchase shall be deemed to be a sale and purchase by compulsion and not by agreement and in case the Company and the Corporation shall not concur in the appointment of a single arbitrator the President for the time being of the Institution of Civil Engineers shall on the request in writing of either party nominate and appoint a single arbitrator and such arbitrator shall be deemed to be a single arbitrator in whose appointment both parties have concurred within the meaning of the said provisions of the Lands Clauses Acts and such arbitration shall be held within six months after the passing of the Bill herein-after referred to Neither the Company nor the Corporation shall be represented by more than one counsel upon any such arbitration nor shall more than two expert witnesses on each side be examined on behalf of either the Company or the Corporation Provided and it is hereby declared that the arbitrator shall not in making his valuation under this agreement include any extra per-centage for a compulsory sale on so much of the compensation (if any) as may be represented by any charges mortgages liens incumbrances debts and liabilities and obligations of the Company taken over by the Corporation under this agreement.

2. The sale and purchase shall not include the share registers and transfer books of the Company or the price payable for the undertaking of the Company under the first clause of this agreement or the moneys payable in

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lieu of interest or profits under the ninth clause of this agreement or any other moneys payable to the Company under or by virtue of any of the provisions of this agreement or at their credit at any bank.

3. In addition to paying the price payable for the undertaking of the Company under the first clause of this agreement the Corporation shall take over and pay and satisfy and discharge all the debts liabilities and obligations of the Company whatsoever including their existing debenture debt and shall adopt perform and fulfil all contracts and engagements now binding on the Company and shall at all times keep the Company its liquidators and contributories indemnified against such debts liabilities obligations contracts and engagements and against all actions proceedings costs damages claims and demands in respect thereof.

4. The sale and purchase shall be deemed to take effect as from the 31st day of December 1897.

5. The date of completion shall be the 31st day of December 1898 or such other earlier time as may be agreed upon by the parties hereto.

6. The Corporation shall accept without investigation such title down to the purchase thereof by the Company as the Company has to all the real and personal property intended to be hereby sold and purchased.

7. The Company shall execute and do upon completion at the expense of the Corporation all such assurances and things as shall be reasonably required by the Corporation for vesting in it the undertaking of the Company or any part thereof and giving it the full benefit of this agreement.

8. As from the 31st day of December 1897 until completion the Company shall be deemed to have carried on and shall carry on the business of the Company for the benefit (except as herein-after provided) and at the risk of the Corporation and shall be deemed to have maintained and shall maintain the several works and the plant of the Company in good and efficient order for the benefit (except as aforesaid) and at the risk of the Corporation Provided that the Company shall not contract enter into undertake or otherwise incur (except in the ordinary way of business) any debt or liability without the consent in writing of the Corporation under the hand of their town clerk and any profits arising from the carrying on of the undertaking shall subject to the payment thereout to the Company as herein-after provided belong to the Corporation.

9. The Company shall be at liberty to pay to the shareholders of the Company at the usual times out of the profits of their business until the time of the actual completion of the purchase if completed before the 31st December 1898 or up to the 31st December 1898 if completed on that day a dividend at a rate not exceeding £5 per cent. per annum on the amount of share capital which for the time being has been paid up calculated as from the 31st December 1897 and also on completion to pay to their shareholders a further sum to be provided by the Corporation equivalent to interest from the 31st day of December 1898 to the date of completion calculated at the rate of £4 per cent. per annum on the price payable for the undertaking of the Company under the first clause of this agreement such dividends and sum to be accepted in lieu of interest on the said price The profits of the Company shall for the purposes of this clause be calculated after paying or making provision for all outgoings expenses and liabilities of the Company

properly payable out of income and the cost of maintaining their works and plant in good and efficient order and any dispute as to the amount of profits shall be settled under the arbitration clause herein-after contained.

10. The officers and servants who shall be in the employment of the Company at the date of the completion of the purchase shall become the officers and servants of the Corporation They shall continue to receive the same salaries and emoluments and be subject to the same liabilities and obligations as theretofore and shall continue in the employment of the Corporation until they shall resign or be removed Provided always that the Corporation will on completion pay to the secretary of the Company the sum of £250 if he be not retained or elect not to continue in the service of the Corporation.

11. The Corporation shall in addition to paying the compensation to the Company payable for the undertaking under the first clause hereof and taking over the liabilities of the Company under the third clause hereof and the amount payable under the tenth clause hereof and providing the moneys in lieu of interest under the ninth clause hereof pay to the Company upon completion their costs charges and expenses of and in connexion with these presents and carrying the same into effect including the costs charges and expenses of the Company of and incidental to the said arbitration for settling the said compensation to the Company and the costs charges and expenses of and incidental to the winding up and dissolution of the Company and also the costs charges and expenses of the Company preliminary to and of and incidental to the preparing applying for and proceeding with the Bill to incorporate and confer powers on the Maldon Waterworks Company a printed copy whereof was deposited in the Office of the Clerk of the Parliaments on or before the 17th day of December 1897 and herein referred to as the Maldon Water Bill and shall also pay the fees of the arbitrator on any such arbitration as aforesaid.

12. If any doubt question difference or dispute (other than and except a disagreement as to the compensation to be paid to the Company for the undertaking of the Company under the first clause) shall arise between the Company and the Corporation touching this agreement or the construction thereof or any clause or thing therein contained or any matter in any way relating to or connected with the premises or the rights duties or liabilities of either the Company or the Corporation hereunder the same shall be referred to the decision of a single arbitrator to be appointed by the Corporation and the Company in the event of their being unable to agree upon any appointment by the President for the time being of the Institution of Civil Engineers upon the request in writing of either the Company or the Corporation and this clause shall operate as a submission within the meaning of the Arbitration Act 1889.

13. This agreement shall be scheduled to the Maldon Water Bill and clauses inserted therein making it binding upon the Company and the Corporation and if the said Bill shall not pass this agreement shall be of no effect.

14. This agreement is also made subject to such alterations (if any) as Parliament may think fit to make therein provided that if Parliament shall require any material alteration therein to be made it shall be competent to

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either party by notice in writing to the other to be given before the Act confirming this agreement shall have received Royal Assent to rescind the same in which case the same shall be rescinded and of no effect and the Bill shall be dropped.

15. From and after the sealing of this agreement the Company shall proceed with the Maldon Water Bill subject to the direction and wishes of the Corporation in all matters other than the confirmation of this agreement and the Corporation shall be at liberty to apply for the insertion of such clauses and for the making of such amendments in the said Bill as they may think necessary and the Corporation shall become joint promoters of the said Bill.

In witness whereof the Company and the Corporation have hereunto caused their respective common seals to be affixed the day and year first above written.

EDWD. A. FITCH Mayor.

Seal of Corporation.

The common seal of the Maldon Water Supply Company Limited was hereunto affixed in the presence of

T. ELSEY BLAND } Directors.
EDWIN MAY }

JAMES ROGERS Secretary.

Seal of Maldon Water Supply Company Limited.

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