CHAPTER clxxxi.

An Act to enable the Local Boards for the districts of Old Swindon and of Swindon New Town both in the county of Wilts to acquire and vest the Undertaking of the Swindon Waterworks Company Limited in a Water Board to authorise the construction of Additional Waterworks for the supply of Water and for other purposes. [17th August 1894.]

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WHEREAS the respective districts or parts of the respective districts of the Old Swindon Local Board and the Swindon New Town Local Board in the county of Wilts are supplied with water by the Swindon Waterworks Company Limited (herein-after called "the Company"):

And whereas the capital of the Company is forty-five thousand pounds divided into forty-five thousand shares of one pound each all of which has been fully paid up:

And whereas the Company have issued debenture stock to the amount of twelve thousand pounds secured by a trust deed made the first day of December one thousand eight hundred and eighty-eight between the Company of the one part and William Amos Barns William Dean and Fitzroy Pleydell Goddard of the other part but there is no other charge for borrowed money affecting the undertaking:

And whereas the Company have entered into an agreement with the Old Swindon Local Board and the Swindon New Town Local Board (herein-after called "the Local Boards") for the sale and transfer of their waterworks undertaking to the Local Boards for the consideration and on the terms therein specified:

And whereas it is expedient that the said agreement whereof a copy with certain modifications is set out in the First Schedule to this Act be confirmed and carried into effect as so set out:

And whereas it is expedient that a Water Board be formed for the execution of this Act composed of the chairman of each of the

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two Local Boards and of such other members of the said boards as provided by this Act:

And whereas the population within part of the area supplied by the Company has largely increased and it is expedient that the Water Board be empowered to construct an additional storage reservoir and such other works as are in this Act described:

And whereas it is expedient that the Water Board be empowered to create and issue annuities in payment of the stipulated consideration for the waterworks undertaking of the Company and that borrowing powers be conferred on them for the purposes of this Act:

And whereas an absolute majority of the whole number of the Old Swindon Local Board at a meeting held on the second day of November one thousand eight hundred and ninety-three after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the "North Wilts Herald" a local newspaper published or circulating in the district 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 general district rate or other rates or revenues under the control and management of the Local Board or out of moneys to be borrowed by the Local Board on the security thereof:

And whereas such resolution was published twice in the said "North Wilts Herald" and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the said Local Board at a further special meeting held on the eighteenth day of January one thousand eight hundred and ninety-four in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas an absolute majority of the whole number of the Swindon New Town Local Board at a meeting held on the sixth day of November one thousand eight hundred and ninety-three after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the "Evening North Wilts Herald" a local newspaper published or circulating in the district 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 general district rate or other rates or revenues under the control and management of the Local Board or out of moneys to be borrowed by the Local Board on the security thereof:

And whereas such resolution was published twice in the said "Evening North Wilts Herald" and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the said Local Board at a further special meeting held on the twenty-third day of January one thousand eight hundred and ninety-four in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Wilts and are in this Act referred to as the deposited plans sections and book 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):—

Preliminary.

Short title.

1. This Act may be cited as the Swindon Water Act 1894.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and with respect to the yearly receipts and expenditure

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of the undertakers) Provided that for the purpose of incorporation with this Act section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with "the consent in writing of the owner or reputed owner of any "such house or of the agent of such owner" were omitted from that section;

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoir by this Act authorised to be constructed.

Interpretation.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the company" means the Water Board;

"The railway" means the reservoir by this Act authorised to be constructed;

"Centre of the railway" means with respect to the reservoir by this Act authorised to be constructed the boundaries of such reservoir:

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

In this Act—

The expression "scheduled agreement" means the agreement set out in the First Schedule to this Act;

The expression "the undertaking" used in relation to the transfer has the same meaning as in the scheduled agreement and the expression "the water undertaking" means the water undertaking for the time being of the Water Board incorporated by this Act and the word "shareholder" means proprietor of shares in the capital of the Company.

Limits of supply.

4. The limits of this Act for the supply of water include the following places (that is to say) The districts of the two Local Boards and so much of the parishes of Swindon Wroughton Stratton Saint

Margaret and Rodbourne Cheney all in the county of Wilts as are beyond the districts of the two Local Boards:

Provided that nothing in this Act shall authorise the Water Board to supply water in any parish beyond the districts of the two Local Boards unless with the consent of the sanitary authority within whose jurisdiction the parish is situate.

Incorporation of Water Board.

Incorporation of members of Local Boards as Water Board.

5. For the purposes of this Act there shall be a Water Board composed of two ex-officio members namely the chairman of the Old Swindon Local Board and the chairman of the Swindon New Town Local Board and ten elective members namely five to be elected by the Old Swindon Local Board and five to be elected by the Swindon New Town Local Board but the number of elective members is subject to alteration by order of the Local Government Board as herein-after provided.

The Water Board shall be a body corporate by the name of the Swindon Water Board (in this Act called "the Water Board") with perpetual succession and a common seal and with power to sue and be sued and to hold lands without any licence in mortmain The Water Board shall subject to the provisions of this Act be entrusted with the maintenance control and management of the water undertaking.

Officers of Water Board.

6. The Water Board may appoint such officers and servants as may be necessary and proper for the efficient execution of this Act and may assign to them their duties and remuneration which shall be paid out of their common fund and may remove such officers and servants.

First election of members.

7. The first election of members of the Water Board by each of the two Local Boards shall take place at a meeting of each board to be held within five months from the passing of this Act or within such further time as the Local Government Board may by order allow and seven days' previous notice in writing of such meeting shall be given or sent to each member of the two Local Boards by the clerks to such boards respectively.

The clerk to each of the two Local Boards shall notify in writing to the Local Government Board within seven days after such first election shall have taken place the names addresses and occupations of the persons elected by his board as members of the Water Board.

Continuance in office of elective members.

8. An elective member of the Water Board shall continue in office until the expiration of the period for which he was elected a member of the Water Board or until he dies or resigns or

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becomes disqualified or ceases to be a member of the Local Board as a member of which he was qualified to be elected or until he becomes an ex-officio member of the Water Board whichever shall first happen:

Provided always that an elective member shall not continue in office for a longer period than three years without re-election and a member who ceases to hold office by reason of the expiration of his period of office or by reason of his resignation or disqualification or ceasing to be a member of such Local Board shall be re-eligible as a member of the Water Board if at the time of re-election he is qualified to be so re-elected.

Filling of vacancies.

9. Any vacancy occurring in the Water Board by death resignation disqualification or otherwise shall be filled up by the Local Board in whose representation the vacancy happens at a meeting to be held within six weeks of such vacancy occurring or within such further period as the Local Government Board may by order determine and seven days' previous notice in writing of such meeting shall be given or sent to each member of the Local Board by the clerk to such board.

Power to alter number of members.

10. On the application of either of the two Local Boards the Local Government Board may by order alter the number and proportion of elective members to be elected by either board and may make any provisions incident to or consequential on such alteration.

Meetings of board.

11.—(1.) The time and place of holding the first meeting of the Water Board shall be fixed by the Local Government Board and the subsequent ordinary meetings of the Water Board shall be held at such times and places as the Water Board may appoint and at all meetings of the Water Board four members shall constitute a quorum.

(2.) An extraordinary meeting shall be summoned by the clerk to the Water Board when a requisition for that purpose is addressed to him by the chairman or any three members of the Water Board.

(3.) Such requisition shall be in writing and no business other than that specified in the requisition shall be transacted at such extraordinary meeting.

(4.) Notices of all meetings of the Water Board shall be delivered or sent by post so as to reach the last known place of abode or business in England or Wales of each member of the Water Board four clear days before the day of meeting or at such earlier time as the Water Board may from time to time direct.

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Committees.

12.—(1.) The Water Board may from time to time appoint committees consisting of members of the Water Board for the exercise of any powers which in the opinion of the Water Board can be properly exercised by committees but the acts of every such committee shall unless otherwise directed by the Water Board be submitted to the Water Board for approval Provided that a committee so appointed shall in no case be authorised to borrow money or to issue any precept for contributions or to enter into any contract.

(2.) The quorum proceedings and place of meeting of a committee and the area (if any) within which the committee are to exercise their authority shall be such as may be determined by regulations of the Water Board.

(3.) Subject to such regulations the quorum proceedings and place of meeting shall be such as the committee direct.

(4.) The chairman at any meeting of the committee shall have a second or casting vote.

General powers of board.

13.—(1.) The Water Board shall have exercise perform and be subject to all the powers rights duties capacities liabilities and obligations of a local or urban sanitary authority in relation to water supply under the Public Health Act 1875 or any Act amending that Act so far as the same are applicable to the purposes of this Act and the provisions of the Public Health Act 1875 and of any Act amending that Act in relation to water or works belonging to a local or urban sanitary authority shall so far as the same are applicable extend and apply to any water or works belonging to the Water Board.

(2.) For the purposes of this Act the following provisions of the Public Health Act 1875 the Public Health (Officers) Act 1884 and the Public Health (Members and Officers) Act 1885 shall apply and the Water Board shall for the purposes of this Act have exercise perform and be subject to all the powers rights duties capacities liabilities and obligations of an urban sanitary authority under the same provisions so far as the same are applicable viz. :—

Of the Public Health Act 1875 :

Sections 173 and 174 relating to contracts ;

Sections 175 176 and 177 relating to purchase of lands ;

Sections 179 to 181 relating to arbitration ;

Section 192 (except as regards the inspector of nuisances) sections 193 to 197 and sections 205 and 206 (except so much of section 206 as requires publication in a local newspaper of the annual report) relating to officers and conduct of business of local authorities ;

Sections 245 247 (as amended by the District Auditors Act 1879) 249 and 250 relating to audit ;

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Sections 251 253 and 254 and sections 258 to 267 and section 269 as amended by the Summary Jurisdiction Act 1884 relating to legal proceedings;

Section 285 relating to the execution of works in adjoining districts and combination for execution of works;

Section 299 (except so far as it relates to sewers) 300 301 and 302 relating to defaulting local authorities;

Sections 305 to 309 relating to miscellaneous provisions;

Sections 327 328 and 329;

The rules numbered 1 to 8 relating to meetings and proceedings of joint boards which are contained in Part II. of Schedule I.:

Of the Public Health (Officers) Act 1884:

Section 2:

Of the Public Health (Members and Officers) Act 1885:

Section 2.

Accounts of board &c.

14. The accounts of the Water Board shall at all reasonable times be open to inspection and transcription by any member of either of the two Local Boards or by any officer of either of the two Local Boards authorised by them for that purpose without payment A copy of the auditor's report and of the abstract of the accounts of the Water Board when duly audited shall be sent by the Water Board to each of the two Local Boards.

Power to supply adjoining districts.

15. The Water Board may with the sanction of the Local Government Board supply water by agreement to the local authority of any district as if the Water Board were a local authority within the meaning of section 61 of the Public Health Act 1875.

Arbitration.

16. If at any time any difference arises between the Water Board and either of the two Local Boards respecting any matter arising out of the provisions of this Act the same shall be referred to and be settled by arbitration in the manner provided by the Arbitration Act 1889.

TRANSFER OF COMPANY'S UNDERTAKING.

Confirmation of scheduled agreement for transfer of undertaking.

17. The agreement dated the seventh day of April one thousand eight hundred and ninety-three and made between the Company of the one part and the two Local Boards of the other part for the sale and transfer of the undertaking of the Company to the Local Boards as the same is altered and set out in the First Schedule to this Act is hereby confirmed and made binding on the parties thereto and shall be carried into effect (so far as its stipulations have not been already performed) subject to the provisions of this

Act the Water Board being where necessary substituted for the Local Boards.

Conveyance of undertaking to Water Board.

18. The undertaking of the Company shall be conveyed by the Company to the Water Board constituted by this Act.

Within three months after the date of the conveyance the deed of conveyance of the undertaking shall be produced to the Commissioners of Inland Revenue and duly stamped and in default of production the ad valorem stamp duty shall be a debt due to Her Majesty and shall be recoverable from the Water Board with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment with full costs of action and all costs and charges attending the same.

Receipt of directors a discharge.

19. The receipt of any three directors of the Company for the amount of the consideration paid for their undertaking shall be a sufficient discharge for the same and the Local Boards or the Water Board shall not be bound to see to the application or be answerable for the misapplication or non-application thereof.

Pending actions &c. by or against Company.

20. Subject to the provisions of the scheduled agreement any action or proceeding or any cause of action or proceeding pending or existing by or against or in favour of the Company at the time of the transfer of the undertaking shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but may be continued prosecuted and enforced by or against or in favour of the Water Board as and when it might have been continued prosecuted and enforced if this Act had not been passed.

Contracts of Company to be binding on Water Board.

21. Subject to the provisions of the scheduled agreement all purchases sales conveyances deeds contracts bonds and agreements entered into or made and in force at the time of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Water Board and may be enforced as fully and effectually as if instead of the Company the Water Board had been a party thereto.

Recovery of rates by Company.

22. The directors of the Company shall have and may exercise all powers necessary for the recovery of water rates meter rents and other sums which are exerciseable by the Company under the scheduled agreement and for paying and discharging the debts and liabilities (other than the mortgage or debenture debt) of the Company.

Discharge of mortgage or debenture debt of Company.

23. The Water Board shall within twelve months from the first day of December one thousand eight hundred and ninety-five discharge and pay all principal sums secured by an indenture made the first day of December one thousand eight hundred and eighty-

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eight between the Company of the one part and William Amos Barns William Dean and Fitzroy Pleydell Goddard of the other part and amounting to twelve thousand pounds and shall pay all interest that shall accrue on the said principal sums after the first day of June one thousand eight hundred and ninety-four and on discharge and payment of such principal sums and interest the premises thereby expressed to be conveyed and assigned shall be re-conveyed and re-assigned to the Water Board and the said indenture and the debentures executed by the Company in pursuance thereof shall be delivered to the Water Board to be cancelled Provided that until such discharge and payment as aforesaid the said indenture and debentures shall remain and be of full force and effect for the security of the lenders of the said principal sums the Water Board only being substituted therein for the Company.

ADDITIONAL WORKS.

Power to make works.

24. The Water Board may make and maintain in the lines and according to the levels shown on the deposited plans and sections the additional reservoir waterworks and other works and conveniences following or some of them all in the county of Wilts namely :—

(1.) A storage reservoir to be situate wholly in the parish of Wroughton on lands belonging or reputed to belong to the trustees of the Codrington Wroughton Estate being part of a wood known as Clouts Wood and the allotment field and lands adjoining thereto which lands are surrounded by property belonging or reputed to belong to the said trustees of the Codrington Wroughton Estate the Sutton Charterhouse trustees and Wroughton Glebe;

(2.) An aqueduct or line of pipes wholly in the parish of Wroughton commencing in the said Clouts Wood No. 163 on the Ordnance map of the said parish and terminating by a junction with the Company's water main conveying water from their works at Wroughton to Swindon near the south-west corner of the Company's filter house at their works at Wroughton and numbered 271 on the said Ordnance map of the said parish;

(3.) A drain wholly in the parish of Wroughton commencing in the public road leading from Wroughton to Chiseldon at the termination of the present sewer belonging to the rural sanitary authority of the Highworth and Swindon Union and terminating near the north-west corner of the farmyard belonging or reputed to belong to the trustees of the late

Henry Kemble No. 103 on the said Ordnance map of the said parish : A.D. 1894.

Together with all proper and necessary shafts pumps pumping-stations embankments filtering beds tanks dams gauges drains sluices catchpits conduits culverts channels wells cuts adits aqueducts tunnels roads approaches apparatus engines works and conveniences connected with the existing and proposed waterworks or any of them or incidental thereto.

Power to take lands and waters.

25. Subject to the provisions of this Act the Water Board may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act and they may for the purposes of their waterworks take intercept collect impound use divert and appropriate the water from or to be found in upon or beneath any of the lands shown on the deposited plans in the parish of Wroughton or which can or may be intercepted or abstracted by means of the works herein-before described or any of them :

Provided that the Water Board shall not save by agreement be entitled to take or appropriate water found in upon or beneath any lands which shall not have been acquired by them.

Power to deviate.

26. In constructing the reservoir and other works by this Act authorised the Water Board may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards in the case of the reservoir and five feet upwards or downwards in the case of any other work.

The works by this Act authorised except the outlet tower and bridge giving access to it shall not be formed above the surface of the ground unless as shown upon the deposited plans and sections The embankment or the wall of the reservoir shall nowhere exceed thirty feet in height above a level corresponding with the present surface of the ground at the lowest part of the inner slope of the embankment.

Period for compulsory purchase of lands.

27. The powers of the Water Board for compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Time for completion of works.

28. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

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For the protection of the Highworth and Swindon Rural Sanitary Authority.

29.—(1.) Whereas the Highworth and Swindon Rural Sanitary Authority (in this section called "the sanitary authority") is possessed of certain springs of water and a well at Clouts Wood in the parish of Wroughton and it is apprehended that the works authorised by this Act may divert wholly or in part the water of such springs and well:

Therefore the Water Board shall so construct and maintain and use their works as not to divert or diminish the volume of water of such springs and well and if they shall divert or diminish the volume of water of such springs and well then the Water Board shall furnish to and provide the sanitary authority free of charge with an amount of water equivalent to the amount of diminution and in case of failure to fulfil the requirements of this section the Water Board shall forfeit to the sanitary authority the sum of five pounds per day on which any such default occurs or continues and any such forfeiture shall be enforced by an order or award of the arbitrator as herein-after provided.

(2.) If and so often as any dispute arises as to the fulfilment of the requirements of this section or as to whether any forfeiture has been incurred such dispute shall be referred from time to time to the decision of and shall be determined by an engineer to be nominated by the clerk of the county council of the county of Wilts for the time being.

(3.) Before the Water Board commences the construction of any works which may affect any pipe belonging to the sanitary authority the Water Board shall deliver to the sanitary authority a sufficient plan of such intended works and shall not proceed with the construction of the said works until the said plan shall have been approved by an engineer appointed for that purpose by the sanitary authority or in the event of his failure to approve the same within twenty-eight days until the same shall have been approved by an engineer to be appointed by the clerk to the county council aforesaid and all the intended works shall be executed by the Water Board at their sole expense according to such approved plan and to the reasonable satisfaction of an engineer appointed by the sanitary authority or in case of a difference of an engineer to be appointed by the clerk to the county council as aforesaid.

(4.) The Water Board shall not cause any interference with any pipe belonging to the sanitary authority unless and until the Water Board shall have provided at their own expense means for continuing until the works are constructed in accordance with the last preceding sub-section a supply of water to the district within the jurisdiction of the sanitary authority equal in amount and quality to that which the sanitary authority is at the time

supplying and such supply shall be provided by the Water Board free of cost to the sanitary authority until the completion of the works in the manner provided by the last preceding sub-section.

(5.) All expenses incurred by the sanitary authority in connexion with carrying out the provisions of this section shall be paid by the Water Board.

For the protection of the Wilts and Berks Canal Company.

30. For the protection of the Wilts and Berks Canal Company (herein-after called "the canal company") the following provisions shall apply and have effect:—

(1.) Notwithstanding anything in this Act contained the Water Board shall not acquire take use intercept collect impound divert (excepting as in this section provided) interfere with or appropriate for the purposes of their undertaking the waters of either of the streams commonly known as the Footfall Brook and the Wroughton Stream or of any spring stream watercourse or tributary supplying or flowing into the said Footfall Brook or Wroughton Stream or either of them neither shall the Water Board do anything to interfere with the user of the waters of the said Footfall Brook or Wroughton Stream by the canal company or in any way to diminish the flow of the waters of the said Footfall Brook and Wroughton Stream down to and into the Wilts and Berks Canal:

(2.) The diversion of the Footfall Brook shown on the deposited plans and marked "stream diversion" shall be carried out under the supervision and to the reasonable satisfaction in all respects of the superintendent of the canal company and shall be so carried out that no water can at any time be abstracted from the Footfall Brook and diverted into or allowed to flow into the reservoir by this Act authorised:

(3.) The costs charges and expenses incurred by the canal company in opposing the Bill for this Act and of all matters relating to the said opposition as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Water Board as part of their expenses of obtaining this Act.

Restriction on taking houses of labouring class.

31. The Water Board shall not under the powers of this Act take 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 which have been or shall be subsequently so occupied.

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

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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 of such persons who may be residing with them.

Power to grant easements &c.

32. 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 Water Board any easement right or privilege (not being an easement right or privilege of water in which others 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 Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to take additional lands by agreement.

33. The Water Board may from time to time for any of the purposes of their undertaking purchase by agreement any lands not exceeding five acres in addition to the lands which they are authorised to take by compulsion but the Water Board shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their waterworks.

Power to hold lands needful to prevent fouling and to protect waterworks.

34. The Water Board may hold any lands acquired by them under this Act and which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Water Board shall not erect any building on the lands while so held by them except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their waterworks.

Reservation of water rights &c. on sale.

35. The Water Board may sell any lands for the time being belonging to them and not required for the purposes of their undertaking and on any such sale may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make any such 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 and otherwise as they may think fit.

36. The proceeds of the sale of any superfluous lands under the powers of this Act shall be distinguished as capital in the accounts of the Water Board and shall be applied in discharge of moneys borrowed by the Water Board or in redeeming and extinguishing annuities and shall not be applied to the payment of instalments or to payment into any sinking fund or into any fund for the redemption of annuities except to such extent and on such terms as may be approved by the Local Government Board Any moneys discharged or annuities redeemed and extinguished out of the proceeds of any such sale shall not be re-borrowed or re-granted.

Proceeds of sale of surplus land to be treated as capital.

Supply of Water.

37. The Water Board may demand and take for the supply of water for domestic purposes within the water limits any rates and charges not exceeding the rates and charges following (that is to say):—

Where the rateable value of the premises so supplied with water shall not exceed six pounds a sum not exceeding eight shillings and eightpence per annum;

Where such rateable value shall exceed six pounds and shall not exceed twenty pounds a sum calculated at the rate of eight and a half per centum per annum on the rateable value;

Where such rateable value shall exceed twenty pounds and not exceed forty pounds a sum calculated at the rate of seven and a half per centum per annum on the rateable value;

Where such rateable value shall exceed forty pounds and not exceed sixty pounds a sum calculated at the rate of seven per centum per annum on the rateable value;

Where such rateable value shall exceed sixty pounds a sum calculated at the rate of six and a half per centum per annum on the rateable value:

Provided that the Water Board shall in no case be entitled 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 such higher rateable value as would bring it within another division of the said scale.

Rates for water supply.

38. In addition to the rates computed as above specified the Water Board may charge for a second watercloset and for any fixed bath in any private dwelling-house or part of such dwelling-house or appurtenance thereto the following rates (that is to say):—

Where the rateable value shall not exceed twenty pounds the sum of six shillings per annum;

Rates for watercloset and private baths.

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Where the rateable value shall exceed twenty pounds but shall not exceed forty pounds the sum of eight shillings per annum;

Where the rateable value shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum;

Where the rateable value shall exceed eighty pounds the sum of twelve shillings per annum;

And for every additional watercloset beyond the second and for every additional fixed bath beyond the first the sum of five shillings per annum respectively.

Definition of rateable value.

39. The rateable value shall for the purposes of the last two preceding sections be 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 Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid The apportionment in case of dispute shall be determined by two justices.

Power to agree for domestic supply by measure and to supply meters.

40. Notwithstanding any provisions of the Waterworks Clauses Acts or of this Act the Water Board may from time to time agree with any person to supply water for domestic purposes by measure and may sell and dispose of or let for hire meters and any water fittings on and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Supply of water for other than domestic purposes.

41. The Water Board may supply water within the water limits by meter for purposes other than domestic purposes and may charge for such supply in respect of and up to ten thousand gallons of water per half-year a minimum charge of one pound five shillings per half-year and two shillings per one thousand gallons per half-year above the ten thousand gallons up to fifteen thousand gallons per half-year and after fifteen thousand gallons per half-year one shilling and sixpence for every additional one thousand gallons per half-year and the moneys payable for such supplies shall be recoverable either as an ordinary debt or as water rates are recoverable under the Waterworks Clauses Act 1847 and sections sixty-eight to seventy-four of that Act shall have effect accordingly Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

As to pressure.

42. The Water Board shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the reservoir from which the water is supplied and for the purposes of this section the existing higher reservoir of the Company

shall be deemed to be the reservoir from which the district of the Old Swindon Local Board is supplied and the Water Board shall be bound to supply the said district from that reservoir until the construction of a reservoir from which that district can be directly supplied by gravitation.

Restriction on obligation to supply closets and baths.

43. The Water Board shall not be compelled to supply with water 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 contamination of the water of the Water Board nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

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

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

Regulations for preventing waste of water.

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

(1.) The Water Board may from time to time make byelaws for the purpose of preventing waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soilpans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination;

(2.) No such byelaws shall be of any force or effect except within the part or parts of the district which the Water Board are for the time being bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure nor unless and until such byelaws shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same;

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(3.) Copies of all such byelaws in force for the time being shall be kept at the offices of the Local Boards and all persons may at all reasonable times inspect such copies without payment and the Local Boards shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy;

(4.) A printed copy of any such byelaws purporting to have been made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof;

(5.) In case of failure of any person to observe such byelaws as are for the time being in force the Water Board may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soilpan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Water Board by the person on whose credit the water is supplied and may be recovered by them as an ordinary debt or as water rates are recoverable;

(6.) Any person offending against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Water Board or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall continue after conviction thereof and the Water Board may in addition thereto recover the amount of any damages sustained by them:

Sections 182 to 186 of the Public Health Act 1875 except so much of section 185 as relates to byelaws made by a rural sanitary authority shall apply to byelaws made by the Water Board as if the Board were a local authority within the meaning of the said Act.

Register of meter primâ facie evidence.

46. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

FINANCIAL.

Contributions by Local Boards and common fund.

47. The Local Boards shall provide all sums required for payment of annuities or for payment of interest on or repayment of borrowed money or for the expenses incurred by the Water

Board in or about the constitution of such board or in or about the execution of any of the powers or provisions of this Act (so far as the same are not defrayed out of the revenue of the water undertaking) by contributions in the proportions of the assessable values for the time being of their respective districts to the general district rate and all such contributions as well as the revenue of the water undertaking shall be carried by the Water Board to a common fund.

Water Board may make calls.

48. The Water Board may from time to time make on the Local Boards respectively such calls of money in respect of any sum or sums to be contributed by them under this Act as the Water Board think fit and may appoint the persons to whom and the times and places at which the calls are to be paid giving at least one month's notice in writing of each call before the day fixed for payment thereof but a call shall be deemed to be made at the time when a resolution of the Water Board making the same is passed.

All calls and contributions under this and the preceding section shall be payable out of the district funds or rates of the Local Boards.

Recovery of calls in arrear.

49. If at the time appointed by the Water Board for payment of any call either of the Local Boards fail to pay the amount of the call the Water Board may sue that board for the amount thereof and may recover the same and the interest thereon at the rate of five per centum per annum from the day on which the call was payable.

Issue of annuities to shareholders.

50. The Water Board shall issue to the shareholders annuities in accordance with the terms of the scheduled agreement and such annuities shall be called Swindon Water Annuities.

Company's books evidence as to shareholders.

51. The persons who appear in the books of the Company to be proprietors of shares in the capital of the Company shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders thereof for the purpose of the issue of annuities and of the distribution of the assets of the Company.

Power to Company to pay into court.

52. If the directors of the Company shall for twelve months after the passing of this Act be unable after diligent inquiries to ascertain the person entitled to any annuity and who can give an effectual receipt for the same they may transfer such annuity to the account of the Paymaster General for and on behalf of the Supreme Court of Judicature under the provisions of the Trustee Act 1893 or any Act from time to time in force for the relief of trustees or may lodge such annuity in the county court of the district having jurisdiction in the matter.

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Security for annuities.

53. The annuities shall be secured on the revenue for the time being of the water undertaking and the common fund of the Water Board.

Water Board to issue certificates for annuities.

54. The Water Board shall issue to every annuitant or to his representatives on demand and on delivery of his or their share certificate or proof of its loss or destruction to the satisfaction of the Water Board a certificate of the annuity free of expense to the annuitant and the certificate may be in the form in the Second Schedule to this Act or to the like effect and by agreement one certificate may include any number of annuities.

Annuities to represent shares in Company.

55. The annuities shall in all respects represent the shares in the capital of the Company in respect of which they are issued and shall be held by the grantees thereof respectively on the same trusts and subject to the same powers provisions charges and liabilities as those on and to which their respective shares in the capital of the Company were held and so as to give effect to and not to defeat any deed agreement or other instrument or any testamentary or other disposition.

Power to consolidate annuities.

56. Any annuity may on the written request of the annuitant addressed to the Water Board be consolidated with any other annuities belonging to the same annuitant in the books of the Water Board.

Annuities to be payable half yearly.

57. The annuities shall commence on the first day of January one thousand eight hundred and ninety-five and be paid by equal half-yearly payments on the first day of July and the first day of January in every year and the first payment shall be made on the first day of July one thousand eight hundred and ninety-five.

Warrants for payment of annuities.

58. The Water Board shall deliver to each annuitant or send by post in a prepaid letter addressed to the registered address of such annuitant a warrant or order for every payment to such annuitant.

Transfer and transmission of annuities.

59. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the distribution of the capital of the Company into shares and with respect to the transfer or transmission of shares are hereby incorporated with this Act and shall (except as expressly varied by this Act) so far as the same are applicable apply to the Water Board and the annuities and annuitants as if the Water Board were a company under that Act and the annuities were shares and the annuitants were shareholders but the form of transfer of an annuity may be according to the form in the Second Schedule to this Act or to the like effect The clerk or any other duly authorised

officer of the Water Board shall perform the duties imposed by the said Act on the secretary of the Company and no annuity shall be paid to any transferee thereof until the transfer has been delivered to the clerk or other such officer as aforesaid.

Recovery of arrears of annuities.

60. If within thirty days after an instalment of an annuity becomes payable it is not paid the annuitant may recover it against the Water Board in any court of competent jurisdiction.

Receiver for annuitants.

61. The annuitants without prejudice to other remedies may enforce payment of arrears of their annuities by the appointment of a receiver as if they were mortgagees of the Water Board and each annuity was interest on a mortgage of the Water Board.

Receipts of guardians &c.

62. If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind the receipt of the guardian or committee of his estate shall be a discharge to the Water Board for the same.

Redemption of annuities by Water Board.

63. The Water Board may from time to time redeem any of the annuities at such price as may be agreed between the annuitant and the Water Board and at any time after the thirtieth day of June one thousand nine hundred and forty-nine the Water Board shall be entitled to redeem any of the annuities on giving one month's notice of their intention to the owner thereof and on payment to him in cash of a sum equal to twenty-five years purchase of the annuity.

Every annuity redeemed by the Water Board shall be extinguished.

Sinking fund for annuities.

64. The Water Board shall out of the revenue arising from the water undertaking or out of their common fund make provision for the redemption of any annuities issued by them under this Act by a sinking fund appropriated and invested in any statutory securities as defined by this section and with the accumulations thereof at such rate per centum per annum as may be from time to time fixed by the Local Government Board and from time to time applied for that purpose so as to extinguish or be in a position to extinguish the whole of such annuities before the thirtieth day of June one thousand nine hundred and fifty-four and if at the end of that time the annuities or any of them are not wholly extinguished then the Water Board shall so long as they are liable to pay the same apply in or towards that payment the annual income arising from the sinking fund provided under this section and the amounts to be from time to time appropriated for the sinking fund shall be such as the Local Government Board shall having regard to the provisions of this Act approve and the first payment shall be made within twelve months after the first issue of such annuities.

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Any security in which trustees are by or under any Act of Parliament passed or hereafter to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain or of any other local authority within section thirty-four of the Local Loans Act 1875 (except securities of either of the two Local Boards or of the Water Board and except annuities and securities payable to bearer) is for purposes of this Act a statutory security.

Winding-up and dissolution of Company.

65. The directors shall exercise all powers and do all acts necessary or proper for winding-up the affairs of the Company and when the affairs of the Company have been completely wound up the Company shall be by virtue of this Act dissolved.

Power to borrow.

Power to raise further moneys by borrowing.

66. For the purpose of raising any moneys which may be required to be paid for discharging the mortgage or debenture debt of the Company amounting to twelve thousand pounds or for the stock-in-trade of the Company or which may hereafter be required to defray expenditure on capital account of the water undertaking (including payments for redemption of annuities) the Water Board shall have like powers of borrowing on the credit of their common fund under this Act as a joint board has under the Public Health Act 1875 and in the exercise of those powers the Water Board shall be subject to the like restrictions.

Protection of lenders from misapplication &c.

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

Application of moneys raised.

68. Moneys borrowed under this Act shall be applicable only to purposes of this Act to which capital is properly applicable.

Application of revenue arising from undertaking.

69. All moneys from time to time received by the Water Board by way of revenue from the water undertaking shall be paid into their common fund and shall be applied to the following purposes and in the following order:—

In payment of the interest on the mortgage or debenture debt of the Company until discharged;

In defraying the expenses of the execution of this Act properly chargeable to revenue;

In payment of the annuities;

In payment of the interest on any moneys borrowed or re-borrowed under the powers of this Act;

In providing for the discharge of any moneys borrowed or re-borrowed as aforesaid and for the redemption of the annuities;

In setting apart if the Water Board think fit a yearly sum not exceeding ten pounds per centum of such revenue for the purpose of forming a reserve fund to provide for the expenses occasioned by any accident to the waterworks and works connected therewith or any other extraordinary expenditure Provided that such reserve fund shall be accumulated by way of compound interest by investment in any statutory securities as herein-before defined and shall not at any time exceed the sum of three thousand pounds and the income therefrom shall after the fund has reached that amount be applied in the same manner as money received by the Water Board by way of revenue;

The residue if any of such revenue shall be divided between the two Local Boards in the proportions of the assessable value for the time being of their respective districts and the sums so apportioned shall be paid by the Water Board to the respective treasurers of the Local Boards and shall be carried by them to the credit of their respective district fund accounts or such residue may be applied by the Water Board in reducing the rates and charges by this Act authorised.

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

70. The clerk to the Water Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid in respect of moneys borrowed or annuities issued under or by virtue of 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 and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner If it appears to the Local

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Government Board by such return or otherwise that the Water Board have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act 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.

MISCELLANEOUS.

Notices.

71. All notices orders and other such documents under this Act may be in writing and may be authenticated and served in the same manner in every respect as though the same were notices or other such documents under the Public Health Act 1875 or required or authorised to be served under that Act and the Water Board were a local authority within the meaning of that Act.

Provision for sale of portion of waterworks plant to other sanitary authorities.

72. If at any time after the passing of this Act any sanitary authority whose district is beyond the districts of the two Local Boards but within their limits for the supply of water shall give not less than six months' notice in writing to the Water Board of their desire to purchase such portion of the waterworks and plant of the Water Board as is contained within the district of any such sanitary authority except as after mentioned and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Water Board except the reservoirs mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Water Board for the supply of water and to supply water within such district then it shall not be lawful for the Water Board to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Water Board shall sell and such sanitary authority shall purchase the portion of the waterworks and plant of the Water Board (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the Water Board shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that any purchase by a sanitary authority under this

section shall be deemed to be for the purposes of the Public Health Act 1875 a purpose for which such authority may borrow moneys under that Act Provided also that after the completion of such purchase all obligations on the part of the Water Board to supply water within such district shall cease and determine.

Costs of Act.

73. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act shall be paid by the Local Boards in the proportions in this Act prescribed for the contributions of the Local Boards out of their respective general district rates or out of money borrowed on the security thereof which money they are hereby respectively authorised to borrow as if such moneys were required for a purpose of the Public Health Act 1875 and the provisions of that Act and of the Acts amending the same with respect to borrowing shall apply in this case accordingly and such costs as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall include the costs incurred by the Local Boards in complying with the provisions of the Act of the Session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Agreement of 7th April 1893 between the Company and the Local Boards.

Memorandum of Agreement made and entered into this 7th day of April 1893 between The Swindon Waterworks Company Limited of the one part and The Old Swindon Local Board and The Swindon New Town Local Board of the other part Whereby it is mutually agreed as follows:—

1. In this Agreement unless there be something in the subject or context inconsistent therewith the expressions following shall have the respective meanings herein-after mentioned (that is to say):—

"The Company" shall mean the Swindon Waterworks Company Limited;

"The Local Boards" shall mean the Old Swindon Local Board and the Swindon New Town Local Board jointly and severally;

"The undertaking" shall mean the waterworks and the works connected therewith maintained by the Company and include the lands messuages mills buildings reservoirs engines fixed machinery mains pipes fixed meters easements contracts and books of account cash balances on capital account and all other the real and personal property (except stock-in-trade and profits) belonging to the Company as the same exist or be on the transfer day;

The "transfer day" shall mean and be the 1st day of January 1895;

The "stock-in-trade" shall mean and include all stores unfixed meters fittings coal tools horses vehicles unfixed machinery pipes and other articles and materials whatsoever purchased out of revenue;

The "profits" shall mean the contingent fund and consols representing the same cash balances in the hands of the Company or those of any banker or agent on revenue account and all book and other debts due to the Company and all other profits and advantages accrued or accruing due on the transfer day.

2. The Company shall sell and the Local Boards shall purchase subject to the provisions of this Agreement the undertaking of the Company subject to such obligations for furnishing free supplies of water and all other obligations and contracts for the supply of water and otherwise into which the Company have

from time to time entered and also subject to all liabilities charges and incumbrances affecting the same and also subject to the indenture dated the 1st day of December 1888 made between the Company of the one part and William Amos Barns William Dean and Fitzroy Pleydell Goddard of the other part and the principal sum or sums of money therein covenanted to be paid but not exceeding the sum of 12,000*l.* and interest which sum or sums the said Local Boards shall repay as and when the same shall become payable under the said indenture or at such earlier time as may be desired by the parties respectively entitled to the same principal moneys after six calendar months' notice to the said Local Boards The Local Boards shall also on the transfer day take over the stock-in-trade and pay for the same according to a valuation to be made in the usual manner.

3. The profits shall remain with and belong to the Company and shall be held sold or dealt with by the Company in such manner as they shall think fit.

4. The purchase shall be completed as herein-after provided on the transfer day.

5. The consideration to be paid or given by the Local Boards to the Company for the purchase of the undertaking shall be the issue on the transfer day to the proprietors of the shares in the capital of the Company of annuities at the rate of £1 for every £10 of such capital and so in proportion for any sum less than £10 to be secured on the revenue for the time being of the Local Boards including the revenue to be derived from the undertaking and on the general district rates of the Local Boards and to be redeemable after the 30th day of June 1949 on payment in cash of a sum equal to 25 years' purchase thereof at such periods and in such amounts as may be authorised by Parliament or sanctioned by the Local Government Board.

6. The Local Boards shall on the transfer day issue the said annuities to and register the same in the names of the members of the Company.

7. The Company shall on the transfer day execute a deed of conveyance or assurance of the undertaking to the Local Boards in accordance with this Agreement such deed to be prepared and duly stamped by and at the expense of the Local Boards and the Local Boards shall jointly and severally enter into all proper covenants on their part to perform and fulfil all and every of the obligations contracts deeds and agreements already entered into or thereafter entered into by the Company with the consent of the Local Boards including the covenants of the indenture dated 1st December 1888 as aforesaid and indemnify the Company from all liability thereunder.

8. The Company shall deliver up possession of the undertaking to the Local Boards on the transfer day and therefrom the Local Boards shall be entitled to the receipts and revenue accruing and arising from that date from the undertaking and shall bear and pay all rates and outgoings from that date the same to be apportioned if necessary.

9. All debts owing to the Company water rates meter rents and all other rents revenue profits and choses in action accrued or accruing due to the transfer day shall be received by and belong to the Company and be retained by them and recoverable in any court of competent jurisdiction.

10. The Company shall at their own expense and risk carry on and maintain the undertaking up to the transfer day in the ordinary course of business

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11. For a period of twelve months after the transfer day the Company shall have full and free access at all reasonable times to the books documents and accounts relating to the undertaking for the purpose of making up the accounts of the Company and for declaring and paying dividends and also for the purpose of getting in and recovering the debts rates rents profits and arrears to the transfer day and for all other purposes necessary for winding-up the Company and the Company may exercise all such of their powers and rights as may be requisite for ascertaining and enforcing payment of all moneys and profits that may on the transfer day or subsequently become due to them in as full and complete a manner as if this Agreement had not been made And the Company may also exercise all their powers and rights for the holding of meetings or otherwise necessary for the purpose of distributing such moneys and profits and winding-up the affairs of the Company.

12. The Company may between the date of this Agreement and the transfer day call up at par the unpaid portion of the last issue of 10,000 shares and expend the same upon capital account in the making of a reservoir in Okus Great Field at Swindon in the county of Wilts and in lengthening or making new adits or borings in the Chalk Hills near the Company's reservoir and works at Wroughton in the said county and all incidental works and expenses connected therewith or any of them and shall also be at liberty to expend such further money on capital account as they shall reasonably deem necessary for efficiently carrying on the undertaking as the Company and the Local Boards or Committee having charge of the matter may mutually agree upon And the Local Boards shall on request in writing by or on behalf of the Company to be delivered to each of the clerks to the Local Boards provide and repay to the Company on the transfer day the amount so expended on capital account exceeding the unpaid portion of the last issue of 10,000 shares as aforesaid with interest thereon after the rate of 5*l.* per cent. per annum to be computed from the time or respective times of expending the same.

13. Subject to the provisions of this Agreement the Company shall bear and pay all such trade debts and liabilities as shall become due from or payable by them up to the transfer day and as in the usual course of their business would be charged to revenue account of the year to end on the 31st day of December 1894.

14. The Local Boards shall take the lands hereditaments and easements of the Company including all the real property of the Company with the title on which the Company purchased the same but subject to such outgoings easements rents and incidents of tenure as the same are held under by the Company and subject also to the tenancies rentcharges quit rents and easements affecting the same.

15. If from any cause the purchase shall not have been fully and finally completed on or before the transfer day the Local Boards shall pay to the Company interest upon the capital value of the annuities computed at 25 years'

purchase at the rate of £4 per centum per annum and upon the money expended by the Company on capital account exceeding the unpaid portion of the last issue of 10,000 shares as herein-before provided at the rate of £5 per centum per annum from such transfer day until actual completion and repayment of the money so expended on capital account as aforesaid.

16. The Company shall on or before the first day of October one thousand eight hundred and ninety-four at the request and cost of the said Local Boards or either of them supply to the Local Boards or either of them true copies of or extracts from their water rentals for a period not exceeding the then last three years and with true copies of or extracts from their maps and plans relating to their undertaking and will produce the originals for inspection.

17. Upon completion of the purchase the Company shall cease to supply water for any purpose within the districts of the said Local Boards.

18. Every question or difference that may arise between the parties hereto as to the construction or meaning of this Agreement or anything therein contained or as to the performance or carrying out of the same by either party or as to any other matter arising out of or connected with the subject-matter of these articles shall in the event of the Company and Local Boards failing to agree to refer such matter or dispute to a single arbitrator be referred to the decision of two arbitrators one of whom shall be nominated and appointed by the Company and the other by the Local Boards or in case of their differing to an umpire to be by them appointed before entering on the business of the reference and the decision of such arbitrators or umpire upon the question or dispute so referred shall be final and conclusive All the provisions of the Arbitration Act 1889 shall apply to any arbitration under this Agreement and any such arbitration shall be considered as an arbitration under such Act.

19. If from any cause whatever (other than its rejection by Parliament) a Bill for carrying out this Agreement should fail to pass into an Act during the ensuing session of Parliament this Agreement and all terms and provisions thereof shall still be binding upon the Company and upon the Local Boards and in that case the transfer day shall be altered to the 30th day of June 1895 or such earlier date in that year as may be agreed upon between the parties hereto and all necessary consequential alterations shall be made in this Agreement accordingly and the Local Boards shall at their expense apply to Parliament for and duly prosecute a Bill for giving effect to this Agreement in the session 1895 and if such Bill should fail to pass in that session then this Agreement shall cease to be binding.

20. This Agreement is made subject to such alterations as Parliament may think fit to make therein.

21. Provided always and it is hereby expressly agreed and declared that if the Local Boards shall not faithfully and diligently perform all and every of the stipulations and agreements herein contained and which on their part ought to be observed and performed or if this Agreement shall cease to be binding as herein-before provided then it shall be competent for the Company to promote a Bill in Parliament at any time after such neglect or default to incorporate the Company and to maintain and continue the undertaking and works connected therewith and to supply water within the districts of the Local Boards

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with all necessary and incidental powers this Agreement and anything herein contained notwithstanding.

In Witness whereof to one part of these presents remaining in the custody of the Local Boards the Company have set their common seal and to the other part remaining in the custody of the Company the Old Swindon Local Board and the Swindon New Town Local Board have severally set their common seals the day and year first herein-before written.

The common seal of the Swindon Waterworks Company Limited was affixed hereto by me in pursuance of a resolution of the directors passed 7th April 1893.

Seal of Waterworks Company.

W. H. SHEPHERD
Secretary to the said Company.

The common seal of the Old Swindon Local Board was affixed hereto in the presence of

Seal of Old Swindon Local Board.

W. REYNOLDS.

The common seal of the Swindon New Town Local Board was affixed hereto in the presence of

Seal of Swindon New Town Local Board.

H. J. BIRCH
Chairman.

THE SECOND SCHEDULE.

FORM A.

Form of Certificate of Annuity.

Swindon Water Annuities.

No._____

By virtue of the Swindon Water Act 1894 the Swindon Water Board do hereby certify that of is under and subject to the provisions of that Act entitled to an annuity [*or* to annuities] (*as the case may be*) of secured on the revenue for the time being of the water undertaking and the common fund of the Water Board which annuity is [*or* annuities are] (*as the case may be*) payable to the said his executors administrators or assigns clear of all deductions (except for income tax) by equal half-yearly payments on the first day of July and the first day of January in each year.

Given under the common seal of the Swindon Water Board this day of one thousand eight hundred and

L.S.

FORM B.

Form of Transfer of Annuity.

Swindon Water Annuities.

I of in consideration of the sum of £ paid to me by of do hereby transfer to (herein-after called the transferee) the annuity [*or* annuities] (*as the case may be*) of numbered created under the Swindon Water Act 1894 and all my right and interest therein and thereto to hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same at the time of the execution hereof and I the transferee do hereby agree to take the same annuity [*or* annuities] (*as the case may be*) subject to the same conditions.

As witness my hand and seal this day of one thousand eight hundred and .

L.S.

L.S.

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