**CHAPTER clxxi.**

An Act for conferring further powers upon the Bilston Township Commissioners with respect to the construction of waterworks and the supply of water within their district and for other purposes. [27th July 1893.]

A.D. 1893.

WHEREAS the township of Bilston in the county of Stafford is an urban sanitary district under the management and control of the Bilston Township Commissioners and Local Board of Health (in this Act called "the Commissioners") who were incorporated by the Bilston Improvement Act 1850 for (amongst other purposes) sufficiently supplying the said township with water and it is expedient that the Commissioners should be authorised to construct the works in this Act mentioned for affording such supply and to exercise the other powers in this Act contained:

And whereas the said township is at present supplied with water by the mayor aldermen and burgesses of the borough of Wolverhampton (in this Act called "the Corporation") under an agreement set forth in Schedule (C) to the Wolverhampton Waterworks Transfer Act 1867 and it is expedient that the said agreement should be determined on the terms contained in the agreement between the Commissioners and the Corporation dated the eighteenth day of November one thousand eight hundred and ninety-two set forth in the First Schedule to this Act:

And whereas plans and sections describing the situation and the lines and levels of the works by this Act authorised and plans of the lands by this Act authorised to be acquired and also a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required for the purposes of this Act were duly deposited with the clerk of the peace for the county of Stafford and are herein-after respectively referred to as the deposited plans sections and book of reference:

A.D. 1893.

And whereas the Commissioners require further money for the purposes aforesaid and for other purposes and an estimate has been prepared for the purchase of lands for and for the execution of the purposes of this Act including the sum of nine thousand pounds payable to the Corporation under the said agreement of the eighteenth day of November 1892 and such estimate amounts to forty-six thousand pounds :

And whereas the works included in such estimate are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the Commissioners at a meeting held on the thirty-first day of August one thousand eight hundred and ninety-two after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Midland Weekly Herald" a local newspaper published or circulating in the district of the Commissioners 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 whereas such resolution was published twice in the Midland Weekly Herald newspaper and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that 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 Commissioners at a further special meeting held in pursuance of a similar notice on the nineteenth day of January one thousand eight hundred and ninety-three 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 by Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the *Bilston Commissioners (Water) Act 1893.*

2. The Lands Clauses Acts and the Waterworks Clauses Acts A.D. 1893.
1847 and 1863 (except the provisions of the Waterworks Clauses Incorporation of
Act 1847 with respect to the amount of profit to be received by general
the undertakers when the waterworks are carried on for their Acts.
benefit) and the provisions of the Railways Clauses Consolidation
Act 1845 with respect to roads and the temporary occupation of lands
near the railway during the construction thereof are (except where
expressly varied by this Act) incorporated with and form part of
this Act and the expression "the undertakers" or "the promoters
of the undertaking" or "the Company" in any of the said Acts
shall for the purposes of this Act mean the Commissioners
Provided that section 44 of the Waterworks Clauses Act 1847
shall for the purposes of this Act be read and construed 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 Provided also that the before-mentioned
provisions of the Railways Clauses Consolidation Act 1845 shall
apply only to the construction of the reservoir by this Act authorised.

3. In this Act the several words and expressions to which Interpretation.
meanings are assigned by the Acts wholly or partially incorporated
with this Act shall have the same respective meanings unless there
be something in the subject or context repugnant to such con-
struction or unless it be otherwise provided by this Act "The
district" shall mean the district of the Commissioners "the Act
of 1850" means the Bilston Improvement Act 1850 as amended by
the Orders relating to the district confirmed by the Local Govern-
ment Board's Provisional Orders Confirmation (No. 2) Act 1887
the Local Government Board's Provisional Orders Confirmation
(No. 10) Act 1888 and the Local Government Board's Provisional
Orders Confirmation (No. 13) Act 1892 respectively "owner" shall
have the same meaning as in the Public Health Act 1875 "the Public
Health Acts" shall mean the Public Health Act 1875 and any Act
amending the same "daily penalty" shall mean a penalty for every
day during which any offence is continued after conviction thereof
and the expression "superior courts" or "court of competent juris-
diction" or other like expression in this Act or any Act wholly or
partially incorporated herewith shall for the purposes of this Act be
read and have effect as if the debt or demand with respect to which
that expression is used were a simple contract debt and not a debt or
demand created by statute and shall include any court of competent
jurisdiction.

4. The limits of this Act for the supply of water shall be and Limits of
include the district and (so far as may be necessary for the purposes Act.

[Ch. clxxi.] *Bilston Commissioners (Water)* [56 & 57 Vict.]
Act, 1893.

A.D. 1893. — of and subject to the provisions contained in the section of this Act the marginal note of which is "For the protection of the Seisdon rural sanitary authority") the area referred to in that section as the prescribed area.

Act to be
executed by
Commis-
sioners.

5. This Act shall be executed by the Commissioners with the powers duties and indemnities and according to the provisions of the Public Health Acts and as if the purposes and provisions of this Act were purposes and provisions of those Acts except so far as any of the provisions of those Acts are expressly varied or otherwise provided for by this Act.

Confirming
agreement
with Wol-
verhampton
Corporation.

6. (1.) The agreement between the Commissioners and the Corporation dated the eighteenth day of November one thousand eight hundred and ninety-two as set forth in the First Schedule to this Act (in this Act referred to as "the Corporation Agreement") is hereby confirmed and made binding upon the parties thereto and subject to the provisions of that agreement the agreement set forth in Schedule (C) to the Wolverhampton Waterworks Transfer Act 1867 shall as from the thirty-first day of December one thousand eight hundred and ninety-four or other later date upon which the Corporation shall cease to supply water to the Commissioners under the Corporation Agreement be by virtue of this Act determined and section 13 of the said Act shall as from the same date be repealed and thenceforth all the powers and obligations of the Corporation with respect to the supply of water within the district whether under the agreement set forth in the said Schedule (C) or otherwise shall cease.

(2.) Provided that it shall be lawful for the Corporation to maintain repair and renew all their existing mains and to lay down maintain repair and renew new mains within the district for the purpose of supplying places outside the district with water and for those purposes the Corporation may open and break up any street within the district subject and according to the provisions with respect to the breaking up of streets for the purpose of laying pipes of the Waterworks Clauses Act 1847.

(3.) Nothing in this Act or the Corporation Agreement or the Public Health Acts shall be deemed to authorise the Commissioners to supply water to or within the district of any urban or rural sanitary authority whose districts or any part thereof shall be situate within the water limits of supply for the time being of the Corporation except with the consent of the Corporation or except as is provided by the sections of this Act of which the marginal notes are "For the protection of the Seisdon rural sanitary

authority” and “Confirming agreement with Harriet Bradney-Marsh” and by the agreement referred to in the last-mentioned section.

A.D. 1893.

(4.) The principal sum of nine thousand pounds payable by the Commissioners to the Corporation under the Corporation Agreement shall be applied by the Corporation to any purpose of their water undertaking for which they have an authorised unexhausted borrowing power or which may be approved by the Local Government Board. Any such authorised borrowing power shall be reduced to the extent to which the said principal sum may be applied to any such purpose. Failing such authorised borrowing power or approval the said principal sum shall be applied in accordance with section 11 of the Wolverhampton Corporation Loans Act 1882 as from time to time amended.

7. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and situation and upon the lands delineated on the deposited plans and according to the levels shown on the deposited sections all or any of the works shown on the deposited plans among which are the following principal works and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they require for the purpose:—

Power to
make water-
works.

The said works are situate in the county of Stafford and are—

- (1.) Work No. 1—A well and pumping station situate wholly in the parish of Wombourne in lands lying on the east side of and adjoining the Staffordshire and Worcestershire Canal and on the south side of and partly adjoining the road from Trysull to Sedgley near the Bratch Bridge and three and a half chains or thereabouts east of Bratch Bridge:
- (2.) Work No. 2—A conduit or line of pipes situate wholly in the parish of Wombourne commencing at Work No. 1 and terminating by a junction with Work No. 4 by this Act authorised:
- (3.) Work No. 3—A well and pumping station situate wholly in the parish of Wombourne in lands lying on the east side of and adjoining the Staffordshire and Worcestershire Canal and on the north side of and adjoining the road leading from the canal bridge at Ounsdale to Wolverhampton and five and a half chains or thereabouts north-east of the said bridge:
- (4.) Work No. 4—A conduit or line of pipes situate wholly in the parish of Wombourne commencing at Work No. 3

A.D. 1893.

and terminating by a junction with Work No. 2 by this Act authorised :

- (5.) Work No. 5—A conduit or line of pipes commencing in the parish of Wombourne by a junction with Works No. 2 and No. 4 or one of them at their termination and terminating in the parish of Penn in Work No. 6 herein-after described :
- (6.) Work No. 6—A covered service reservoir measuring sixty yards by thirty yards or thereabouts to be situate wholly in the parish of Penn in a field on Goldthorn Hill on the west side of and adjoining the road from Rye Croft over Goldthorn Hill :
- (7.) Work No. 7—A conduit or line of pipes for cleansing Work No. 6 commencing in the said work and terminating in an existing surface water drain at or near the junction of the road leading from Rye Croft over Goldthorn Hill with the road leading from Seisdon by Penn Fields to Bilston :
- (8.) Work No. 8—A conduit or lines of pipes commencing in Work No. 6 and terminating in the township of Bilston in the road known as Parkfield Road at a point two chains or thereabouts east of the Red Lion Inn :

Together with all necessary approaches fences excavations embankments tanks sluices culverts pipes tunnels shafts channels adits levels dams weirs outfalls valves wells engines pumps drains filters and other works apparatus and conveniences connected therewith.

Power to
divert
waters.

8. The Commissioners may take collect and divert into the said wells pumping stations reservoir conduits lines of pipes and other works by this Act authorised and may take use and appropriate for the purposes of their undertaking all such underground springs and water as can be collected by the said works or any of them or as may be found in or under any of the lands which they shall acquire under the powers of this Act Provided always that nothing in this Act shall be construed to authorise the Commissioners to abstract water from or to injuriously affect the stream flowing to the Heath Mill over the land authorised to be taken for the purposes of this Act.

For the pro-
tection of
the Stafford-
shire and
Worcester-
shire Canal.

9. Nothing in this Act shall be construed to authorise the Commissioners to abstract water from or to injuriously affect the Staffordshire and Worcestershire Canal Provided always that in case water shall be abstracted from the canal by reason of the works authorised by this Act the Commissioners shall at their option either deliver into the canal from time to time equivalent compensation water or shall pay to the Company of Proprietors of the Stafford-

shire and Worcestershire Canal Navigation a sum or sums not exceeding in the whole five hundred pounds in respect of the cost from time to time incurred by the said Company in puddling the canal near to the Commissioners pumping station or stations. A.D. 1893.

10. And whereas the prescribed area as herein-after defined is within the district of the rural sanitary authority of the Seisdon Union And whereas there is no company or body supplying or authorised to supply water within the prescribed area (except that portion thereof which is within the water limits of the Corporation but such portion is not at present supplied by the Corporation) And whereas the supply of water within the prescribed area is at present derived from wells and is of a precarious character and it is expedient that provision should be made as contained in this section for the supply of water to the said area by the Commissioners Therefore the following provisions for the protection of the said rural sanitary authority shall be observed and have effect (that is to say):—

For the protection of the Seisdon rural sanitary authority.

(1.) The Commissioners shall so soon as they have commenced to supply water to the township of Bilston by means of the works by this Act authorised lay mains and pipes for the purpose of supplying water within and throughout such parts of the parishes of Wombourne Trysull and Woodford as are within a radius of one mile from the pumping station Work No. 1 by this Act authorised and also within the village of Trysull as herein-after defined (which parts parishes and village are in this section referred to as "the prescribed area"):

(2.) Subject to the proviso herein-after contained the Commissioners shall supply water to the owner or occupier of any house in any part of the parishes of Wombourne Trysull and Woodford who shall require the same and shall be willing to pay for the same at a rate not exceeding seventy per centum of the amount which would be payable in respect of such house if the same were within the township of Bilston Provided always that as regards any house outside the prescribed area the owner or occupier thereof shall not be entitled to demand a supply of water under this section unless such owner or occupier shall enter into an agreement binding himself to pay in addition to the rate aforesaid an annual sum equivalent to five pounds per centum upon the amount of the outlay that may be incurred by the Commissioners in laying the mains and pipes beyond the prescribed area to such house for the purpose of giving such supply:

A.D. 1893.
—

(3.) For the purposes of this section the village of Trysull shall be deemed to include both sides of the road leading from All Saints Church Trysull to Wolverhampton as far as Trysull Mill House and both sides of the road leading from the said church to Seisdon as far as the Manor House and both sides of the Green and of the road leading from the said church to Smestow as far as the farm house in the occupation of Charles William Munday :

Provided always that nothing in this section contained shall authorise or require the Commissioners to supply water within the water limits of the Corporation without the consent in writing of the Corporation.

Confirming
agreement
with Harriet
Bradney-
Marsh.

11. The agreement between the Commissioners of the one part and Harriet Bradney-Marsh of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto. But nothing in this section or in the said agreement or the schedule thereto shall authorise the Commissioners except with the consent in writing of the Corporation to supply water within the water limits of the Corporation other than to Lloyd House and premises including the Home Farm and then only in the event mentioned in and in accordance with the provisions of that agreement.

Power to
deviate.

12. In constructing the waterworks by this Act authorised or any of them the Commissioners 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 seven feet downwards in the case of the reservoir and three feet upwards or downwards in respect of other works. Provided always that the Commissioners shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown in each case on the deposited sections.

Period for
completion
of water-
works.

13. If the works by this Act authorised are not completed within five years after the passing of this Act then on the expiration of that period the powers of the Commissioners under this Act for making the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Provided always that subject to the provisions of this Act the Commissioners from

time to time may alter enlarge and extend their tanks engines machinery wells mains pipes and other works in such way and manner as shall be necessary for supplying water for the purposes of the Act of 1850 and this Act. A.D. 1893.

14. Subject and according to the provisions and for the purposes of this Act the Commissioners may from time to time enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference. Power to take lands.

15. The Commissioners in addition to the lands they are authorised to take under the compulsory powers of this Act may from time to time by agreement purchase and hold for the purposes of their water undertaking any land not exceeding in the whole five acres but the Commissioners shall not create or permit any nuisance on such land and shall not use such land for any building purpose unconnected with their waterworks Provided always that nothing herein contained shall authorise the Commissioners to purchase any lands within the present limits for the supply of water of the Corporation. Power to purchase additional land for waterworks purposes.

16. Persons empowered by the Lands Clauses Acts or otherwise authorised to sell and convey or release lands may by agreement and subject to the provisions of those Acts and of this Act grant to the Commissioners and the Commissioners may take and hold for the purposes of this Act any easement right or privilege (not being an easement right or privilege of water) in over or affecting the lands by this Act authorised to be taken and the provisions of the said Acts with respect to lands and rentcharges so far as the same respectively are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons authorised to convey land may grant easements.

17. The powers by this Act granted to the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

18. The Commissioners 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 such houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages Restriction on taking houses of labouring class.

A.D. 1893. 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.

As to lands belonging to perpetual curacy of Bilston.

19. And whereas certain lands in the parish of Wombourne which the Commissioners are by this Act authorised to acquire are now subject to the provisions of an Act passed in the forty-second year of the reign of King George III. intituled “ An Act for authorising the leasing of mines within the lands belonging to the perpetual curacy of Bilston in the county of Stafford and for authorising exchanges to be made of part of the said lands under the direction of the Court of Chancery ” (in this section called “ the Act of 1802 ”) Therefore notwithstanding anything contained in this Act or the Acts incorporated herewith the purchase money or compensation payable by the Commissioners in respect of the said lands or any part thereof or any interest therein shall be paid into Court by the Commissioners and shall be applied at their cost and in like manner as moneys payable by lessees under the Act of 1802 are by that Act directed to be applied and all the provisions of that Act shall apply to any moneys payable by the Commissioners as aforesaid Provided that nothing in this section contained shall be deemed to bind the Commissioners to see to the application of any moneys payable by them as aforesaid or render them liable for the misapplication thereof Provided also that the Commissioners shall pay the costs of one application to the Court for the investment of such moneys under the provisions of the Act of 1802.

New work to form part of waterworks undertaking of Commissioners.

20. The waterworks to be constructed under the authority of this Act shall for all purposes whatsoever be deemed part of the waterworks undertaking of the Commissioners and the provisions of the Act of 1850 shall apply to such works as if the same had been constructed under the powers of that Act.

Amending section 33 of Act of 1850.

21. From and after the passing of this Act the expression “ annual value ” in section 33 of the Act of 1850 shall mean the full net annual value as appearing in the valuation list in force for the purpose of the last poor rate made before the commencement of the quarter in which the water rate accrues Provided that where the water rate is chargeable on the annual value of a part only of any hereditament entered in the valuation list such annual value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case

of dispute to be determined by arbitration in manner provided in the sixty-eighth section of the Waterworks Clauses Act 1847. A.D. 1893.

22. Section 35 of the Act of 1850 is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :— Application of revenue.

The Commissioners shall keep accounts in respect of their water undertaking separate from all their other accounts and shall apply all money from time to time received by them in respect of the water undertaking except borrowed money and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

- (1.) In payment of their costs charges and expenses of and incidental to the collecting and recovering of water rates and of the borrowing of money under this Act ;
- (2.) In payment of the working and establishment expenses and cost of maintenance of their water undertaking ;
- (3.) In providing the moneys required to pay the interest on moneys borrowed by them under this Act ;
- (4.) In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act ;
- (5.) In providing a reserve fund if they think fit in accordance with the provisions of this Act :

And the Commissioners shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Commissioners not be required for carrying on their water undertaking and paying the current expenses connected therewith.

23. The Commissioners may from time to time (in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public or local Act) borrow at interest on mortgage on any of the following securities either together or separately and for the following purposes being purposes to which capital is properly applicable and not otherwise such sums as they from time to time think requisite not exceeding the following sums (that is to say) :— Power to borrow.

On security of the revenue of their water undertaking and of the district fund and general improvement rate—

For the purposes of the waterworks authorised by this Act and of the Corporation agreement forty-six thousand pounds and such further sum or sums as may be sanctioned by the Local Government Board :

A.D. 1893.

For paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as herein-after defined the sum requisite for that purpose :

And in calculating the sum which the Commissioners may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Commissioners as to borrowing and re-borrowing shall not be restricted by any of the provisions as to borrowing contained in the Public Health Acts.

Provisions
as to mort-
gages.

24. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :—

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ;

Section 238 (Transfer of mortgages) ; and

Section 239 (Receiver may be appointed in certain cases).

As to repay-
ment of
borrowed
moneys.

25. With respect to the repayment of moneys to be made under the powers of this Act the following provisions shall have effect (that is to say) :—

(1.) The Commissioners shall repay all money borrowed by them under the powers of this Act within the respective periods herein-after mentioned from the date when the same shall have been respectively borrowed which said respective periods are in this Act referred to as “ the prescribed periods ” (that is to say) :—

As regards moneys borrowed for the purposes of the water-works and of the Corporation agreement without the sanction of the Local Government Board within fifty years and as regards moneys borrowed for such purposes with the sanction of the Local Government Board within such periods as shall be sanctioned by that Board ;

As regards moneys borrowed for paying the costs of this Act within ten years :

(2.) And such repayment shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest ;

Or by means of sinking funds ;

Or partly by such instalments and partly by sinking funds :

(3.) And the sinking funds shall be provided as follows :—

The Commissioners year by year shall appropriate and set apart out of the funds and rates on the security of

which such money shall have been borrowed such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum be sufficient to pay off within the prescribed periods the whole or as the case may be the portion of the principal moneys borrowed on such security which is to be repaid by means of sinking funds :

(4.) The first payment by instalments or to the said sinking funds as the case may be shall be made within one year of the time of the borrowing of such moneys :

(5.) Provided as follows (that is to say) :—

(A.) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages debentures debenture stock or corporation stock of any local authority as defined by the Local Loans Act 1875 (other than the Commissioners) granted or issued under any Act order or sanction under which such local authority are authorised to borrow money ;

(B.) The Commissioners may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate per centum on which the calculations for the equal annual payments to the sinking fund are based Provided also that whenever and so long as the securities constituting the sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding the Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

A.D. 1893.

Power to
borrow
under Local
Loans Act
1875.

26. The Commissioners may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Commissioners in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the prescribed period Provided always that if the Commissioners at any time think fit to form a sinking fund for the payment of money so borrowed all sums of money paid into the same shall be as soon as may be invested by the Commissioners in the manner in which sinking funds are by this Act authorised to be invested.

Power to
reborrow.

27. If the Commissioners pay off any part of any money borrowed by them under the powers of this Act otherwise than as follows namely by instalments or by means of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account other than borrowed moneys they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Commissioners with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Protection of
lender from
inquiry.

28. A person lending money to the Commissioners shall not be bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

Audit of
accounts.

29. Sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Commissioners under this Act and to the audit of such accounts.

A.D. 1893.

30. All mortgages granted by the Commissioners subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages debentures or securities granted by the Commissioners under the powers of this Act.

Saving
priority of
existing
charges.

31. The Commissioners shall apply all moneys from time to time received by them in respect of any sales exchanges or dispositions of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Commissioners. Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application
of moneys
from sale
&c. of lands.

32. The clerk to the Commissioners shall within twenty-one days after the expiration of each year ending on the twenty-fifth day of March in which any sum is required to be set apart for a sinking fund or any instalment is required to be paid 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 purposes of such sinking fund during the year next 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 (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the clerk to the Commissioners 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 the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act :

Annual
return to
Local
Government
Board with
respect to
sinking funds
and instal-
ments.

If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any such instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart

A.D. 1893.

for that fund or any interest thereof to any other purposes 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 or applied by the Commissioners as part of the sinking fund and any such order may be enforced by Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Commis-
sioners may
provide a
reserve fund.

33. The Commissioners may if they think fit provide a reserve fund by setting aside out of the surplus revenue (if any) of their water undertaking such money as they from time to time think reasonable and investing the same and the resulting income thereof in such securities as they are for the time being authorised to invest their sinking fund in and accumulating the same at compound interest until the fund so formed shall amount to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Commissioners from their waterworks undertaking or to meet any extraordinary claim or demand at any time arising against them in respect thereof and so that if that fund be at any time reduced it may thereafter be again restored to the like sum and so from time to time And when the reserve fund amounts to two thousand pounds the income thereof (after deducting therefrom such reasonable sum as the Commissioners may think fit for the purpose of carrying on their water undertaking) shall be carried to the credit of the district fund.

General
improvement
rate to be
resorted to
to make up
deficiency in
revenue from
water under-
taking.

34. In case the revenue of the Commissioners from the water undertaking shall in any year be insufficient for the purpose of defraying the costs charges and expenses of the Commissioners with respect thereto and the amounts to be paid or appropriated for repayment of borrowed moneys under this Act the Commissioners may include the amount of such insufficiency in their estimate for that or the following year and defray the same out of the general improvement rate.

Application
of moneys
borrowed.

35. All moneys borrowed by the Commissioners under this Act shall be applied to the several purposes of this Act in respect of which the same were respectively borrowed and to which capital is properly applicable and to no other purpose.

Regulations
for prevent-
ing waste of
water.

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

A.D. 1893.

- (1.) The Commissioners may from time to time make regulations for the purpose of preventing waste undue consumption or misuse or contamination of water and may by such regulations 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 soil-pans urinals 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 regulations shall be of any force or effect except within the part or parts of the district which the Commissioners 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 and unless and until such regulations shall have been submitted to and confirmed by the Local Government Board :
- (3.) A copy of all such regulations in force for the time being shall be kept at the office of the Commissioners and all persons may at all reasonable times inspect such copy without payment and the Commissioners shall cause to be delivered a printed copy of all regulations 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 regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Commissioners and to have been confirmed by the Local Government Board shall be primâ facie evidence in all legal proceedings of the due making confirmation publication and existence of such regulations :
- (5.) In case of failure of any person to observe such regulations as are for the time being in force the Commissioners 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 soil-pan urinal 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 Commissioners by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :

A.D. 1893.

(6.) Any person who shall offend against any such regulations shall without prejudice to any other right or remedy for the protection of the Commissioners or punishment of the offender be liable to a penalty not exceeding five pounds for each offence and to a daily penalty not exceeding forty shillings and the Commissioners may in addition thereto recover the amount of any damages sustained by them.

Costs of Local
Government
Board to be
paid by
Commissioners.

37. All costs incurred by the Local Government Board (including a reasonable sum not exceeding three guineas a day for the services of any inspector) in relation to any duties imposed on that Board under this Act shall be paid by the Commissioners.

Service of
notice on
Commis-
sioners.

38. Except where otherwise expressed to the contrary any notice to or demand on the Commissioners under this Act may be served on the Commissioners by being delivered to the clerk or by being sent through the post in a registered letter directed to the clerk.

Form and
service &c.
of notice by
Commis-
sioners.

39. The provisions of the Public Health Act 1875 with respect to notices orders and other such documents and the authentication and service thereof shall except where otherwise expressly provided apply to notices orders and other such documents under this Act and the Act of 1850 :

Provided that in the case of a railway company any such notice order or other document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Expenses of
Act.

40. 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 as taxed by the Taxing Officer of the House of Lords or of the House of Commons shall be paid by the Commissioners in the first instance out of the district fund or out of the revenue of the water undertaking of the Commissioners and ultimately out of money borrowed under and subject to the provisions of this Act and such costs shall include the costs of and incidental to 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 and shall be debited to the water account of the Commissioners.

SCHEDULES referred to in the foregoing Act.

A.D. 1893.

THE FIRST SCHEDULE.

MEMORANDUM OF AN AGREEMENT under seal made the eighteenth day of November one thousand eight hundred and ninety-two between the Bilston Township Commissioners and Local Board of Health (herein-after called "the Commissioners") of the one part and the Mayor Aldermen and Burgesses of the Borough of Wolverhampton (herein-after called "the Corporation") of the other part supplemental to the several documents and proceedings specified in the schedule hereto all the relevant and material parts whereof shall be deemed to be recited and set forth in these presents.

WHEREAS the parties hereto have agreed to settle all matters in difference between them in the action of the Corporation against the Commissioners and in the appeal of the Commissioners against the Corporation respectively referred to in the schedule hereto (number 9) upon the terms herein-after appearing but subject as mentioned in clause 16 hereof:

NOW THESE PRESENTS WITNESS that it is hereby agreed between the parties hereto (each contracting so as to bind itself its successors and assigns) as follows:—

1. Subject to the provisions contained in clause 16 hereof the agreement dated the sixteenth day of May one thousand eight hundred and sixty-six numbered 8 in the schedule hereto (and which is herein-after referred to as "the principal agreement") shall remain in force until the thirty-first day of December one thousand eight hundred and ninety-four and until that date the Corporation shall supply and the Commissioners shall take all the water which shall be needed for the supply of the Commissioners' district whether for domestic trade or any other purposes at the contract rate of five pence per thousand gallons and upon the terms and conditions in all respects of the principal agreement and the Commissioners shall not until the said date obtain any supply of water for any purposes whatsoever from any person corporation source or place other than the Corporation party hereto.

2. Subject to the provisions contained in paragraph 16 of this agreement the principal agreement and all the provisions and stipulations therein contained shall absolutely cease determine and come to an end on the first day of January one thousand eight hundred and ninety-five and the Corporation and the Commissioners respectively shall thereupon execute all proper deeds releasing and discharging the other of them as on and from that date from all covenants and obligations contained in and from all claims demands and liability under the principal agreement save and except in respect of any arrears of the water

A.D. 1893. — rate of fivepence per thousand gallons mentioned in the principal agreement which shall remain due to the Corporation on the first day of January one thousand eight hundred and ninety-five in respect of which arrears the Corporation shall have and may exercise all such remedies as if these presents had not been entered into and save and except any other right of action for debt or damages which shall have accrued to either party against the other in respect of anything done or omitted contrary to the principal agreement prior to the first day of January one thousand eight hundred and ninety-five which remedies shall not be affected or prejudiced by the determination of the principal agreement.

3. For the consideration herein appearing the Corporation will unless this agreement shall become void under clause 16 as on and from the first day of January one thousand eight hundred and ninety-five for itself its successors and assigns release abandon and give up all right and title to supply water to the Commissioners or to any person or corporation within the township of Bilston or within any place within which the Commissioners shall for the time being be authorised to supply water (such township and every such place as aforesaid being herein-after referred to as "the Commissioners' water district") whether for domestic trade or any other purpose and the Corporation shall not nor will at any time after the first day of January one thousand eight hundred and ninety-five lay on or supply either directly or indirectly any water to any person or corporation within the Commissioners' water district or exercise or attempt to exercise any of its Parliamentary or other powers relating to the supply of water or, attempt to obtain any further Parliamentary or other powers relating to such supply within the Commissioners' water district.

4. The Commissioners shall be at liberty to obtain water from any person or persons or corporation and from any source or place other than a source or place within the water district for the time being of the Corporation (which district shall for the purposes of these presents be the district comprised within the "water limits" as defined in the sixth schedule of the Wolverhampton Improvement Act 1869 (No. 6 in the schedule hereto) and any other place in which the Corporation shall for the time being be authorised to supply water) and shall be at liberty to supply the water so obtained to any person or persons or corporation and at any place within the Commissioners' water district for the time being but not within the water district for the time being of the Corporation. The Corporation shall not at any time oppose any application by the Commissioners to Parliament or any negotiations between the Commissioners and any person or persons local authorities or other corporations for the purpose of enabling the Commissioners to obtain a supply of water. Provided that no such supply or any part thereof is obtained within the water district for the time being of the Corporation.

5. The Corporation hereby consents and agrees that the South Staffordshire Waterworks Company may supply water to the Commissioners for any purpose notwithstanding the agreements dated the thirty-first day of May one thousand eight hundred and fifty-eight and the first day of July one thousand eight hundred and sixty-one respectively mentioned in the schedule hereto and will if required so to do deliver to the South Staffordshire Company a consent for that purpose under the common seal of the Corporation.

A.D. 1893.
—

6. The Corporation shall be at liberty to obtain a further supply of water from any source or place other than a source or place within the Commissioners' water district and the Commissioners agree not to oppose any application by the Corporation to Parliament or any negotiations between the Corporation and any local authorities for the purpose of enabling the Corporation to obtain a supply of water from any source other than or additional to its present sources of supply Provided that no such new or additional source is situate within the Commissioners' water district.

7. Neither the Corporation nor the Commissioners shall construct sink or make any well bore-hole or adit for obtaining water within a distance of one mile (to be calculated as the crow flies) from any well bore-hole or adit constructed sunk or made by the other of them.

8. The Commissioners shall purchase the meters which on the thirty-first day of December one thousand eight hundred and ninety-four shall be used in connexion with the supply of water by the Corporation to the Commissioners under the principal agreement at the true market value thereof to be ascertained by two valuers to be appointed one by the Corporation and the other by the Commissioners or (in case of difference) by their umpire to be appointed by such valuers before they enter upon the business of the valuation.

9. The Corporation shall be at liberty without payment of any rent or way leave to continue as heretofore their subsisting mains now laid through part of the township of Bilston and to maintain and renew and replace the same from time to time (either of the same diameter or of greater or less diameter) for the purpose of supplying places outside the Commissioners' water district the Corporation making good all injury and damage occasioned by the exercise of such liberty and all rights powers privileges and liabilities of the Corporation and Commissioners respectively now existing in relation to such mains and the maintenance renewal and replacement thereof and ancillary thereto shall continue in full force.

10. The Commissioners shall and will forthwith introduce a Bill into Parliament for the session of one thousand eight hundred and ninety-three for the purpose of acquiring Parliamentary powers to obtain an independent supply of water from such portion of the parish of Wombourne as lies outside the water limits of the Corporation and to constitute the township of Bilston into a water district within which the Commissioners may supply water and to carry into effect the provisions of these presents The Corporation shall and will petition Parliament in favour of such Bill and support the same and use its best endeavours to assist the Commissioners to pass the same and to obtain such Parliamentary powers as aforesaid Such Bill shall contain all such clauses as may be necessary for the purpose of varying or repealing any part of the existing Acts of Parliament relating to the water undertaking of the Corporation so as to give full effect to these presents If such Bill be rejected by Parliament then the Commissioners shall have the option of introducing a Bill for the like purposes in the session of one thousand eight hundred and ninety-four which the Corporation shall support in manner aforesaid but if the Commissioners fail to do so then after the expiration of the time for giving the proper Parliamentary notices for that session the provisions contained in paragraph 16 of these presents shall immediately take effect.

A.D. 1893.

11. Any Bill which the Corporation shall introduce into Parliament for the purpose of acquiring further Parliamentary powers for obtaining or giving a supply of water shall contain all such clauses as may be necessary for the purpose of protecting the rights of the Commissioners and their successors under these presents and under any Act to be obtained by the Commissioners.

12. If the consent of the Wolverhampton New Waterworks Company is necessary for the carrying into effect of this agreement the Corporation shall apply for and use their best endeavours to obtain such consent to these presents and the provisions herein contained and if the Wolverhampton New Waterworks Company shall require any indemnity against any loss of or prejudice to their rights and remedies under the Wolverhampton Waterworks Transfer Act 1867 and the Wolverhampton Improvement Act 1869 or either of those Acts by reason of the proposed severance of the water undertaking as then existing the Corporation shall give and enter into such indemnity. The Commissioners shall pay all costs incurred in connexion with such consent and concurrence as aforesaid or with the giving of such indemnity as aforesaid and also all costs incurred by the Wolverhampton New Waterworks Company in carrying out these presents.

13. If the Commissioners shall before the first day of January one thousand eight hundred and ninety-five obtain the Parliamentary powers referred to in paragraph 10 then the Commissioners shall on the first day of January one thousand eight hundred and ninety-five or such later day as mentioned in clause 17 pay to the Corporation the sum of nine thousand pounds which shall be deemed to be in satisfaction of (1) All compensation to the Corporation for the rescission of the principal agreement as provided in clause 2 and (2) All costs incurred by the Corporation in connexion with the action and appeal mentioned in the schedule hereto other than the costs which have already been paid by the Commissioners all Parliamentary costs incurred by the Corporation in opposing a Bill promoted by the Commissioners in the session of 1890 and all other costs whatsoever incurred by the Corporation down to the twenty-fourth day of March one thousand eight hundred and ninety-two.

14. If the said nine thousand pounds shall not be paid on the first day of January one thousand eight hundred and ninety-five or the later day mentioned in clause 17 it shall carry interest at the rate of five per cent. per annum and the principal sum and interest for the time being due shall be charged on the rates and revenues of the Commissioners and also upon their water undertaking under the Act to be obtained as aforesaid. And the Corporation shall be and they are hereby empowered not only to recover the same by action of debt but also to obtain the appointment by the court of a receiver of the rates and revenues of the Commissioners.

15. The Commissioners shall in addition to the nine thousand pounds mentioned in paragraph 13 hereof pay on or before the thirty-first day of December one thousand eight hundred and ninety-three (or if such costs shall be incurred after that date then on demand) all costs incurred by the Corporation subsequently to the twenty-fourth day of March one thousand eight hundred and ninety-two in and about the following matters (namely) (1) The preparation and execution of these presents (2) Supporting the Bill to be promoted by the Commissioners as mentioned in paragraph 10 hereof (3) Obtaining the

consent and concurrence of the Wolverhampton New Waterworks Company as mentioned in paragraph 12 hereof (4) The preparation and execution of such indemnity as mentioned in paragraph 12 and (5) The applications and consents mentioned in paragraph 18 hereof Provided that the costs of the Corporation to be paid by the Commissioners under this paragraph shall not exceed in the aggregate one thousand pounds Such costs shall not carry interest but shall be charged upon the rates and revenues of the Commissioners and upon their water undertaking under the Act to be obtained as aforesaid and shall be recoverable in the same manner as is herein-before provided with regard to the said sum of nine thousand pounds.

16. If the Commissioners shall fail to introduce in the session of 1893 a Bill for enabling them to obtain an independent supply of water and otherwise giving effect to the provisions of these presents or if they shall not before the first day of January one thousand eight hundred and ninety-five be successful in obtaining Parliamentary powers in that behalf then and in either case this agreement and every stipulation clause and thing herein contained (with the exception of the agreement on the part of the Commissioners contained in paragraph 15 which shall remain in full force and virtue) shall become and be absolutely void.

17. If the Commissioners shall before the first day of January one thousand eight hundred and ninety-five obtain such Parliamentary powers as mentioned in clause 16 but shall not for any reason be in a position on that day to supply water within the township of Bilston it shall be lawful for the Commissioners by notice in writing served upon the Corporation from time to time to require the Corporation to supply water to the Commissioners for any period or periods not exceeding in the aggregate the period of eighteen months reckoning from the first day of January one thousand eight hundred and ninety-five And if any such notice is given then during the period or periods comprised in such notice or notices the Corporation shall supply and the Commissioners shall take all the water which shall be needed for the supply of the Commissioners' district whether for domestic trade or any other purposes at the contract rate of fivepence per thousand gallons and upon the several terms and conditions in all respects as those contained in the principal agreement If any such notice shall be given the sum of nine thousand pounds mentioned in paragraphs 13 and 14 hereof shall not be payable or commence to carry any interest on the first day of January one thousand eight hundred and ninety-five but shall be payable at and if not paid shall commence to carry interest as from the expiration of the period or the last of the periods above mentioned.

18. The further prosecution of the action and appeal respectively mentioned in the schedule hereto shall be stayed unless and until these presents shall become void under paragraph 16 hereof and each of the parties hereto shall at the expense of the Commissioners make such applications and give such consents as shall be necessary in order to obtain the directions of the proper courts staying proceedings accordingly.

19. If this agreement becomes void under paragraph 16 hereof then the parties hereto shall be at liberty to continue the prosecution of the said action

A.D. 1893.

and appeal in the same manner in all respects as if this agreement had not been made and in that case these presents and the provisions herein contained and all the negotiations therefor and all acts and things done by either party hereto for the purpose of carrying the same into effect shall be deemed to have been and shall be without prejudice to the rights and position of either party and shall not be in any manner taken notice of or referred to in any future proceedings.

In witness whereof the Commissioners and the Corporation have caused their respective Common Seals to be hereunto affixed the day and year first before written.

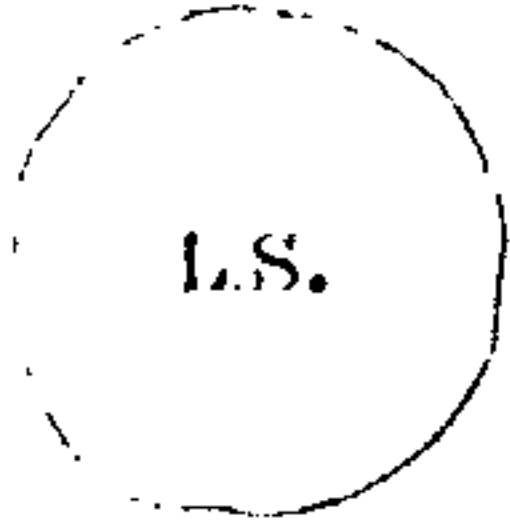
THE SCHEDULE ABOVE REFERRED TO.

1. The Bilston Improvement Act 1850.
2. The South Staffordshire Waterworks Act 1853.
3. The Wolverhampton New Waterworks Act 1855.
4. The Wolverhampton Waterworks Transfer Act 1856.
5. The Wolverhampton Waterworks Transfer Act 1867.
6. The Wolverhampton Improvement Act 1869.
7. Two agreements between the Wolverhampton New Waterworks Company and the South Staffordshire Waterworks Company respectively dated the thirty-first May one thousand eight hundred and fifty-eight and the first July one thousand eight hundred and sixty-one.
8. An agreement dated the 16th May one thousand eight hundred and sixty-six made between the Wolverhampton New Waterworks Company of the one part and the Commissioners of the other part.
9. All the proceedings in an action depending in the Chancery Division of the High Court of Justice wherein the Corporation is plaintiff and the Commissioners are defendants and in an appeal now depending in the House of Lords from an order made in the said action.

Sealed with the Common Seal of the Bilston Township Commissioners and Local Board of Health in the presence of

JOHN D. WASSELL

Their Clerk and Solicitor.



L.S.

The Corporate Common Seal of the Mayor Aldermen and Burgesses of the Borough of Wolverhampton was hereunto affixed in the presence of

CHARLES T. MANDER

Mayor.

HORATIO BREVITT

Town Clerk.



L.S.

THE SECOND SCHEDULE.

A.D. 1893.

AN AGREEMENT made the eleventh day of May one thousand eight hundred and ninety-three between the Bilston Township Commissioners and Local Board of Health (herein-after called the Commissioners) of the one part and Harriet Bradney-Marsh of Lloyd House in the parish of Penn spinster of the other part.

WHEREAS the Commissioners are promoting a Bill in Parliament for the purpose of obtaining power to construct waterworks for the supply of water to their district including a trunk main or line of pipes (herein-after called the said main) part of which is intended to be laid along a private road belonging or reputed to belong to the said Harriet Bradney-Marsh leading from the public road at Muchall to Goldthorn Hill :

AND WHEREAS the said Harriet Bradney-Marsh has petitioned against the Bill but has agreed to withdraw from all further opposition to the Bill for the consideration herein-after appearing :

Now it is hereby agreed between the parties hereto as follows (that is to say) :—

1. If the supply of water now obtained by Harriet Bradney-Marsh her tenants or occupiers from the wells and pumps specified in the schedule hereto on her estates mentioned in such schedule shall be wholly or in part abstracted or diminished by reason of any of the works authorised by this Act the said Harriet Bradney-Marsh her heirs and assigns and the respective tenants and occupiers of her or their said estates mentioned in the said schedule for the time being (all of whom are respectively included in the expression “the said owners and occupiers” where herein-after used) shall be furnished by the Commissioners by means of pipes to be connected with the said main such pipes to be laid down by and at the expense of the said owners or occupiers requiring the same with such a supply of water to be delivered into or at the said wells or pumps respectively free of charge as shall be requisite for making good any such abstraction or diminution.

2. If any injury to or interference with the property of the said owners and occupiers respectively other than by the laying of the main referred to in the next clause shall arise from or in any way be owing to any of the acts operations or works authorised by this Act or by the bursting leakage or failure of any main culvert pipe or works in under or near to any property of the said owners and occupiers respectively adjoining or near such private road the Commissioners shall make compensation to them respectively in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration under the Arbitration Act 1889.

3. And the Commissioners in laying down the trunk main along the said private road from the public road at Muchall to Goldthorn Hill shall do no more damage thereto than necessary and shall after such laying down well and truly restore the said private road so as to render it fit for use for the accustomed purposes and shall at the request of the said owners and occupiers respectively from time to time make good any damage to such private road caused by reason

A.D. 1893. of the works of the Commissioners authorised by this Act Provided that no compensation shall be claimed by the said owners and occupiers against the Commissioners nor shall be paid by them to her or them for executing the powers given by this Act for laying down the proposed trunk main along such private road.

4. This agreement is made subject to such alterations as Parliament shall think fit to make therein but if the Committee on the Bill make any material alteration in this agreement it shall be competent to either party hereto to withdraw the same.

In witness whereof the said Commissioners have affixed their seal and the said Harriet Bradney-Marsh has set her hand the day and year first before written.

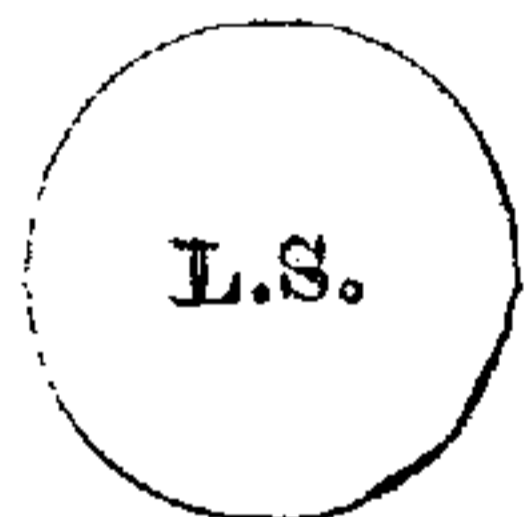
THE SCHEDULE BEFORE REFERRED TO.

Estates.	Number of wells or pumps.
1. Lloyd House and premises including the Home Farm -	4
2. The Lloyd Farm - - - - -	5
3. The Holly-Bush Inn - - - - -	1
4. Greyhound Inn - - - - -	1
5. New House Farm - - - - -	5
6. Farm occupied by Mrs. Beddard - - - - -	2
7. Farm occupied by Mr. York - - - - -	3
8. Langley Hall Farm occupied by John Beddard - - - - -	5
All of which premises are in the parish of Penn.	

Sealed with the Common Seal of the Bilston Township Commissioners and Local Board of Health in the presence of

JOHN D. WASSELL

Their Clerk and Solicitor.



HARRIET BRADNEY-MARSH.

Witness to the signing by the said Harriet Bradney-Marsh
in the presence of

FRAS. HENRY WHITEHOUSE

Articled Clerk to Messrs. T. M. J. & A. Whitehouse
Solicitors Wolverhampton.

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