



## CHAPTER lxxvii.

An Act for authorising the Local Board for the district of Barry and Cadoxton in the county of Glamorgan to acquire the Gas and Water Undertakings of the Barry and Cadoxton Gas and Water Company and to supply their district and other places with Gas and Water and for other purposes. [29th June 1893.] A.D. 1893.

**WHEREAS** the district of Barry and Cadoxton in the county of Glamorgan (in this Act called "the district") is an urban sanitary district under the control and management of the Local Board for the district of Barry and Cadoxton (in this Act called "the Local Board") who are under the Public Health Act 1875 the urban sanitary authority for the district:

And whereas by the Barry and Cadoxton Gas and Water Act 1886 (in this Act called "the Act of 1886") the Barry and Cadoxton Gas and Water Company (in this Act called "the Company") was empowered to construct and maintain gasworks and waterworks and to manufacture gas and to supply gas and water within the limits therein defined which limits include the whole of the district as well as other places outside such district:

And whereas by the Barry and Cadoxton Gas and Water Act 1889 (in this Act called "the Act of 1889") powers were conferred upon the Company for the construction of further waterworks:

And whereas the population and development of the district has increased since the incorporation of the Company in an exceptional manner and it is expedient that the supply of gas and water to and within the district should be under the control of the Local Board:

And whereas the Company and the Local Board have agreed for the sale and transfer to the Local Board of the gas undertaking and water undertaking of the Company upon and subject to the

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A.D. 1893. — terms and conditions of the agreement as set forth in the Second Schedule to this Act (herein-after referred to as “the scheduled agreement”):

And whereas it is expedient that the scheduled agreement be confirmed and that the Local Board be empowered from and after the completion of the sale and transfer to supply gas and water within the limits defined by the Act of 1886:

And whereas the capital of the Company consists of—

Four thousand eight hundred and eighty shares of ten pounds each entitled to dividend at a rate not exceeding ten pounds per centum per annum of which one thousand four hundred and forty are shares in the gas capital and three thousand four hundred and forty are shares in the water capital of the Company; and

One thousand nine hundred and twenty shares of ten pounds each entitled to dividend at a rate not exceeding seven pounds per centum per annum which shares are shares in the gas capital of the Company and the whole of such capital has been fully paid up and has been converted into stock:

And whereas the Company have not issued any preference shares or stock:

And whereas the Company have a debenture debt of seventeen thousand pounds and have created and issued irredeemable debenture stock to that amount bearing interest at the rate of five pounds per centum per annum:

And whereas it is expedient that the Local Board should be authorised to borrow and expend the moneys necessary for the purchase of the gas undertaking and water undertaking of the Company and for other the purposes of this Act:

And whereas the Company have not exercised their powers of taking and using for the purposes of their gas undertaking the whole of the land described in the schedule to the Act of 1886 and the existing works of the Company for the manufacture of gas have been constructed and extended beyond the limits of the lands described in that schedule and are situate in part upon certain additional lands held by the Company and adjoining such first-mentioned lands and such additional lands are used by the Company for the purposes of such works in contravention of the provisions of the Act of 1886 and it is expedient that the construction of the said works upon such additional lands should be ratified and confirmed and that the Local Board should be authorised to continue maintain enlarge and extend the said works and to construct and maintain upon such lands additional works for the

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manufacture and storage of gas and products resulting from the manufacture of gas : A.D. 1893.

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

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the twentieth day of September one thousand eight hundred and ninety-two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "South Wales Star" a local newspaper published or circulating in the district of the Local Board 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 :

And whereas such resolution was published twice in the said South Wales Star newspaper 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 Local Board at a further special meeting held in pursuance of a similar notice on the tenth 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 in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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.

1. This Act may be cited for all purposes as the Barry and Cadoxton Local Board (Gas and Water) Act 1893. Short title.

2. In this Act unless the subject or context otherwise requires— Interpretation of terms.  
"The Local Board" means the Local Board for the district of Barry and Cadoxton ;  
"The district" means the urban sanitary district of Barry and Cadoxton in the county of Glamorgan ;  
"The Company" means the Barry and Cadoxton Gas and Water Company ;

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- “The Acts of 1886 and 1889” mean respectively the Barry and Cadoxton Gas and Water Acts of 1886 and 1889;
- “The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district of the Local Board;
- “The existing gas lands” means such of the lands described in the schedule to the Act of 1886 as have been acquired or are held by or on behalf of the Company at the time of the passing of this Act;
- “The undertaking of the Company” means the gas undertaking and the water undertaking gasworks and waterworks lands buildings easements reservoirs plant machinery mains pipes apparatus chattels authorities rights powers and privileges and all other the property real and personal including all books plans and documents necessary to enable the Local Board to carry on the business of the undertaking and to perform the duties and obligations of this Act vested in or belonging to the Company save and except—
- (1.) The cash balances other than consumers’ deposits in the Company’s hands or in those of their bankers or agents on the transfer day; and
  - (2.) All book and other debts due to the Company and all rates accrued due on the transfer day other than so much of any rates or other payments payable in advance as shall be attributable to any period after that date; and
  - (3.) All stock meters and coals of the Company including all articles and things which the Company have usually included in their half-yearly balance sheets as stock under the following headings namely “coals” “coke and breeze” “tar and other products” and “sundry stores”;
- “The gas undertaking” and “the water undertaking” respectively mean the gas undertaking and the water undertaking of the Local Board under this Act;
- “Gas revenue” and “water revenue” respectively mean and include all moneys received by the Local Board for or in relation to the gas undertaking and the water undertaking respectively other than borrowed moneys and other moneys which ought to be carried to the account of capital:

Terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings and in this Act and (for

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the purposes of this Act) in enactments incorporated with this Act the term "superior courts" or "court of competent jurisdiction" or any other like term shall be read and have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute. A.D. 1893.

3. The limits of this Act for the supply of gas and water shall be the limits for the supply of gas and water defined in the Act of 1886. Limits of Act.

4. This Act shall be carried into execution by the Local Board according to the Public Health Act 1875. Act to be executed by the Local Board.

PART I.—PURCHASE OF THE COMPANY'S UNDERTAKING.

5. The agreement between the Company and the Local Board as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon both parties and the Company shall sell and transfer to the Local Board and the Local Board shall purchase the undertaking of the Company for the consideration and on the terms and conditions set forth in the said agreement. Purchase of undertaking by Local Board.

6. The consideration money and any other moneys required for the acquisition of the undertaking of the Company under the terms of the scheduled agreement and the debenture stock of the Company shall for the purposes of the Local Board under this Act be apportioned between the gas undertaking and water undertaking respectively according to their respective values such apportionment to be made by Charles Hawksley civil engineer of No. 30 Great George Street Westminster or failing him by some other person to be appointed by the Local Government Board. Price to be apportioned between gas undertaking and water undertaking.

7. The sale of the undertaking of the Company shall be carried into effect by a deed of conveyance duly stamped and truly stating the consideration which deed may be in the form set forth in the Third Schedule to this Act or to the like effect with such variations and additions as circumstances may require and on the execution of that deed by the Company the undertaking of the Company shall by virtue of that deed and of this Act become and shall thenceforth be transferred to and vested in the Local Board subject and according to the provisions of this Act and free as between the Company and the Local Board from all obligations debts liabilities and encumbrances affecting the same other than the debenture stock of the Company and thenceforth the Local Board shall in their own name and for their own benefit have and hold the said undertaking (which transfer and vesting is in this Act Transfer to be by deed.

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referred to as "the transfer") Provided that within three months from the date of the deed the Local Board shall produce to the Commissioners of Inland Revenue such deed duly stamped and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the deed to the date of payment shall be recoverable from the Local Board with full costs of action and all costs and charges attending the same.

Debenture  
debt to  
continue first  
charge on  
undertaking.

8. The debenture stock of the Company amounting to seventeen thousand pounds and the interest thereon shall after the transfer be a first charge on the gas undertaking and the gas revenue and on the water undertaking and the water revenue and shall further be a charge on the district fund and the general district rate and the Local Board may by agreement with any holder of such debenture stock at any time substitute for the stock so held by him any mortgage or other security of the Local Board or with the consent of any such holder pay off the amount secured by such stock and redeem the security with money raised under the powers of this Act Provided that the Local Board may in either of such cases make such reasonable payment as they may think fit to the holder of any such debenture stock for his consent or for otherwise compensating him for the substitution or the payment off or redemption of his security and any such payment may be either by money or by mortgage or other security of the Local Board or partly by one and partly by the other.

Application  
of Com-  
pany's Acts  
to Local  
Board.

9. From and after the transfer of the undertaking of the Company all the powers rights privileges and authorities of the Company under the Acts of 1886 and 1889 (so far as such Acts are not repealed by this Act) shall be by virtue of this Act transferred to and vested in the Local Board and those Acts shall be read and have effect as if the Local Board had been therein named instead of the Company subject nevertheless and according to the provisions of this Act and to the following exceptions and provisions namely :—

- (1.) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869 incorporated with the said Acts of 1886 and 1889 shall not apply to the Local Board ;
- (2.) None of the provisions of the said Acts of 1886 and 1889 or of any Acts incorporated therewith in any manner relating to the share and loan capital of the Company or to any limitation of the amount of profit to be received by the Company or

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undertakers or to the balancing of the books or the accounts of the Company or to the constitution meetings or directors of the Company shall apply to the Local Board :

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Provided that from and after the transfer section 56 of the Act of 1886 and so much of section 60 of that Act as authorises the cutting off of the water supply shall by virtue of this Act be repealed.

**10.** All debts and liabilities other than the debenture debt of the Company which remain unpaid or unsatisfied at the time of the transfer shall as between the Company and the Local Board be paid or satisfied by the Company and the Company shall indemnify the Local Board against the same and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Company as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed.

Liabilities and actions &c. by or against Company.

**11.** The Company shall bear and pay all outgoings of every kind and shall receive all rates and other debts due to them and shall be entitled to all receipts from their undertaking up to the transfer. Provided that nothing in this Act contained shall entitle the Company to retain for their own benefit so much of any rates or other payments paid or payable in advance as shall be attributable to any period after the transfer but such rates or other payments shall be apportioned and so much thereof as is attributable to any period after the transfer shall be paid over by the Company to the Local Board.

Company to pay outgoings and be entitled to receipts until transfer.

**12.** Subject to the last preceding sections of this Act all agreements conveyances contracts deeds and other instruments entered into or made with or by the Company 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 Local Board and may be enforced as fully and effectually as if instead of the Company the Local Board had been a party thereto.

Contracts of Company to be binding on Local Board.

**13.** The receipt in writing of three of the directors of the Company for any money to be paid to the Company by the Local Board shall effectually discharge the Local Board from the sum which in such receipt shall be acknowledged to have been received and from

Receipt for purchase-money.

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A.D. 1893. — being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Company's books evidence as to shareholders &c.

14. The several persons who appear in the books of the Company at the time of the transfer to be proprietors of shares or stock in the capital of the Company shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders or stockholders thereof for the purposes of the distribution of the Company's assets.

Receipt of executors of shareholders &c. to be a discharge.

15. The receipt of the executors or administrators of a shareholder or stockholder in the Company shall be an effectual discharge to the Company and to the directors thereof for so much money as is therein expressed to be received and shall exonerate them from any obligation affecting the shares or stock in respect of which such money is paid.

Application of purchase-money.

16. The consideration money of one hundred and forty-nine thousand pounds and any other moneys to be paid by the Local Board to the Company on the completion of the purchase in respect of stock meters coals and gas to be then valued and in respect of any interest payable to the Company by the Local Board and all other moneys belonging to the Company shall be applied by the directors in the manner following :—

- (1.) In paying off in accordance with their several priorities all moneys owing by the Company on mortgage bond or other charge on the undertaking of the Company other than the debenture stock with interest thereon up to the date of payment;
- (2.) In discharging all outstanding debts and liabilities of the Company which shall not have been so secured including any moneys which the directors of the Company may have expended or become personally liable for on behalf of the Company and such costs of the Company as are provided to be paid by the Company by the scheduled agreement;
- (3.) In making a division of the residue amongst all the holders of the ordinary stocks of the Company in proportion to their several holdings and so that the several holders of stock with a dividend limited to seven per centum per annum shall in respect of every one hundred pounds nominal amount of such stock held by them receive a sum equal to seven-tenths of the sum receivable by the several holders of stock with a dividend limited to ten per centum per annum in respect of every one hundred pounds nominal amount of such stock held by them



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and in the like proportion for any nominal amount less than one hundred pounds of either of the said stocks respectively : A.D. 1893.

And the directors may exercise all powers and do all acts necessary or proper for the foregoing purposes respectively and for winding up the affairs of the Company.

17. Where the directors of the Company are for twelve months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase-money or other moneys of the undertaking of the Company are payable or when any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given the directors may pay the same into the High Court or if not exceeding five hundred pounds to the county court of Glamorgan holden at Cardiff under any Act for the time being in force for the relief of trustees. Payment into court by directors.

18. When and as soon as the moneys aforesaid have been distributed by the directors of the Company and all debts and liabilities of the Company have been paid and satisfied and the affairs of the Company have been completely wound up the Company shall be by virtue of this Act dissolved. Winding-up and dissolution of Company.

PART II.—GAS AND WATER.

19. The provisions of this part of this Act shall not take effect until after the transfer of the undertaking of the Company. Part II. not to take effect until after transfer of undertaking of Company.

20. Subject to the provisions of this Act and notwithstanding any provision in the Act of 1886 to the contrary the Local Board may from time to time upon such of the lands described in the First Schedule to this Act as have been acquired by the Company as well as upon the existing gas lands continue maintain alter improve enlarge extend and renew the existing gasworks of the Company and may upon such lands do all such acts as they may think proper for manufacturing and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture convert store sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor sulphate of ammonia lime and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply or consumption of gas as they may from time to time think fit. Power to maintain and construct gasworks and deal in residual products &c.

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Power to  
hold licenses  
under letters  
patent.

**21.** The Local Board may take hold and use patent rights and licenses or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and of such materials and residual products as herein-before mentioned.

Power to  
purchase  
lands by  
agreement.

**22.** The Local Board may from time to time purchase by agreement and hold for the purposes of the gas undertaking in addition to the existing gas lands and such of the lands described in the First Schedule to this Act as have been acquired by the Company any lands and hereditaments within the limits for the supply of gas not exceeding in the whole at any one time five acres but the Local Board shall not create or permit a nuisance on any such lands and no lands shall be used by the Local Board for the purpose of manufacturing gas or residual products except the existing gas lands and such of the lands described in the First Schedule to this Act as have been acquired by the Company.

Restriction  
on taking  
houses of  
labouring  
class.

**23.** The Local Board shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district 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 without the consent of the Local Government Board ten or more such houses which after the passing of this Act 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 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.

Power to  
Local Board  
to supply  
materials in  
connexion  
with water  
undertaking.

**24.** The Local Board may if requested by and at the cost of any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves water-meters cocks cisterns baths soil-pans water-closets apparatus and receptacles as are required or permitted by their bye-laws and regulations and the expense thereof may be recovered by the Local Board and the Local Board may provide all materials and do all work necessary or proper for the purposes of this section.

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25. For preventing waste misuse undue consumption or contamination of the water of the Local Board the following provisions shall be in force and have effect namely :—

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Regulations  
for prevent-  
ing waste of  
water.

- (1.) The Local Board may from time to time make bye-laws for the purpose of preventing the 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 connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets 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 bye-laws shall be of any force or effect except within the district which the Local Board is bound to supply and does in fact supply or is prepared on demand to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same ;
- (3.) All such bye-laws shall be subject to the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 and all penalties imposed for the breach of any such bye-laws shall be recoverable in manner provided by that Act for the recovery of penalties ;
- (4.) A copy of all such bye-laws in force for the time being shall be kept at the office of the Local Board All persons may at all reasonable times inspect such copy without payment and the Local Board shall cause to be delivered a printed copy of all bye-laws for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy ;
- (5.) A printed copy of any such bye-laws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Local Board 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 bye-laws without further or other proof ;
- (6.) In case of failure of any person to observe such bye-laws as are for the time being in force the Local Board may if they

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think fit after twenty-four hours' notice in writing between the hours of ten in the morning and four in the afternoon 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 water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person (and not being in accordance with the requirements of such bye-laws) and the expense of every such repair replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

Regulations  
of Company  
continued.

**26.** Until the bye-laws referred to in the last preceding section shall come into force and have effect the regulations made by the Company and in force at the passing of this Act shall continue in force the Local Board being substituted therein for the Company but the Local Board shall have full power to repeal alter and amend all or any of such regulations but any such repeal alteration or amendment as aforesaid made by the Local Board under this section shall not take effect unless and until confirmed by the Local Government Board and shall not require or be subject to confirmation or allowance by justices or any other authority and the provisions of the Public Health Act 1875 with respect to the power to impose penalties not exceeding the sum of forty shillings on breaches of bye-laws shall be applicable to the regulations of the Company continued in force Provided that the Local Board shall within twelve months from the transfer submit to the Local Government Board for confirmation the bye-laws referred to in the last preceding section.

Application of  
s. 267 of Public  
Health Act to  
notices under  
this part of Act.

**27.** The provisions of section 267 of the Public Health Act 1875 in reference to the giving of notices shall apply to all notices given under the powers of this part of this Act.

Notice of  
discon-  
tinuance.

**28.** A notice to the Local Board for the discontinuance of the supply of gas or water shall not be of any effect unless it is in writing and left at the office of the Local Board or sent by prepaid letter to the clerk to the Local Board.

PART III.—FINANCIAL AND BORROWING.

Power to  
borrow.

**29.** The Local Board may for the purposes herein-after mentioned from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the security of the gas revenue and the water revenue respectively (so far as such

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purposes relate to the gas undertaking or the water undertaking as the case may be) and of the district fund and the general district rate as follows (that is to say):—

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Firstly. For paying the costs and expenses of this Act as herein-after defined such sum as may be required ;

Secondly. For the purpose of acquiring the undertaking of the Company and for defraying the costs and expenses incident to such acquisition and to the transfer of the undertaking (other than the costs of this Act) and for the payment of any sum payable by the Local Board to the Company under the provisions of the scheduled agreement such sum as may be required ;

Thirdly. For the conversion or redemption of the debenture stock of the Company and for making reasonable payments to holders of such debenture stock for their consents or for otherwise compensating them for such conversion or redemption such sum or sums as may be from time to time sanctioned by the Local Government Board ;

Fourthly. For working capital for the gas undertaking and water undertaking respectively and for additions and alterations to the gasworks and waterworks respectively such sum or sums as may be from time to time sanctioned by the Local Government Board :

And may with respect to the gas undertaking or with respect to the water undertaking from time to time mortgage the gas revenue or the water revenue respectively and also the district fund and the general district rate for securing the repayment of the moneys so borrowed with interest accordingly Provided always that for the purposes firstly and secondly mentioned in this section the sum to be borrowed for the gas undertaking or the water undertaking respectively shall be a sum equal to such portion of the total sum required for the acquisition of the undertaking of the Company as may be apportioned to the gas undertaking or the water undertaking respectively under the foregoing provisions of this Act together with one moiety of the costs and expenses Provided also that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Local Board may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow under this Act shall not be reckoned.

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Local Board  
to pay  
expenses  
of Local  
Government  
Board under  
Act.

Provisions of  
Public Health  
Act 1875 as to  
mortgages to  
apply.

Power to  
borrow under  
Local Loans  
Act 1875.

Payment off  
of money  
borrowed.

As to sinking  
fund for pay-  
ment off or  
redemption  
of debenture  
debt of  
Company.

**30.** The Local Board shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries or proceedings under this Act including the expense of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

**31.** Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages granted under this Act.

**32.** The Local Board 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 in manner by this section authorised shall be a charge upon and shall be paid out of the same fund rate revenue and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such fund rate revenue or security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

**33.** The Local Board shall within the prescribed periods pay off all money borrowed by them under the powers of this Act or of the Local Loans Act 1875 by equal annual or half-yearly instalments of principal or of principal and interest combined or by any one or more of the methods including sinking fund mentioned in the Local Loans Act 1875 as amended by the Local Loans Act 1885 and sections 13 14 and 15 of the first-mentioned Act shall apply accordingly Provided that nothing in this section shall authorise the Local Board to invest any moneys in their own securities.

**34.** In order to create a sinking fund for the payment off or redemption of the seventeen thousand pounds debenture stock of the Company or to provide for the interest thereon the Local Board shall after the expiration of two years from the date of the transfer every year set apart and appropriate out of the gas revenue and the water revenue and in case of insufficiency out of the district fund and the general district rate or either of them such equal sum of money as being accumulated in the way of compound interest at the rate of three pounds per centum per annum will be sufficient in fifty years from the expiration of the said two years to raise such an amount as will produce at three pounds per centum per annum the yearly sum of eight hundred and fifty pounds being the annual interest payable in respect of the said debenture stock and the

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provisions as to sinking fund contained in the Local Loans Act 1875 except as in this section expressly varied shall apply to such sinking fund as if such sinking fund were prescribed for the discharge of a loan borrowed under the powers of that Act.

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**35.** All moneys borrowed by the Local Board under the authority of this Act may be borrowed for any term not exceeding the terms herein-after respectively mentioned from the date on which the same are originally borrowed under this Act (that is to say) :—

Period for discharge of borrowed moneys.

- (A.) As regards moneys borrowed for the purpose of purchasing the gas undertaking forty years ;
- (B.) As regards moneys borrowed for the purpose of purchasing the water undertaking fifty years ;
- (C.) As regards moneys borrowed for the purpose of paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act ten years :

And all moneys borrowed by the Local Board under the authority of this Act with the consent of the Local Government Board may be borrowed for such term and on such conditions as the Local Government Board may prescribe :

Provided it shall not be obligatory to commence such repayment by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund until the expiration of two years from the date of borrowing the same :

The respective periods for which the Local Board are herein-before authorised to borrow money are in this Act referred to as the prescribed periods.

**36.** If the Local Board pay off any part of any moneys borrowed by them under the powers of this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of sale of land or other property or out of fines or premiums on leases or other moneys received on capital account except borrowed money they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing has been made and shall be deemed to form the same loan as the money originally borrowed and the obligations of the Local Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Power to reborrow.

[Ch. lxxvii.] *Barry and Cadoxton Local Board* [56 & 57 VICT.]  
(*Gas and Water*) Act, 1893.

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

**37.** The clerk to the Local 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 under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund 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 of 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. If it appears to the Local Government Board by such return or otherwise that the Local Board have failed to pay any 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 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 and the provisions of this section shall *mutatis mutandis* apply to appropriations and annual repayments.

Application  
of moneys  
borrowed.

**38.** All moneys borrowed by the Local Board under this Act shall be applied only to purposes for which they are by this Act respectively authorised to be raised and to which capital is properly applicable.

Application  
of moneys  
from sale &c.  
of land.

**39.** The Local Board shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act or the Act of 1886 and the Act of 1889 authorised or by way of fine or premium on any lease or in respect of any sale of any portion of their gasworks or waterworks to any other sanitary authority under the provisions of this Act in or towards paying off moneys borrowed and for the time being



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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 Local Board. Provided that such proceeds when used to pay off the borrowed moneys shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

**40.** A person lending money to the Local Board shall not be bound to inquire as to the observance by the Local Board of any of the provisions of this Act or be bound to see to the application or be responsible for the loss misapplication or non-application of the money lent or any part thereof.

Protection of lenders from inquiry.

**41.** The Local Board shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person or of any one of the persons or (as the case may be) of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for a loan stands in the books of the Local Board shall from time to time be a sufficient discharge to the Local Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Local Board have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their books and the Local Board shall not be bound to see to the application of the money paid on any such receipt or be answerable and accountable for any loss misapplication or non-application thereof.

Local Board not to regard trusts.

**42.** Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the estates and property of the Local Board subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed.

Saving for existing charges.

**43.** The Local Board shall keep separate accounts of their receipts and expenditure for gasworks and waterworks purposes respectively on capital and revenue account and they may apportion between those accounts any expenditure incurred for purposes common to both.

Local Board to keep separate accounts of gas and water undertaking.

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(*Gas and Water*) Act, 1893.

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Application  
of gas  
revenue.

44. The Local Board shall apply the gas revenue as follows  
(that is to say):—

Firstly. In payment of their costs charges and expenses of and incidental to the collecting and recovering of gas revenue and of the borrowing of money for gasworks under this Act;

Secondly. In payment of the working and establishment expenses and costs of management and maintenance of the gas undertaking;

Thirdly. In payment of the interest on the debenture stock of the Company by this Act charged upon the gas undertaking;

Fourthly. In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the gas undertaking;

Fifthly. In providing the requisite instalments or sinking funds under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the gas undertaking;

Sixthly. In providing a reserve fund for the gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any security in which trustees are or may be authorised to invest trust moneys (except securities of the Local Board) and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Local Board from the gas undertaking or to meet any extraordinary claim or demand at any time arising against the Local Board in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens:

And any balance remaining in any years as may in the opinion of the Local Board not be required for carrying on the gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five thousand pounds shall be applied by the Local Board in equal moieties in reducing to the consumer the cost of gas supplied under the authority of this Act and in increasing the district fund Provided that no part of any such balance shall be applied to increasing the district fund if and whenever the price charged for gas exceeds four shillings per one thousand cubic feet.

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(*Gas and Water*) Act, 1893.

45. The foregoing provisions with respect to the application of the gas revenue shall so far as the same are applicable extend and apply mutatis mutandis to the application of the water revenue.

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Application  
of water  
revenue.

46. Any deficiency in the revenues and receipts of the Local Board on account of the gas undertaking or water undertaking shall in the absence of a reserve fund applicable to the purpose or so far as such reserve fund is not sufficient for the purpose be from time to time made good out of the general district rate in such a manner as the Local Board may from time to time determine as soon as such deficiency has been ascertained.

As to  
deficiency in  
receipts.

47. The two hundred and forty-fifth section the two hundred and forty-seventh section (except so much thereof as is repealed by the District Auditors Act 1879) and the two hundred and forty-ninth and two hundred and fiftieth sections 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 Local Board under this Act and to the audit of such accounts.

Audit of  
accounts.

PART IV.—GENERAL.

48. If at any time after the passing of this Act any sanitary authority whose district is beyond the district of the Local Board but as to the whole or any part thereof within the limits for the supply of gas and water shall give not less than six months' notice in writing to the Local Board of their desire to purchase such portion of the gasworks and waterworks or either of them as is contained within the district of any such sanitary authority and shall obtain the consent of the Local Government Board thereto and shall apply to Parliament or the Local Government Board for power to purchase such portion (except the mains and pipes or other apparatus which shall be necessary for supplying with gas and water any other part of the limits of the Local Board) for the supply of gas and water and to supply gas and water within such district then it shall not be lawful for the Local Board to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Local Board shall sell and such sanitary authority shall purchase the portion of the gasworks or waterworks or either of them (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 Public Health Acts and the Local Board

Provision for  
sale of por-  
tion of gas-  
works and  
waterworks  
to other  
sanitary  
authorities.

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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 always that any arbitrator or umpire in determining the sum to be paid by such sanitary authority for such portion of the gasworks and waterworks or either of them shall if the Local Board so desire have regard to the circumstances under which the Local Board have obtained powers to supply gas and water under the provisions of the Acts of 1886 and 1889 and this Act. Provided further that after the completion of such purchase all obligations on the part of the Local Board to supply gas or water as the case may be within such district shall cease and determine.

Contracts for gas and water not to disqualify.

**49.** No person entering into any contract with the Local Board for the supply of gas or water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member officer or servant of the Local Board or incur any penalty by reason of such contract but any member of the Local Board concerned directly or indirectly by himself or any partner in any such contract except for a domestic supply shall not take part in any proceeding relative thereto at any meeting of the Local Board.

As to penalties.

**50.** Penalties recovered by the Local Board under this Act shall belong to the Local Board and shall be applied in the manner herein-before provided with respect to moneys from time to time received by them in respect of the gas revenue and water revenue. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for that purpose this Act and the Acts of 1886 and 1889 and this Act and all Acts incorporated with the said Acts respectively shall be deemed several Acts.

Expenses of Act.

**51.** All the costs charges and expenses of and incident to and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall when taxed and ascertained by the taxing officer of the House of Lords or the House of Commons be paid by the Local Board in the first instance out of the district fund and general district rate but ultimately out of money borrowed under this Act.

The SCHEDULES referred to in the foregoing Act.

A. D. 1893.

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THE FIRST SCHEDULE.

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LAND FORMING PART OF SITE OF COMPANY'S GASWORKS  
REFERRED TO IN THE FOREGOING ACT.

Certain lands containing by admeasurement 3 acres or thereabouts situate in the parish of Cadoxton-juxta-Barry in the county of Glamorgan and belonging to or reputed to belong to and in the occupation of the Company and adjoining the lands described in the schedule to the Barry and Cadoxton Gas and Water Act 1886 and being such portions of certain fields or enclosures shown on the ( $\frac{1}{2500}$  scale) Ordnance map of the said parish and thereon respectively numbered 200 201 and 202 as are enclosed within the Company's boundary wall or fence excepting that part of the said field or enclosure numbered 201 as is included in the said schedule.

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THE SECOND SCHEDULE.

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ARTICLES OF AGREEMENT made this fifteenth day of March one thousand eight hundred and ninety-three Between the BARRY AND CADOXTON GAS AND WATER COMPANY (herein-after called "the Company") of the one part and THE LOCAL BOARD FOR THE DISTRICT OF BARRY AND CADOXTON in the county of Glamorgan (herein-after called "the Local Board") of the other part.

Whereby it is mutually agreed (subject to the approval of Parliament and the passing into law of the Bill herein-after mentioned) as follows:—

1. The Company subject to the provisions of this agreement sells to the Local Board and the Local Board purchases of the Company as from the thirty-first day of December next the whole undertaking of the Company (herein-after called "the said undertaking") which expression shall be taken to include all the gas and water works engines mains pipes and machinery as also lands messuages and buildings (subject to existing tenancies) and also all contracts benefits of contract and books of account plans and other drawings belonging to the Company and other the real and personal property of the Company except the cash balances (other than consumers deposits) in the Company's hands or those of their bankers or agents and also excepting all gas in holders stock including stores

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meters and coal and also excepting all book and other debts due to the Company other than so much of any rates or other payments payable in advance as shall be attributable to any period after the transfer and all their rights powers privileges and easements statutory and otherwise connected therewith or belonging to the Company as the same shall stand on the thirty-first day of December one thousand eight hundred and ninety-three (herein-after called "the transfer day") The said undertaking is sold subject to such obligations for furnishing free supplies of gas and water and all other obligations and contracts for the supply of gas and water and otherwise into which the Company have from time to time entered prior to the date hereof. And the Local Board shall take over and perform and fulfil such obligations and contracts and indemnify the Company from liability thereunder.

2. The Company shall deliver up possession of the said undertaking on the transfer day and thereupon the Local Board shall be entitled to the receipts and revenue accruing and arising from that date from the said undertaking.

3. All debts owing to the Company gas and water rents meter rents and other rents and other revenue including arrears of gas and water and meter rents accrued or accruing due to the transfer day shall be recoverable in any court of competent jurisdiction by and be received by and belong to the Company and be retained by them except so much of any rates or other payments payable in advance as shall be attributable to any period after the transfer which shall be paid over to the Local Board.

4. The consideration to be paid or given by the Local Board to the Company shall be the sum of one hundred and forty-nine thousand pounds together with the sum of three thousand pounds to be divided among the directors and solicitors of the Company by way of compensation to be paid on the transfer day on which day the purchase shall be completed. The Local Board shall on completion of the purchase take over and pay for according to a valuation to be made in the usual manner the gas in holders the stock of the Company and the coals meters and stores and there shall be included in such stock such items and articles of such description as have been included in the valuations or stocktakings which have been made from time to time by the Company and have been included in their half-yearly balance sheets under the headings of stores and meters and coals in stock.

4A. The permanent irredeemable debenture stock of the Company amounting to seventeen thousand pounds shall be taken over and adopted by the Local Board and shall continue to be a first charge on the undertaking after the same shall be taken over by the Local Board.

5. The Company shall at their own expense carry on manage and maintain the said undertaking up to the transfer day in the ordinary course of business and shall continue to keep the works in good and proper order repair and condition (reasonable wear and tear and accidents and strikes of workmen excepted) and shall subject to the limitations and provisions of this agreement conduct their business according to their usual custom.

6. The Company shall have full access at all reasonable times to the books documents and accounts relative to the said undertaking for the purpose of making up the accounts of the Company to the transfer day and for declaring

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and paying dividends and also for the purpose of getting in and recovering the debts rates rents 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 statutory powers and rights as may be requisite for ascertaining and enforcing payment of all moneys 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 statutory powers and rights for or in relation to their capital to the holding of meetings or otherwise necessary for the purpose of distributing the purchase and other moneys and winding up the affairs of the Company.

7. The Company between the date of this agreement and the transfer day shall expend upon capital account such money as they may be required by law to expend 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 said undertaking and as the Company and the Local Board or committee having charge of this matter may mutually agree upon And the Local Board shall on request in writing by or on behalf of the Company to be delivered by or on behalf of the Company to the Local Board's clerk provide and repay to the Company on the transfer day the amount so expended on capital account The Company shall decide according to their usual custom whether payments or expenditure made by them have been made on capital or revenue account.

8. Subject to the provisions of this agreement the Company shall bear and pay all such debts and liabilities except debenture stock as shall be and 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 the revenue account of the year to end on the thirty-first day of December one thousand eight hundred and ninety-three The Local Board shall bear and pay the future expenditure on capital account (if any) provided for by this agreement.

9. The Local Board shall take the lands and easements of the Company including the works offices houses and sites of the reservoirs and gasworks with the title on which the Company hold the same but subject to such outgoing easements rents and incidents of tenure as the same are held under by the Company and subject also to the tenancies affecting the same and the Company shall convey and assign the same to the Local Board by a proper deed or deeds to be prepared and duly stamped by and at the expense of the Local Board who shall pay all the expenses and solicitors' and legal and valuers' and other charges which may properly be incurred by the Company in connexion with and in relation to the carrying out of this agreement and the transfer and conveyance of the said undertaking and property and the costs charges and expenses of the solicitors of the Company shall be fixed and determined according to Part I. of Schedule 1 to the rules made under the Solicitors Remuneration Act 1881 as in the case of an ordinary purchase of land.

10. The Local Board shall promote their Bill in the present session of Parliament and shall subject to the approval of Parliament insert in such Bill suitable clauses and provisions for ratifying and giving full effect to this agreement and to the transfer and incidental thereto together with such other clauses and provisions as the Local Board may deem needful but so far as the same

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11. The Company shall not oppose the said Bill in its progress through Parliament except so far as may be necessary to carry into full effect the provisions of this agreement and they shall (on the request and at the expense of the Local Board) assist the Local Board in passing the same through Parliament.

12. The Local Board shall pay to the Company all costs and expenses to be properly incurred by them in relation to the said Bill and otherwise in connexion with the sale of the said undertaking including the proceedings resulting in such sale but the Company shall pay their own parliamentary expenses up to the date hereof and the cost of winding up.

13. If the before-mentioned Bill shall have passed into law but from any cause the purchase shall not have been completed on the thirty-first day of December next the Local Board shall pay to the Company interest upon the purchase money and upon the money expended by the Company on capital account as herein-before provided at the rate of five pounds per centum per annum from such date until the actual day of payment of the purchase money and money so expended on capital account as aforesaid but after that date the Company shall carry on the undertaking at the sole risk and for the benefit of the Local Board and at their expense.

14. If the said Bill shall pass into law at such a time that the purchase might be completed if it were so desired at some date earlier than the thirty-first day of December one thousand eight hundred and ninety-three the completion of the purchase may be effected at such earlier date and with such necessary variations in this agreement as the Company and the Local Board may mutually agree upon by writing under seal and pending the completion of the purchase it shall be lawful at any time after the passing into law of the said Bill for the Company to admit the Local Board to and for the Local Board to assume the full possession and management of the undertaking and premises on such terms and conditions as may be mutually agreed on by writing under seal.

15. Every question or difference that may arise between the parties hereto as to the construction or meaning of these articles 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 be referred to the decision of two arbitrators one of whom shall be nominated and appointed by the Company and one by the Local Board or in case of their differing to an



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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. A.D. 1893.

16. If from any cause whatever (other than its rejection by Parliament) the said Bill carrying out this agreement should fail to pass into an Act during the present session of Parliament this agreement and all terms and provisions thereof shall still be binding upon the Company and upon the Local Board and in that case the transfer day shall be altered to the thirty-first day of December one thousand eight hundred and ninety-four or such earlier date in that year as may be agreed upon between both parties hereto pursuant to the provisions of Article 14 of this agreement and all necessary consequential alterations shall be made in this agreement accordingly and the Local Board shall at their expense apply to Parliament for and duly prosecute a Bill for giving effect to this agreement in the Session of 1894 and if such Bill should fail to pass in that session then this agreement shall cease to be binding.

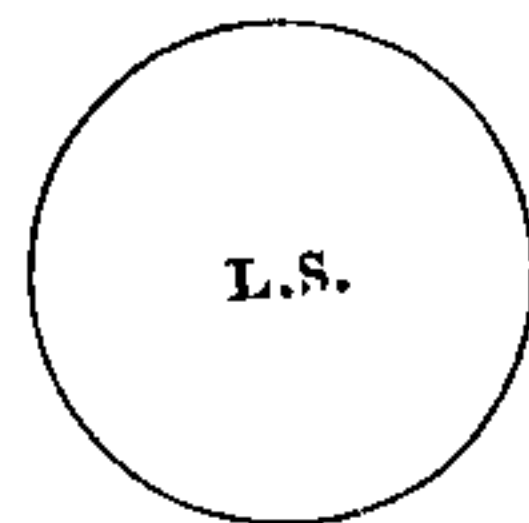
16A. All officers (except their engineer) and servants of the Company shall hold and enjoy their offices and employments upon the same terms as at present until resignation or removal by the Local Board.

17. This agreement is made subject to such alterations as Parliament may think fit to make therein but if Parliament make any material alterations in this agreement which the Local Board or the Company may be unwilling to accept it shall be competent for either party hereto to withdraw from the same.

In witness whereof the Company and the Local Board have hereunto affixed their respective common seals.

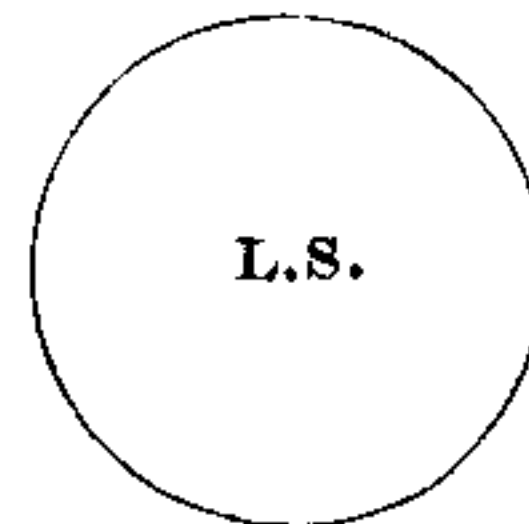
The Seal of the Barry and Cadoxton Gas and Water Company  
was duly affixed pursuant to resolution of directors in the  
presence of

EDMUND HANDCOCK }  
T. R. THOMPSON } Directors.  
F. M. HARRIS Secretary.



The Common Seal of the Barry and Cadoxton Local Board  
was hereunto affixed by the authority of the said Local  
Board at their meeting held the 20th day of March 1893 in  
the presence of

GEO. THOMAS Chairman.  
WM. THOMAS }  
BENJN. LEWIS } Members.  
J. ARTHUR HUGHES Clerk.



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THE THIRD SCHEDULE.

FORM OF DEED OF CONVEYANCE OF THE UNDERTAKING OF THE  
COMPANY TO LOCAL BOARD.

In pursuance of and subject to the provisions of the Barry and Cadoxton Local Board (Gas and Water) Act 1893 and in consideration of the Barry and Cadoxton Gas and Water Company do hereby grant convey and assign unto the Local Board for the district of Barry and Cadoxton in the county of Glamorgan the undertaking of the Company as defined by the said Act and all other (if any) the property real and personal of every description vested in and belonging to the Company to hold the same unto the said Local Board their successors and assigns and the said Local Board do accept the same accordingly.

In witness whereof the said Company and the said Local Board have hereto set their respective Common Seals this                      day of                      189

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