



CHAPTER cviii.

An Act to authorise the transfer to the mayor aldermen and burgesses of the borough of Swindon of the site of portion of the Wilts and Berks Canal and the Coate Reservoir and the abandonment of the remainder of such canal and the sale or disposal of the site thereof and for other purposes. A.D. 1914.
[31st July 1914.]

WHEREAS an Act was passed in the first and second years of his late Majesty King George the Fourth intituled “An Act for incorporating the Company of Proprietors of the North Wilts Canal Navigation with the Company of Proprietors of the Wilts and Berks Canal Navigation and for repealing the several Acts passed for making and maintaining the said canals and for consolidating the powers and provisions thereof in one Act of Parliament” and thereby the said canals and all reservoirs works and conveniences belonging thereto and all lands tenements buildings hereditaments and property purchased taken or acquired by or vested in the said respective companies of proprietors for the use or for the purposes of the said respective navigations were vested in the company of proprietors of the Wilts and Berks Canal Navigation thereby incorporated and the last-mentioned company of proprietors were authorised to maintain the said canals and exercise the other powers in such Act contained: 1 & 2 Geo. 4.
c. xevii.

And whereas another Act was passed in the fifth and sixth years of his late Majesty King William the Fourth intituled “An Act for consolidating the shares in the Wilts and Berks Canal Navigation and for extending the powers of the Act of incorporation of the Company of Proprietors of the said canal”: 5 & 6 Will. 4.
c. lix.

[Ch. cviii.] *Swindon Corporation (Wilts and Berks Canal Abandonment) Act, 1914.* [4 & 5 GEO. 5.]

A.D. 1914.
39 & 40 Vict.
c. lix.

And whereas by the Wilts and Berks Canal Act 1876 the Wilts and Berks Canal Company (hereinafter called "the Company") were incorporated and provision was made for the transfer to the Company of the undertaking of the Wilts and Berks Canal Navigation :

And whereas the said undertaking was duly transferred to and is now vested in the Company :

And whereas under the powers of the said Act of 1876 the Company by an indenture of mortgage dated the fifteenth day of December one thousand eight hundred and ninety-one conveyed their reservoir and lands situate in the Coate Valley and known as the Coate Reservoir to the United Commercial Syndicate Limited to secure the sum of four thousand four hundred and eighty-nine pounds advanced to the Company by the said syndicate and such sum with large arrears of interest thereon is now due and owing upon the security of the said mortgage :

And whereas by virtue of the deposit of the said indenture of mortgage and of a debenture dated the eighteenth day of August one thousand eight hundred and ninety-one the Right Honourable Robert James Baron Wantage became entitled in equity to the benefit of the said mortgage as a security for moneys advanced by him to the said syndicate and the amount now due for principal and interest upon such security considerably exceeds the amount due to the said syndicate under such mortgage :

And whereas the said Robert James Baron Wantage died on the tenth day of June one thousand nine hundred and one having by his will which was duly proved on the ninth day of July one thousand nine hundred and one appointed his wife the Right Honourable Baroness Wantage sole executrix thereof and devised and bequeathed to her all his property real and personal :

And whereas owing to the construction of the Great Western Railway and other causes no traffic has for some years past been carried upon the said canals and the canals are now unnecessary and for want of sufficient funds to maintain them the banks and locks thereof have fallen into a state of dilapidation and the canals have become derelict :

And whereas the canals pass through the centre of the borough of Swindon (hereinafter called "the borough") and interrupt the communications between the streets and cause great inconvenience and expense in the administration of the borough and by reason of their stagnant condition are a serious nuisance and danger to the inhabitants of the borough: A.D. 1914.

And whereas it is expedient that the provisions hereinafter contained should be made for the transfer to the mayor aldermen and burgesses of the borough of Swindon (hereinafter called "the Corporation") of so much of the canals and lands of the Company as are hereinafter included within the expression "the Swindon Canal and lands" as in this Act defined and also of the Coate Reservoir of the Company which is situate partly within the borough and partly within the parish of Chisledon in the county of Wilts and that the Corporation should be empowered to drain the said portion of the canals and to use the said reservoir for the purposes in this Act mentioned and that the other powers in this Act contained should be conferred upon the Corporation:

And whereas the towing paths adjoining the canals in the borough have for many years been used by the public as highways and have been treated and maintained by the Corporation as highways repairable by the inhabitants at large:

And whereas it is expedient that provision should be made for closing the remainder of the canals for the purposes of traffic and for the sale or disposal of the site thereof and all other property and rights of the Company as by this Act provided and that the Company should be wound up and dissolved:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

[Ch. cviii.] *Swindon Corporation (Wilts and Berks Canal Abandonment) Act, 1914.* [4 & 5 GEO. 5.]

A.D. 1914. •

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Swindon Corporation (Wilts and Berks Canal Abandonment) Act 1914.

Act divided
into Parts.

2. This Act is divided into Parts as follows:—

Part I. Preliminary.

Part II. Transfer to Corporation of the Swindon Canal and lands and the Coate Reservoir.

Part III. Abandonment of remainder of canal and winding up of Company.

Interpreta-
tion.

3. In this Act—

“The Company” means the Wilts and Berks Canal Company;

“The borough” means the borough of Swindon;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

“The canal” means the Wilts and Berks Canals to which the recited Acts relate and the site thereof and all towing-paths locks cuts basins and other works and conveniences connected therewith;

“The Coate Reservoir” means the reservoir of the Company situate partly within the borough and partly within the parish of Chisledon in the county of Wilts and the lands surrounding the same and belonging to the Company and all springs streams brooks and watercourses flowing into such reservoir and vested in or belonging to the Company and all rights to the flow of water into the said reservoir belonging to or exercised or enjoyed by the Company;

“The Swindon Canal and lands” means so much of the canal and of the lands buildings bridges and other property of the Company (other than the

Coate Reservoir) as are situate within the borough and also all feeders or watercourses situate partly within and partly without the borough leading from the Coate Reservoir or the Wanborough Brook to a point on the canal one hundred and ten feet or thereabouts east of the eastern boundary of the borough and the sites of such feeders or watercourses and all rights to the flow of water into or through the same belonging to or exercised or enjoyed by the Company and so much of the canal and of the site thereof as is situate between the said point and the eastern boundary of the borough;

A.D. 1914.

“Land” includes hereditaments incorporeal as well as corporeal and any interest therein;

“The Act of 1821” means the Act passed in the first and second years of his late Majesty King George the Fourth entitled “An Act for incorporating the “Company of Proprietors of the North Wilts Canal “Navigation with the Company of Proprietors of the “Wilts and Berks Canal Navigation and for “repealing the several Acts passed for making and “maintaining the said canals and for consolidating “the powers and provisions thereof in one Act of “Parliament.”

PART II.

TRANSFER TO CORPORATION OF THE SWINDON CANAL AND LANDS AND THE COATE RESERVOIR.

4. The Corporation shall within three months after the passing of this Act pay to the Company the sum of eight thousand eight hundred pounds and upon such payment the Swindon Canal and lands and the Coate Reservoir shall by virtue of this Act be transferred to and vested in the Corporation without any deed of conveyance for all the estate and interest which the Company and the said Baroness Wantage and the United Commercial Syndicate Limited or any of them had therein at the date of the passing of this Act but freed and discharged (except as hereinafter mentioned) from all debts or incumbrances created by the Company or affecting such

Transfer to Corporation of Swindon Canal and lands and Coate Reservoir.

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A.D. 1914. — canal lands and reservoir and from all rights in reference to the navigation of the canal or the use of the water therein and all other rights and easements whatsoever whether under the recited Acts or otherwise now or heretofore enjoyed by the public or by any person whomsoever but subject nevertheless as to —

(a) the towing-paths adjoining the canal in the borough;
and

(b) so much of the towing-path west of the western boundary of the borough as is situate between that boundary and the bridge carrying the public highway over the canal near the West Leaze Farm;

to the rights of the public to use the same as a highway and as to the lands respectively subject thereto and as from the date of the payment of the said sum of eight thousand eight hundred pounds to the following tithe rentcharge and annual sums now payable by the Company (that is to say):—

(a) A tithe rentcharge of eleven pounds one shilling and eightpence payable to the Vicar of Swindon;

(b) An annual sum of five pounds now payable to the occupier of certain lands in the parish of Swindon now in the occupation of Henry John Keylock;

(c) An annual sum of twelve pounds now payable to Fitzroy Pleydell Goddard; and

(d) An annual sum of eight pounds now payable to the said Fitzroy Pleydell Goddard.

As to supply
of water by
Corporation
to canal.

5.--(1) From and after the transfer to the Corporation of the Swindon Canal and lands and the Coate Reservoir the Corporation shall during every day of twenty-four hours discharge or deliver in a continuous and as far as practicable in an uniform flow into the portions of the canal hereinafter mentioned for agricultural purposes but not for irrigation purposes the respective quantities of water hereinafter prescribed (that is to say):—

(a) The branch east of the portion of the canal to be vested in the Corporation by virtue of this Part of this Act two hundred thousand gallons:

(b) The branch west of the portion of the canal to be vested in the Corporation by virtue of this Part of this Act fifty thousand gallons.

(2) The said respective quantities of water shall be discharged or delivered at the points hereinafter prescribed (that is to say):— A.D. 1914.

(a) As to the eastern branch of the canal at or within fifty yards from a point on the canal one hundred and ten feet or thereabouts east of the borough boundary:

(b) As to the western branch of the canal immediately to the west of the dam first referred to in subsection (3) of the section of this Act of which the marginal note is "For protection of Elcombe Studley Grange Farm and Codrington Estates."

(3) The Corporation shall construct and maintain such works as may be necessary to prevent the water so discharged or delivered into the eastern branch of the canal from passing into the portion of the canal to be vested in the Corporation by virtue of this Part of this Act.

(4) For the purpose of measuring the respective quantities of water to be so discharged or delivered into the said portions of the canal the Corporation shall within six months after the passing of this Act erect and thereafter maintain at points on the said portions of the canal not more than fifty yards from the said points of discharge proper and suitable measuring gauges over or through which such water shall flow and shall keep records of the quantities of such water which records shall be made once in each week and such gauges shall at all times and such records shall at all reasonable times be open to the inspection of all persons affected thereby gratis.

(5) In case of any neglect on the part of the Corporation to maintain any gauge in a state of efficiency the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons entitled to the water discharged in accordance with this section and injuriously affected thereby the sum of five pounds.

6. The Corporation shall maintain all hatches and other works necessary for regulating the flow of streams and waters (1) into and along the Wanborough feeder to the same extent to which it has hitherto been regulated by the Company (2) into and from the Coate Reservoir and (3) into and along the feeder from the Coate Reservoir into the canal at a point on

Corporation
to maintain
hatches and
control
streams.

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A.D. 1914 the canal one hundred and ten feet or thereabouts east of the
--- borough boundary and subject to the provisions of this Act the Corporation shall have the sole control of such hatches and works and of the streams and waters regulated by them. Provided that nothing in this Act shall confer upon the Corporation any greater right of regulating the flow of water from the Wanborough brook into the Wanborough feeder than that hitherto enjoyed by the Company.

For protection of
S. Denton
M. Alderson
and S. F. A.
Archer.

7. The following provisions shall (unless otherwise agreed in writing with the Corporation) apply and have effect for the protection respectively of Sydney Denton or other the incumbent for the time being of the benefice of Stratton Saint Margaret and Mary Alderson and Samuel Frank Alderson Archer and their successors in title (in this section referred to as "the owners") and their respective estates and the glebe lands of the said benefice adjoining the feeders or watercourses leading from the Coate Reservoir or the Wanborough brook to the canal:—

- (1) Nothing contained in this Act shall prejudice or affect the rights of the owners and their lessees and tenants under the Act of 1821 to use the water in the said feeders or watercourses and all hatches water carriages back-drains gates stiles bridges arches culverts passages tunnels and other conveniences which have been constructed or provided by the Company in connection with the said feeders or watercourses and to maintain drinking places for cattle and horses thereon in like manner and to no greater extent respectively than heretofore under the Act of 1821:
- (2) The Corporation shall not do or permit any act or thing which shall prevent obstruct diminish or interfere with the flow and passage of water to the Coate Reservoir or the feeders thereof or to the feeders or watercourses leading from the Coate Reservoir or the Wanborough brook to the canal:
- (3) Notwithstanding anything in this Act contained the owners or any persons having a right of way or passage over the said estates and glebe lands shall have and enjoy such right of way and passage (if any) across the said feeders and watercourses as they

now have and enjoy and the owners may with the consent of the Corporation on request made to them for the purpose or in case of their refusal to consent thereto for twenty-eight days next after such request then with the consent of any two or more of His Majesty's justices of the peace of the borough and on such terms and conditions as such justices may determine make fix and erect such gates stiles bridges culverts and watering places in over or near the said feeders and watercourses in such places as they shall deem necessary or convenient for the better use cultivation or occupation of their respective estates and glebe lands in addition to such gates stiles bridges culverts and watering places as now exist Provided that the owners or such other persons as aforesaid shall not in making fixing and erecting such gates stiles bridges culverts and watering places erect any supports abutment walls or other works in connection with such gates stiles bridges culverts and watering places on lands belonging to the Corporation or do any act or thing whatsoever which would impede or obstruct or be likely to impede or obstruct the flow of water in the said feeders.

A.D. 1914.

8. For the protection of Fitzroy Pleydell Goddard his heirs and assigns the owner or owners and occupiers of the lands of the said Fitzroy Pleydell Goddard (all of whom are in this section referred to as "the owner") the following provisions shall apply and have effect:—

For protection of F. P. Goddard.

(1) Subject to the provisions of the Act of 1821 the owner shall have the right to take water from the feeders or watercourses leading from the Coate Reservoir and Wanborough brook to the canal in manner provided by the Act of 1821 for the following purposes:—

(A) For watering cattle and agricultural purposes

(B) For flooding the water meadow of the owner;

and the Corporation shall supply water from the Coate Reservoir along the said feeders through the said lands of the owner for such purposes:

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(2) Notwithstanding anything in this Act contained the owner or any other persons having a right of way or passage over the said lands of the owner shall have and enjoy such right of way and passage across the said feeders as they now have and enjoy and the owner may with the consent of the Corporation on request made to them for the purpose or in case of their refusal to consent thereto for twenty-eight days next after such request then with the consent of any two or more of His Majesty's justices of the peace of the borough and on such terms and conditions as such justices may determine make fix and erect such gates stiles bridges culverts and watering places in over or near the said feeders respectively in such places as they shall deem necessary or convenient for the better use cultivation improvement or occupation of their respective properties in addition to such gates stiles bridges culverts and watering places as now exist Provided that the owner or such other persons as aforesaid shall not in making fixing and erecting such gates stiles bridges culverts and watering places erect any supports abutment walls or other works in connection with such gates stiles bridges culverts and watering places on lands belonging to the Corporation or do any act or thing whatsoever which would impede or obstruct or be likely to impede or obstruct the flow of water in the said feeders:

(3) The Corporation shall pay to the said Fitzroy Pleydell Goddard his heirs and assigns the annual sums of twelve pounds and eight pounds mentioned in the section of this Act of which the marginal note is "Transfer to Corporation of Swindon Canal and " lands and Coate Reservoir" by equal half-yearly payments on the twenty-fifth day of March and the twenty-ninth day of September in each year.

For pro-
tection of
Rolleston
Estate.

9. For the protection of Colonel William Vilett Rolleston the tenant for life of the Rolleston Estate so far as situated within the borough and his trustees and his or their successors in title (in this section referred to as "the owner") the following provisions shall apply and have effect:

- (1) Before the Corporation offer for sale the lands now forming the sites of the canal and towing-paths thereof and other lands acquired by them under this Act (if any) or any part thereof (in this section referred to as "the said lands") so far as they adjoin or abut on any land messuages and premises forming part of the Rolleston Estate the Corporation shall give notice to the owner of their intention to sell the said lands : A.D. 1914.
- (2) The Corporation shall state in such notice the price at which they are prepared to sell the said lands (which shall not be in excess of the then fair market price thereof or greater than the price at which the Corporation would be willing to sell the said lands to any other person) and the owner shall within one month of the receipt of such notice be entitled to require the Corporation to sell the said lands to him at such price and in the event of there being any dispute or difference as to such price the same shall be settled by arbitration and the Arbitration Act 1889 shall apply to such arbitration :
- (3) In the event of the Corporation hereafter forming or constructing any street within the meaning of the Public Health Act 1875 or the Private Street Works Act 1892 on the said lands which when formed and constructed will front adjoin or abut on any part of the said Rolleston Estate the Corporation shall bear the whole of the cost and expense of such formation and construction and shall make no claim for the repayment of any part thereof against the owner or against his lessees or tenants :
- (4) The provisions of subsection (3) of this section shall apply so far as applicable in the event of the Corporation using the said lands for the purpose of widening any existing street :
- (5) Every street so formed constructed or widened as aforesaid shall be regarded and treated for all purposes so far as the owner and his lessees and tenants are concerned as public highways :
- (6) Nothing contained in this section shall relieve the owner or his lessees and tenants from any obligation

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or liability in respect of the sewerage levelling paving metalling flagging channelling making good and lighting any street already constructed or to be constructed on any lands other than and except upon the lands forming the sites of the canal and towing-paths thereof and other lands mentioned in subsection (1) of this section under the Public Health Act 1875 or the Private Street Works Act 1892 to which he or they are now or would have been subject or liable if this Act had not passed.

Receipt for purchase money.

10. The receipt or acknowledgment by the Company under the hands of three of the directors of the Company of the said sum of eight thousand eight hundred pounds or any part thereof shall be a good and sufficient discharge to the Corporation for the sum specified in such receipt or acknowledgment and the Corporation shall not be bound to see to the application of such money or be answerable or accountable for any loss misapplication or non-application thereof Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of three directors of the Company.

Evidence of transfer.

11. The production of a King's Printer's copy of this Act duly stamped together with a receipt for the said purchase money of eight thousand eight hundred pounds purporting to be signed by three directors of the Company or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the Swindon Canal and lands and the Coate Reservoir.

Release of Company from liabilities in respect of Swindon Canal and lands and

12. As from and after the date of the transfer to the Corporation of the Swindon Canal and lands and the Coate Reservoir the Company and all property and funds of the Company not transferred to the Corporation shall be and stand wholly released and discharged from all obligations and liabilities whatsoever (whether under the recited Acts or otherwise and

whether to the public or the owners of adjoining lands or other persons) in respect of the Swindon Canal and lands and the Coate Reservoir or any part thereof or in respect of the maintenance and working of the same or any part thereof or in respect of the water supply thereto or in respect of the maintenance or repair of any bridges locks banks buildings or works in or upon or belonging to the Swindon Canal and lands and the Coate Reservoir.

A.D. 1914.
Coate Re-
servoir.

13. The Corporation may by agreement with the person entitled to the tithe rentcharge or any of the annual sums referred to in the section of this Act of which the marginal note is "Transfer to Corporation of Swindon Canal and lands and Coate Reservoir" purchase such tithe rentcharge or annual sum for such sum in gross as the Corporation and such person may agree and upon the completion of such purchase the tithe rentcharge or annual sum so purchased shall be extinguished and cease to be payable by the Corporation :

Purchase of
rentcharges.

Provided that when such person is the incumbent of a living the sale may be effected with the consent of the Board of Agriculture and Fisheries by a conveyance by the incumbent to the Corporation and the purchase money shall be paid by the Corporation to the Board whose receipt shall be a valid discharge and be applied as purchase money arising from a sale under the Glebe Lands Act 1888.

14. From and after the transfer of the Coate Reservoir to the Corporation the Corporation may maintain such reservoir and all feeders aqueducts pipes and watercourses belonging to the Company at the date of the passing of this Act and to be vested in the Corporation by virtue of this Part of this Act and may exercise all or any of the powers and rights in relation thereto conferred upon the Company by the recited Acts or any of them and such reservoir feeders aqueducts pipes and watercourses shall form part of the water undertaking of the Corporation and subject to the provisions of this Act the water impounded by and flowing in such reservoir feeders and watercourses may be used by them for the supply of water for municipal purposes but such water shall not be sold.

Coate Re-
servoir &c.
to form part
of water un-
dertaking of
Corporation.

15.—(1) The Corporation may use the Coate Reservoir as a public park or pleasure ground and subject to the provisions of this section the provisions of the Public Health Act 1875

Use of
Coate Re-
servoir as a
public park
&c.

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A.D. 1914. — and the Public Health Acts Amendment Act 1890 relating to pleasure grounds shall apply to the Coate Reservoir and to the Corporation in relation thereto.

(2) The Corporation may in addition to any other powers conferred upon them by the said Acts—

- (a) Charge such sums as they may consider reasonable for admission to the Coate Reservoir and for the use of boats thereon and for the right of bathing and fishing in and skating on the said reservoir; and
- (b) Lease or let the same for the purposes aforesaid or any of them for such period and on such terms and conditions as to charges and otherwise as they may think fit; and
- (c) Make byelaws for the regulation of the said reservoir for the purposes aforesaid as if the said reservoir were a pleasure ground vested in the Corporation under the Public Health Acts Provided that any byelaws made under this subsection shall not apply during such period as the said reservoir is leased or let by the Corporation under the powers of this section.

(3) Section 91 (As to use of Coate Reservoir for purposes of recreation) of the Swindon Corporation Act 1904 is hereby repealed.

Power to
maintain or
alter bridges
&c.

16.—(1) The Corporation may repair renew alter widen or improve any bridge carrying a public highway in the borough over the canal or may remove such bridge and substitute a solid embankment therefor and may alter the level of such highway and the Corporation may widen or otherwise improve any public highway carried across or abutting upon the canal and for that purpose may make up and dedicate as part of the highway so much of the site of the canal and lands to be vested in them by virtue of this Part of this Act as they shall consider necessary or expedient.

(2) Subject to the provisions of this section every bridge in the borough carrying a highway over the canal shall be deemed to be a bridge which the Corporation is legally bound to maintain and repair and the provisions of section 119 of the Municipal Corporations Act 1882 shall apply thereto save that

expenses incurred in connection with any such bridge shall be paid out of the district fund or general district rate or out of money borrowed on the security thereof. A.D. 1914.
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17. The Corporation may fill up so much of the bed of the canal as is to be vested in them by virtue of this Part of this Act and may lay out and construct streets upon any part of the site of the canal and the other lands to be vested in them by virtue of this Part of this Act and may dedicate the same as public highways and in connection with such streets or in connection with any existing streets in the borough the Corporation may provide and construct upon such site and lands any carriageways footways subways vaults cellars arches sewers drains and other works and conveniences which they may think proper. Power for Corporation to lay out streets &c.

18. The Corporation may if they think it expedient so to do sell exchange and dispose of all or any part of the site of the canal or other lands vested in them by virtue of this Part of this Act and not dedicated as a public highway for such price and on such terms and conditions as they may think reasonable and subject to such stipulations as to title as they shall think fit and may execute and do any deed act or thing necessary or proper for effectuating any such sale or exchange. Power to sell or exchange lands.

19. The Corporation may demise and lease any part of the site of the canal and other lands to be vested in them by virtue of this Part of this Act and not dedicated as a public highway as they may think expedient at such rent and on such terms as they shall think fit and may execute and do any deed act or thing proper for effectuating any such demise or lease. Power to lease lands.

20. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or dispositions of land or by way of fine or premium on any lease made under the authority of this Act in or towards paying off moneys borrowed by them and for the time being owing under this Act and such application shall be in addition to and not in substitution for any other method of extinguishment provided for by this Act except to such extent and upon such terms as may be approved by the Local Government Board: Application of moneys from sale &c. of land.

Provided that if at any time the Corporation shall have in their hands moneys so received by them they may at their

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A.D. 1914. — discretion apply the said moneys or any part thereof as part of the moneys authorised to be borrowed under the section of this Act of which the marginal note is "Power to borrow" in lieu of borrowing further moneys under the provisions of the said section:

Provided further that no part of such moneys shall be so applied as to increase the total amount expended for the purpose for which the moneys are so applied beyond the limit of the amount authorised to be borrowed for that purpose and the Corporation shall furnish to the Local Government Board all such information returns and accounts relating to such application as the said Board may require.

Power to
borrow.

21. The Corporation may independently of any other borrowing power borrow at interest—

- (a) For paying the costs charges and expenses of this Act (so far as the same shall not be paid to the Corporation by the Company) on the security of the borough fund and borough rate the district fund and the general district rate such sum as may be necessary:
- (b) For paying part of the purchase money of eight thousand and eight hundred pounds payable to the Company under this Act and of the costs charges and expenses (including stamp duty) of carrying out the purchase by the Corporation of the Swindon Canal and lands and the Coate Reservoir the sum of five thousand pounds on the security of the revenues of the water undertaking of the Corporation and the district fund and the general district rate:
- (c) For paying the balance of the said purchase money costs charges and expenses any sum or sums not exceeding three thousand nine hundred pounds on the security of the district fund and the general district rate:
- (d) For paying the cost of providing dams measuring gauges hatches and works connected therewith the sum of five hundred pounds on the security of the revenues of the water undertaking of the Corporation and the district fund and the general district rate:
- (e) For the purchase of the tithe rentcharge and the annual sums referred to in the section of this Act

of which the marginal note is "Purchase of rent-charges" such sums as may be necessary on the security of the district fund and the general district rate : A.D. 1914.

And with the consent of the Local Government Board such further sum or sums of money as may be necessary for any of the purposes of this Act on such security as that Board may prescribe :

Provided that nothing in this section shall limit the power conferred on the Corporation to charge the whole of the "revenues of the Corporation" as defined by the Swindon Corporation Act 1904 as the security for moneys so borrowed.

22. The Corporation shall pay off all moneys borrowed by them under the section of this Act of which the marginal note is "Power to borrow" within the respective periods following (that is to say):— Periods for repayment of moneys borrowed.

As to moneys borrowed for the purpose (a) in the said section mentioned within five years from the date of the passing of this Act;

As to moneys borrowed for the purposes (b) (c) and (e) in the said section mentioned within sixty years from the date or dates of borrowing ;

As to moneys borrowed for the purpose (d) in the said section mentioned within thirty years from the date or dates of borrowing ; and

As to moneys borrowed with the approval of the Local Government Board within such period or periods as that Board may prescribe.

23. The Corporation shall keep separate accounts of their receipts and expenditure in respect of the Coate Reservoir and their other receipts and expenditure under this Part of this Act and such accounts respectively shall be kept separate from all their other accounts and shall distinguish capital from income. Separate accounts to be kept.

24. The following provisions of the Swindon Corporation Act 1904 shall apply to this Act mutatis mutandis as if the same had been enacted therein :— Application of financial provisions of Swindon Corporation Act 1904.

Section 144 (Mode of raising money);

Section 146 (Provisions of Public Health Acts as to mortgages to apply);

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- Section 153 (Mode of payment off of money borrowed);
- Section 154 (Sinking fund);
- Section 155 (Protection of lender from inquiry);
- Section 156 (Corporation not to regard trusts);
- Section 157 (Appointment of receiver);
- Section 158 (Power to reborrow);
- Section 159 (Application of money borrowed);
- Section 161 (Annual return to Local Government Board with respect to sinking fund);
- Section 162 (Expenses of execution of Act); and
- Section 166 (Inquiries by Local Government Board).

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

25. In calculating the amount the Corporation are entitled to borrow under the Public Health Act 1875 the amount which the Corporation may borrow under this Act shall not be taken into account.

PART III.

ABANDONMENT OF REMAINDER OF CANAL AND WINDING UP OF COMPANY.

Power to close canal.

26. Subject to the provisions of this Act all rights of way or user and other rights of navigation of the canal (other than and except the existing rights and powers of the Postmaster-General with reference to the canal under the Telegraph Acts 1863 to 1913 which shall apply as if the canal continued to be a "canal" and the owners of the canal or any part thereof were "persons having control of a canal" within the meaning of the said Acts) shall as from the passing of this Act cease and be extinguished.

Power to sell site.

27. Subject to the provisions of the sections of this Act of which the marginal notes are "For protection of Lord Lansdowne" "For protection of Lord Crewe" "For protection of Richard Carnaby Forster" "Vesting of portions of canal in adjoining owners" "For protection of Elcombe Studley Grange Farm and Codrington Estates" and "For protection of Ecclesiastical Commissioners" the canal and all other lands and property of every description vested in the Company or in any person in trust for them including the Tockenham Reservoir and all rights to the flow of water into the same or into the

canal therefrom belonging to or exercised or enjoyed by the Company so far as the same are not to be transferred to and vested in the Corporation under Part II. of this Act may be sold or disposed of by the Company as a whole or in lots in such manner and at such time or times and upon such terms and conditions as the Company may deem expedient and the purchase moneys shall be assets of the Company. A.D. 1914.

28.—(1) Subject to the provisions of the sections of this Act of which the marginal notes are “For protection of Lord Lansdowne” “For protection of Lord Crewe” “For protection of Richard Carnaby Forster” “Vesting of portions of canal in adjoining owners” “For protection of Elcombe Studley Grange Farm and Codrington Estates” and “For protection of Ecclesiastical Commissioners” all the lands acquired by the Company for the purposes of the canal other than the Swindon Canal and lands and the Coate Reservoir shall be sold within four years from the passing of this Act in the manner (so far as applicable) prescribed by the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands and for that purpose all the clauses of that Act with respect to the lands acquired by the promoters of the undertaking under the provisions of their special Act but which are not required for the purposes thereof shall (so far as the same are applicable) be deemed to be incorporated with this Act. Right of pre-emption.

(2) The proviso to section 59 (Company empowered to re-sell land not wanted) and section 162 (If canal not used for fourteen years to be reconveyed to the original owners of the lands in case they think proper to become the purchasers thereof) of the Act of 1821 are hereby repealed.

29. For the protection of the Most Honourable Henry Charles Keith Marquess of Lansdowne K.G. and his sequels in estate owner or owners for the time being of the lands or any part thereof forming the estate known as the Bowood Estate in the county of Wilts (in this section called “the owner”) the following provisions shall notwithstanding anything in this Act contained apply and have effect (that is to say):— For protection of Lord Lansdowne.

- (1) If at any time within one year after the passing of this Act the owner by notice in writing addressed to the Company requires the Company to sell any portion or portions of the canal which intersect or abut upon

A.D. 1914.

any lands of the owner and all or any of the powers and rights of the Company in relation to the flow of water other than any flow of water from the canal northward of the northern boundary of the Bowood Estate into the same the Company shall sell and the owner shall purchase (subject as regards the flow of the water to the provisions of subsection (5) of this section) any such portion or portions of the canal and all or any such powers and rights as aforesaid freed and discharged from all debts and incumbrances affecting the same and from all rights privileges and easements whatsoever whether under the recited Acts or otherwise now or heretofore enjoyed by the Company or by any person whomsoever:

- (2) Any such sale and purchase shall be at such price as may be agreed between the Company and the owner or failing such agreement as shall be determined by arbitration and the owner shall be entitled to set off against such purchase money any compensation which may be due to him from the Company under the provisions of this Act:
- (3) Lands purchased by the owner in pursuance of the provisions of this section shall not be or be deemed to be lands purchased by him in exercise of any right of pre-emption conferred by the section of this Act whereof the marginal note is "Right of pre-emption" and the owner notwithstanding shall be entitled to compensation in pursuance of and in accordance with the provisions of the section of this Act of which the marginal note is "Company to make compensation with respect to accommodation works:"
- (4) If under the provisions of this section the owner shall acquire that portion of the Calne branch of the canal which is situate within the borough of Calne together with (but subject to the provisions of subsection (5) of this section) the right of the Company to the flow of water into the canal from the River Marden at the point in the said borough where the same is now diverted into the canal he may close such portion of the Calne branch and may in lieu of

taking water from such river at the point aforesaid
take water for the purposes hereinafter mentioned at
any other point or points in the river west of
Hazeland Wood on or adjacent to the Bowood Estate
and subject as hereinafter in this section provided
may use such water for the purposes of filling and
maintaining as a watercourse any portion or portions
of the canal acquired by him and of supplying water
from the said river thereto and to any part of the
Bowood Estate adjoining the canal Provided that
the owner shall not at any time be entitled to take
from the said river for the purposes aforesaid a
greater quantity of water than the Company were at
any time before the passing of this Act entitled to
take for the purposes of the canal under the recited
Acts or any of them or than may be necessary to
maintain the water in such portion or portions of
the canal at a higher level than 197·18 feet above
Ordnance datum at Stanley Junction and 197·30 feet
at Charlcote Hill Bridge Provided also that such
water shall be used only for agriculture and dairying
purposes :

A.D 1914.

- (5) The owner shall be entitled to the flow of the water through or along any portions of the canal or the site thereof which intersect the portions of the canal acquired by the owner and to the use of such water so long as the owner of such intersecting portions of the canal shall allow the same to remain open or if the same shall be closed or if the water shall for any reason cease to flow through such intersecting portions the owner shall be entitled with the consent of the owner of any such intersecting portions of the canal or of the land adjoining the same to lay down and maintain a pipe or pipes for the conveyance of the water between the severed portions of the canal acquired by the owner.

30. For the protection of the Most Honourable Robert Offley Ashburton Marquess of Crewe K.G. and his sequels in estate owner or owners for the time being of the lands or any part thereof forming the estate known as the Calne Estate in

For protection of Lord Crewe.

[Ch. cviii.] *Swindon Corporation (Wilts and Berks Canal Abandonment) Act, 1914.* [4 & 5 GEO. 5.]

A.D. 1914. — the county of Wilts (in this section called “the owner”) the following provisions shall notwithstanding anything in this Act contained apply and have effect (that is to say):—

- (1) If at any time within one year after the passing of this Act the owner by notice in writing addressed to the Company requires the Company to sell any portion or portions of the canal upon which the Calne Estate abuts the Company shall sell and the owner shall purchase any such portion or portions of the canal freed and discharged from all debts and incumbrances affecting the same and from all rights privileges or easements whether under the recited Acts or otherwise now or heretofore enjoyed by the Company the public or any person whomsoever:
- (2) Any such sale and purchase shall be at such price as shall be agreed between the Company and the owner or failing such agreement as shall be determined in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands and the owner shall be entitled to set off against such purchase money any compensation which may be due to him from the Company under the provisions of this Act:
- (3) Lands purchased by the owner in pursuance of the provisions of this section shall not be or be deemed to be lands purchased by him in exercise of any right of pre-emption conferred by the section of this Act whereof the marginal note is “Right of pre-emption” and the owner notwithstanding shall be entitled to compensation in pursuance of and in accordance with the provisions of the section of this Act of which the marginal note is “Company to make compensation with respect to accommodation works.”

For protec-
tion of
Richard
Carnaby
Forster.

31. For the protection of Richard Carnaby Forster and his sequels in estate owner or owners for the time being of the lands or any part thereof forming the estate known as the Vasterne Manor Estate in the county of Wilts (in this section called “the owner”) the following provisions shall notwithstanding anything in this Act contained apply and have effect (that is to say):—

- (1) If at any time within one year after the passing of this Act the owner by notice in writing addressed to the Company requires the Company to sell any portion or portions of the canal which intersect or abut upon any lands of the owner the Company shall sell and the owner shall purchase any such portion or portions of the canal freed and discharged from all debts and incumbrances affecting the same and from all rights privileges and easements whatsoever whether under the recited Acts or otherwise now or heretofore enjoyed by the Company or by any person whomsoever: A.D. 1914.
- (2) Any such sale and purchase shall be at such price as may be agreed between the Company and the owner or failing such agreement as shall be determined by arbitration and the owner shall be entitled to set off against such purchase money any compensation which may be due to him from the Company under the provisions of this Act:
- (3) Lands purchased by the owner in pursuance of the provisions of this section shall not be or be deemed to be lands purchased by him in exercise of any right of pre-emption conferred by the section of this Act whereof the marginal note is "Right of pre-emption" and the owner notwithstanding shall be entitled to compensation in pursuance of and in accordance with the provisions of the section of this Act of which the marginal note is "Company to make compensation with respect to accommodation works":
- (4) If the owner shall purchase any portion of the canal under the provisions of this section he shall be entitled to all the rights of the Company in relation to the flow of water into the same through any feeders or watercourses on any lands of the owner adjoining the canal.

32.—(1) In this section "owner" means any person entitled at the passing of this Act to any estate or interest in any land abutting upon any part of the eastern branch of the canal situate between the Swindon Canal and lands and a point five hundred and ninety yards or thereabouts westwards of the Vesting of portions of canal in adjoining owners.

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A.D. 1914. bridge (known as Kingston Common Bridge) over the canal in the parish of Kingston Lisle in the county of Berks being the eastern boundary of Fawler Farm and in any land abutting upon any feeders leading to such part of the eastern branch of the canal.

(2) As from the passing of this Act the estate and interest of the Company in the portion of the canal upon which the land of any owner abuts and which is situate between such land and an imaginary line drawn along the centre of the waterway of the canal and the estate and interest of the Company in the portion of any such feeder upon which the land of any owner abuts and which is situate between such land and an imaginary line drawn along the centre of such feeder shall by virtue of this section and without any conveyance to or payment by such owner (but subject to the provisions of the section of this Act of which the marginal note is "Vesting of bridges carrying highways in road authorities") be vested in such owner for the estate and interest and upon the trusts and subject to the powers for upon and subject to which such land is vested in such owner at the passing of this Act but freed and discharged from all debts and incumbrances created by the Company or affecting such portion of the canal and from all rights of navigation or the use of the water therein.

(3) Any owner shall be entitled to use the water in the said part of the eastern branch of the canal and in the said feeders for agricultural purposes only and for those purposes may exercise and enjoy all rights to the flow of water into or through such feeders and any watercourses communicating therewith belonging to or exercised or enjoyed by the Company. In this subsection the expression "agricultural purposes" shall not include irrigation.

(4) No owner shall obstruct or impede the flow and passage of water in and along any such feeders or the eastern branch of the canal. Provided that nothing in this subsection shall impose any obligation on any owner to remove or regulate any locks or other obstructions existing at the passing of this Act in the portion of the canal by this section vested in him.

For protection of conservators of River Thames.

33. For the protection of the conservators of the River Thames (in this section referred to as "the conservators") the following provisions shall notwithstanding anything contained in

this Act or the recited Acts have effect unless otherwise agreed in writing between the conservators and the Corporation (that is to say):— A.D. 1914.

- (1) The Corporation shall within the period of six calendar months after the passing of this Act make a dam in and across the canal at the point where the canal intersects the western boundary of the borough such dam to be constructed to the reasonable satisfaction of the conservators under the inspection of their engineer for the time being and to be of such a character as to effectually prevent the flow or passage of any water from the canal through the dam in a westerly direction except as provided by the section of this Act of which the marginal note is "As to supply of water by Corporation to canal" and the Corporation shall at all times thereafter maintain the said dam to the reasonable satisfaction of the conservators under the inspection aforesaid:
- (2) The Corporation shall not cause or commit any act matter or thing whereby or by means whereof any water in the Coate Reservoir or in the portion of the canal to be vested in them by virtue of this Act shall or may flow or pass west of the said dam save so far as may be necessary to fulfil their obligations under the provisions of the section of this Act whereof the marginal note is "As to supply of water by Corporation to canal":
- (3) The engineer for the time being of the conservators and any person from time to time authorised in writing by him or by the secretary of the conservators shall at all reasonable times have access to all or any part of the said dam and the Corporation shall give to such engineer or other person all necessary facilities for inspecting the aforesaid dam:
- (4) If any difference arises at any time between the conservators or their engineer and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by the arbitration of an engineer to be agreed upon between the conservators and the Corporation or failing agreement to be appointed by the President

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A.D. 1914.

of the Institution of Civil Engineers on the application of either party and subject thereto the Arbitration Act 1889 shall apply to such arbitration.

For protection of
Elcombe
Studley
Grange Farm
and Codrington
Estates.

34. For the protection of the Governors of Sutton's Hospital in Charterhouse or other the owner or owners for the time being of the estate in the county of Wilts known as the Elcombe Estate (all of whom are in this section referred to as and included in the expression "the Elcombe owners") and of Emily Weston and James Dyer Tremlett and any other person entitled at the passing of this Act to any estate or interest in the lands forming part or the whole of the estate in the said county known as Studley Grange Farm (all of which last-mentioned persons with their respective heirs executors administrators successors and assigns as the case may be are in this section referred to as and included in the expression "the Studley Grange owners") and of William Frederick Codrington and Alexander Edward Wyndham Codrington and any other person entitled at the passing of this Act to any estate or interest in the lands forming part or the whole of the estate in the said county known as the Codrington Estate (all of which last-mentioned persons with their respective heirs executors administrators successors and assigns as the case may be are in this section referred to as and included in the expression "the Codrington owners") the following provisions shall unless otherwise agreed in writing between the Corporation on the one hand and the Elcombe owners and the Studley Grange owners and the Codrington owners on the other hand apply and have effect (that is to say):—

- (1) In this section the expression "the owners" includes the Elcombe owners the Studley Grange owners and the Codrington owners and where used in reference to the property of the Elcombe owners means those owners and where used in reference to the property of the Studley Grange owners means those owners and where used in reference to the property of the Codrington owners means those owners:
- (2) As from the passing of this Act the estate and interest of the Company in those parts of the canal which are hereinafter specified shall by virtue of this Act and without any conveyance to or payment by the owners vest in and be the property of the owners

respectively for the estate and interest and upon the trusts and subject to the powers for upon and subject to which such estates and the lands forming part thereof are vested in such respective owners but freed and discharged from all debts and encumbrances created by the Company or affecting such parts of the canal and from all rights in reference to the navigation of the canal or the use of the water therein (that is to say):—

A.D. 1914.
—

(a) So much of the canal as extends from the point at which the western boundary of the borough intersects the canal to the eastern side of the bridge carrying Hay Lane in the parish of Wroughton over the canal (except such portion of the canal as is next hereinafter referred to) shall so vest in the Elcombe owners;

(b) That part of the canal upon which the property of the Codrington owners abuts shall so vest in the Codrington owners; and

(c) So much of the canal as extends from the western side of the said bridge to the western boundary of the property of the Studley Grange owners shall so vest in the Studley Grange owners:

- (3) Within six months from the date of the passing of this Act the Corporation shall at their own expense construct across the bed of the canal in accordance with plans sections and specifications to be previously submitted to and approved by the owners—

(a) a dam at the point at which the western boundary of the borough intersects the canal; and

(b) a dam at the western boundary of the property of the Studley Grange owners or in such other position eastward of that boundary as may be agreed between the Corporation and the owners;

so that the top of each such dam shall be not less than three hundred and twenty-six feet above Ordnance datum. Provided that if the owners shall not within one month after the submission to them respectively of such plans sections and specifications

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as aforesaid in writing intimate to the Corporation their disapproval thereof or make any requirement with respect thereto they shall be deemed to have approved the said plans sections and specifications as submitted to them and that if the owners or any of them shall within the said period of one month disapprove the said plans sections and specifications or make any requirement with respect thereto with which the Corporation shall be unable or unwilling to comply a difference shall be deemed to have arisen between the owners and the Corporation under this section which shall be determined by arbitration as hereinafter provided:

- (4) The Corporation shall at all times at their own expense maintain and keep in repair to the reasonable satisfaction of the owners the dam first referred to in subsection (3) of this section and if at any time the Corporation shall make default in such maintenance and repair it shall be lawful for the owners or any of them to execute all such works and do all such things as may be necessary for remedying any want of repair or maintenance and to recover from the Corporation all costs and expenses incurred by them :
- (5) The Studley Grange owners shall at all times maintain and keep in repair to the reasonable satisfaction of the Elcombe owners and the Codrington owners the dam secondly referred to in subsection (3) of this section and if at any time the Studley Grange owners shall make default in such maintenance or repair it shall be lawful for the Elcombe owners or the Codrington owners to execute all such works and do all such things as may be necessary for remedying any want of repair or maintenance All costs and expenses from time to time incurred by the Studley Grange owners or the Elcombe owners or the Codrington owners in connection with the maintenance and repair of the said dam shall be defrayed by the owners in the proportions of ten parts by the Elcombe owners three parts by the Studley Grange owners and two parts by the Codrington owners and

any of such owners having incurred any costs or expenses under the provisions of this subsection shall be entitled to recover in any court of competent jurisdiction the due proportion of such costs and expenses from the others of them: A.D. 1914.

- (6) The Elcombe owners the Studley Grange owners and the Codrington owners shall respectively maintain the portions of the canal by this section vested in them respectively in such a condition as to prevent so far as is reasonably practicable the leakage of water from or any obstruction to the passage of water in the canal and if the Elcombe owners or the Studley Grange owners or the Codrington owners make default in complying with the obligations of this subsection it shall be lawful for the other parties or either of them to execute all such works and do all such things as may be reasonably necessary for putting into repair the portion of the canal by this section vested in the party so making default and to recover from such last-mentioned party the costs and expenses reasonably incurred in so doing:
- (7) (a) The Elcombe owners shall at all times after the passing of this Act be entitled to and shall to the reasonable satisfaction of the Studley Grange owners and the Codrington owners maintain and keep in repair the feeder extending from the Wroughton Brook through West Leaze Farm to the canal and maintain and keep in repair and from time to time renew the mill dam constructed across the said brook at or near to the junction therewith of the said feeder and the sluices and other works for controlling the admission of water from the said brook into the said feeder and they shall be entitled to and shall pass or cause to pass from the said brook through the said feeder and into the canal such quantity of water from the said brook (not exceeding the quantity which the Company would have been entitled if this Act had not been passed to abstract or divert from the said brook for the purposes of their undertaking) as may from time to time be required by

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the owners or any of them and for the purposes aforesaid the Elcombe owners may control and operate the said sluices and other works and do all such acts and things as may be necessary :

- (b) Provided that the Elcombe owners shall be at liberty instead of passing into the canal the whole of the water admitted into the said feeder under paragraph (a) of this subsection to use for agricultural purposes in connection with the said West Leaze Farm so much of such water as they may from time to time reasonably require for those purposes :
- (c) If the Elcombe owners shall at any time make default in maintaining and repairing the said feeder dam sluices and other works above mentioned it shall be lawful for the Studley Grange owners and the Codrington owners or either of them to execute and do all such works and things as may be necessary for the purpose :
- (d) All costs and expenses from time to time incurred by the Elcombe owners or the Studley Grange owners or the Codrington owners under this subsection shall be defrayed by the owners in the proportions specified in subsection (5) of this section and any of such owners having incurred any such costs or expenses shall be entitled to recover in any court of competent jurisdiction the due proportion of such costs and expenses from the others of them :
- (8) The Elcombe owners the Studley Grange owners and the Codrington owners or their respective tenants shall for the purposes of the section of this Act of which the marginal note is "As to supply of water by Corporation to canal" respectively be deemed to be persons entitled to the daily quantity of fifty thousand gallons of water to be discharged into the western branch of the canal under the provisions of that section and shall accordingly be entitled to enforce the said provisions :
- (9) The owners and each of them and their respective tenants shall be entitled at all times to use for

agricultural purposes only any water for the time being in that part of the canal which is by this section vested in the owners: A.D. 1914.

- (10) In this section the expression "agricultural purposes" shall not include irrigation:
- (11) If any difference shall arise under this section between the owners and the Corporation or if any difference shall arise under subsections (5) (6) or (7) of this section between the Elcombe owners and the Studley Grange owners and the Codrington owners or any of them such difference shall be referred to and determined by an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

35. For the protection of the Ecclesiastical Commissioners for England and their successors in title (in this section referred to as "the commissioners") and their respective estates and lands adjoining the brook leading from the Coate Reservoir to the River Cole (in this section referred to as "the Lotmead Brook") and the feeders or watercourses leading from the Coate Reservoir or from the Wanborough Brook to the canal the following provisions shall apply and have effect:—

For protection of Ecclesiastical Commissioners.

- (1) Nothing in this Act contained shall deprive the commissioners of any right to take water from the Lotmead Brook and subject to the provisions of the Act of 1821 from the feeders or watercourses leading from the Coate Reservoir and from the Wanborough Brook to the canal in manner provided by the Act of 1821 for the following purposes:—

(a) For watering cattle and agricultural purposes;

(b) For flooding the water meadows of the commissioners between the first day of November and the thirtieth day of April in every year:

- (2) Nothing in this Act contained shall take away extinguish alter lessen or prejudice any rights privileges or easements (if any) of or appertaining

A.D. 1914.

to the commissioners or their said estates and lands whether granted by statute or acquired by prescription agreement or otherwise enabling the commissioners or their lessees or other their representatives to take and use the waters of any brooks feeders or watercourses flowing through their said estates or lands to the canal or authorising them to go upon any lands adjacent to their said estates and lands for the purpose of taking water for the use thereof or authorise the Corporation—

(a) To withdraw water from the Coate Reservoir at any other points than those at which the same has in the past been withdrawn by the Company;

(b) To obstruct or divert otherwise than into the Coate Reservoir the supply of water through the culvert underneath such reservoir; or

(c) To regulate the hatches governing the flow of water through the estates and lands of the commissioners or between the reservoir and the canal so far as the same are under the control of the Corporation in such a way as to deprive the estates and lands of the commissioners of the flow of water as heretofore for the purposes mentioned in subsection (1) of this section and in accordance with the provisions of the Act of 1821:

(3) Subject to the provisions of this Act the Corporation shall allow the water flowing from the Coate Reservoir to pass down the Lotmead Brook:

(4) As from the passing of this Act the estate and interest of the Company in the portions of the canal upon which any land in the parishes of Steventon and Sutton Courtenay in the county of Berks belonging to the commissioners at the passing of this Act abuts and which are situate between such lands and an imaginary line drawn along the centre of the waterway of the canal shall by virtue of this section (but subject to the provisions of the section of this Act of which the marginal note is “Vesting of bridges carrying highways in road authorities”) be vested in the commissioners for the estate and

interest for which the lands abutting on such portions of the canal respectively are vested in them at the passing of this Act free from all rights in reference to the navigation of the canal or the use of the water therein : A.D. 1914.

- (5) The commissioners shall not exercise any of their rights under or referred to in this section so as to interfere with or prevent the fulfilment by the Corporation of their obligations under the section of this Act of which the marginal note is "As to supply of water by Corporation to canal."

36.—(1) From and after the passing of this Act there shall by virtue of this section be vested in the Great Western Railway Company (hereinafter referred to as "the Great Western Company")— For protection of Great Western Railway Company.

(a) The site of the bridges or culverts carrying the railways of the Great Western Company over the canal elsewhere than in the borough ; and

(b) So much of the site of the canal and towing-paths thereof and other property of the Canal Company as is situate beneath such bridges or as is bounded on both sides by the property of the Great Western Company elsewhere than in the borough.

(2) The Great Western Company may remove all or any of such bridges and culverts and substitute a solid embankment therefor and may alter the level of all or any of such railways and may widen or otherwise improve any railway carried across or abutting upon the canal. Provided nevertheless that in carrying any railway across the canal by means of a solid embankment or otherwise as hereinbefore provided provision shall be made by and at the expense of the Great Western Company for conveying water by means of conduits or pipes not exceeding twelve inches in diameter under such embankment or otherwise for the purposes mentioned in the sections of this Act of which the marginal notes are "For protection of Lord Lansdowne" "For protection of Lord Crewe" "For protection of Richard Carnaby Forster" "Vesting of portions of canal in adjoining owners" "For protection of Elcombe Studley Grange Farm and Codrington Estates" and "For protection of Ecclesiastical Commissioners" and for the benefit of any purchasers of any portion of the canal situate between

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A.D. 1914. the northern boundary of the Bowood Estate of the Most Honourable Henry Charles Keith Marquess of Lansdowne K.G. and the Wootton Bassett Bottom Lock under the provisions of this Act.

(3) The Great Western Company may make good the banks and towing-path of the Kennet and Avon Canal of the Great Western Company at the point where the canal connects therewith at or near Semington Bridge and may also remove the bridge carrying the said towing-path over the canal and make good the site thereof and the Great Western Company may for the purposes of the construction and maintenance of such works enter upon and use such of the property of the Company as may be necessary therefor.

Company to make compensation with respect to accommodation works.

37. Where the Company are under an obligation to construct or maintain on any lands which shall not be purchased by any person in exercise of a right of pre-emption conferred upon him by the section of this Act whereof the marginal note is "Right of pre-emption" any banks bridges passages fences posts rails hedges gates stiles gutters culverts drains arches tunnels aqueducts sluices watering-places or other works or conveniences for the protection or convenience of landowners and which will have to be constructed or maintained after the closing of the canal the Company shall subject to the provisions of this Act make compensation to the owners of the land in respect of which any such works were or ought to have been constructed for the cesser of the Company's liability to construct or maintain the same and the amount of such compensation shall in case of dispute be settled by arbitration:

Provided that the Company shall not be liable to make any such compensation as aforesaid unless the claim for such compensation shall have been made within six months after the publication in the London Gazette of the notice hereinafter provided for.

Claims against Company to be settled by arbitration.

38. All claims upon the Company arising in consequence of this Act or anything the Company may thereby be required to do and all differences and disputes which may arise between the Company and any person by reason of the closing of the canal or otherwise (but not for or in consequence of the disuse of the canal for the purposes of traffic) shall be settled by arbitration.

39. Except as otherwise provided by this Act every arbitration under this Act shall unless otherwise agreed between the parties thereto be had and conducted in accordance with the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration. A.D. 1914. As to arbitration.

40. And whereas many public highways outside the borough are carried over the canal by means of bridges and in several cases the bridges are narrow or otherwise inconvenient and it is expedient that every bridge carrying a public highway over the canal should be vested in the authority body or person by whom the highway on either side of such bridge is maintained together with such portion of the site of the canal and towing-paths as will enable such authority body or person if thought advisable to remove such bridge and replace the same by a solid embankment and if necessary to widen such highway Now be it enacted as follows:— Vesting of bridges carrying highways in road authorities.

(1) From and after the passing of this Act there shall by virtue of this section be vested in the authority body or person by whom any highway carried over the canal by means of a bridge is maintained—

(a) The structure and site of such bridge; and

(b) So much of the site of the canal and the towing-paths thereof as is situate beneath such bridge;

(c) If the width of the bridge in the case of a bridge carrying a main road over the canal is less than eighty feet so much of the site of the canal and towing-paths as is situate within forty feet of the centre line of such bridge; or

(d) If the width of the bridge in the case of a bridge carrying any highway other than a main road over the canal is less than sixty feet so much of the site of the canal and towing-paths as is situate within thirty feet of the centre line of such bridge:

(2) The authority body or person in whom any bridge is vested by this section may repair renew alter widen or improve such bridge or may remove such bridge and substitute a solid embankment therefor and may alter the level of such highway and may widen or otherwise improve any public highway carried across

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or abutting upon the canal and for that purpose may make up and dedicate as part of the highway so much of the site of the canal and towing-paths vested in them by virtue of this section as they shall consider necessary or expedient Provided nevertheless that in carrying any public highway across the canal by means of a solid embankment or otherwise as hereinbefore provided provision shall be made by and at the expense of the highway authority body or person by whom any bridge is removed for conveying water thereunder by means of conduits or pipes for the purposes mentioned in the sections of this Act of which the marginal notes are "For protection of Lord Lansdowne" "For protection of Lord Crewe" "For protection of Richard Carnaby Forster" "Vesting of portions of canal in adjoining owners" "For protection of Elcombe Studley Grange Farm and Codrington Estates" and "For protection of Ecclesiastical Commissioners" or for the benefit of any purchasers under the provisions of this Act of any portion of the canal situate between the northern boundary of the Bowood Estate of the Most Honourable Henry Charles Keith Marquess of Lansdowne K.G. and the Wootton Bassett Bottom Lock but nothing in this section shall be construed as imposing upon any such highway authority body or person as aforesaid any obligation to keep free from obstruction any such conduit or pipe as aforesaid:

- (3) The costs and expenses of the carrying out and execution by the council of a borough of any of the powers of this section shall be deemed to be expenses incurred under section 119 of the Municipal Corporations Act 1882 in respect of which such council may borrow money on the security of the borough fund or borough rate of any such borough and the carrying out and execution of any such powers by a rural district council shall be deemed to be a purpose of the Public Health Act 1875 in respect of which such rural district council may borrow money in manner provided by that Act on mortgage of the common fund out of which the general expenses of such council are payable.

41.—(1) The Company shall within three months after the date of the passing of this Act pay to the county councils of the counties of Wilts and Berks the mayors aldermen and burgesses of the boroughs of Abingdon and Calne and the rural district councils of Abingdon Faringdon Wantage Cricklade and Wootton Bassett Highworth Malmesbury Chippenham and Calne (in this section referred to as “the local authorities”) the sum of two thousand five hundred pounds to be divided amongst the local authorities in manner hereinafter provided towards the costs and expenses which would be incurred by the local authorities after the passing of this Act under the section of this Act of which the marginal note is “Vesting of bridges carrying highways in road authorities” in removing the bridges vested in the local authorities by the said section and substituting solid embankments therefor and altering the level of any highways carried over the canal by means of such bridges and widening or otherwise improving any public highway carried across or abutting upon the canal and making up so much of the site of the canal and towing-paths as is vested in them by virtue of the said section and in making the provision required by the said section for conveying water under such bridges by means of conduits or pipes or in cases where the substitution of an embankment is impracticable in rebuilding the existing bridges.

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Compensation to be paid in respect of bridges &c.

(2) The said sum of two thousand five hundred pounds shall be allocated amongst the local authorities in such proportions as they may have agreed or may within three months after the passing of this Act agree or as in default of agreement shall be settled by an arbitrator to be appointed by the Local Government Board on the application of any one or more of the local authorities and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

(3) The amount by which the costs and expenses referred to in subsection (1) of this section to be incurred by each of the local authorities exceeds the proportion of the said sum of two thousand five hundred pounds allocated to such local authority under subsection (2) of this section shall be paid by the Company to such local authority within twelve months after the date of the passing of this Act and in the event of any difference or dispute arising between the Company and any such local authority as to the amount of the payment required by this subsection the same shall be settled by an arbitrator to

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A.D. 1914. — be appointed by the Local Government Board on the application of such local authority or the Company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration Provided always that in default of agreement and if a majority in number of the local authorities so determine the aggregate amount payable by the Company to the local authorities under this subsection shall be determined by an arbitrator so appointed on the application of such majority under arbitration proceedings between the local authorities on the one hand and the Company on the other hand and in that event the sum so awarded shall be allocated amongst the local authorities in the same proportions as the said sum of two thousand five hundred pounds.

Power to
Wilts and
Berks
County
Councils to
borrow.

42.—(1) For the purpose of defraying any expenditure on capital account which the Wiltshire County Council or the Berkshire County Council (each of whom is in this section referred to as “the county council”) may incur under or so as to give effect to the provisions of this Act (so far as such expenditure shall not be met by any sums paid to the county council under the provisions of this Act) the county council may from time to time with the approval of the Local Government Board borrow at interest on the security of their county fund and revenues such sum or sums as they may deem requisite.

(2) The provisions (so far as applicable) of section 69 of the Local Government Act 1888 shall extend and apply to the borrowing of money under this section as if the purpose referred to in subsection (1) of this section were a purpose for which county councils are by the said section 69 empowered to borrow money.

Company to
make pay-
ment on
account of
costs.

43. The Company shall within three months after the date of the passing of this Act pay to the Corporation the sum of three hundred pounds towards the costs charges and expenses of this Act.

When
powers of
Company to
cease.

44. From and after the passing of this Act the powers of the Company for the construction maintenance and management of the canal shall cease and the Company shall continue to exist only for the purpose of winding up their affairs and they shall accordingly proceed with all convenient speed subject to the provisions of this Act to collect and convert into money all the estate lands and property vested in the Company or in any

person in trust for them and the moneys so received and all other assets (if any) of the Company shall so far as they are sufficient for those purposes and subject to the provisions of this Act be applied as follows and in the following order:— A.D. 1914.

Firstly In payment of the sum of two thousand five hundred pounds in pursuance of subsection (1) of the section of this Act of which the marginal note is “Compensation to be paid in respect of bridges &c.” to the local authorities therein mentioned:

Secondly In payment of the sum of two hundred and twenty-five pounds to Fitzroy Pleydell Goddard in discharge of the arrears of the annual sums payable to him by the Company mentioned under subheads (c) and (d) of the section of this Act of which the marginal note is “Transfer to Corporation of Swindon Canal and lands and Coate Reservoir”:

Thirdly In payment to the said Baroness Wantage of the sum of seven thousand pounds in full discharge and satisfaction of the moneys due to her for principal and interest under the said mortgage of the Coate Reservoir:

Fourthly In payment to the Corporation of the sum of three hundred pounds towards the costs and expenses of and incident to the preparing for obtaining and passing of this Act:

Fifthly In payment to the Company of not exceeding three hundred pounds towards payment of the costs and expenses incurred by them in watching the Bill for this Act:

Sixthly In payment of the wages official salaries and accounts for trade bills payable by the Company (other than statute-barred debts) not exceeding six hundred pounds:

Seventhly In payment of the proper costs of the Company in carrying out any duties in connection with the winding-up of the Company and realising their assets:

Eighthly In payment to the local authorities as defined by the section of this Act of which the marginal note is “Compensation to be paid in respect of bridges &c.” of the sums payable by the Company under subsection (3) of the said section:

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Ninthly In payment and satisfaction of all compensation under the provisions in that behalf hereinbefore contained:

Tenthly In distribution amongst the holders of shares in the Company in proportion to the number of shares standing in the names of such holders respectively:

Provided that if the surplus assets of the Company after providing for the costs and expenses firstly to eighthly hereinbefore mentioned shall be insufficient to pay the whole of the said compensation ninthly hereinbefore mentioned in full then the same shall be distributed in payment of the said compensation rateably and after such payments or in the event of no moneys remaining in the hands of the Company then such rights to compensation shall be extinguished and for the purposes aforesaid all the powers of the Company shall subject to the provisions of this Act continue in full force and effect and when and so soon as the same shall have been accomplished or the assets of the Company shall have been exhausted the Company shall be dissolved and cease to exist.

Notice to be
given of
claims.

45. Within six months after the passing of this Act the Company shall cause to be published once in the London Gazette and in three successive weeks in some two and the same newspapers published and circulating in the districts in which the canal is situate and in some daily newspaper published in London a notice requiring all parties having claims upon the Company to furnish the same forthwith and in any event on or before a day to be named in such notice not being less than one month after the date of the last publication of such notice and the Company shall on the expiration of the time named in the said notice for furnishing such claims be at liberty to distribute the assets of the Company or any part thereof amongst the parties entitled thereto having regard to the claims of which the Company then have notice.

Receipts by
persons
under dis-
ability.

46. It shall be lawful for all trustees executors administrators and all guardians and committees of the estate of infants idiots or lunatics in whose respective names any share in the Company shall be standing to give effectual and conclusive receipts for the money which may under the provisions of this Act be payable to them and any such receipts shall be a sufficient discharge to the Company and shall release

them and their officers from all obligations in respect of the money for or in respect of which such receipt shall be given and in respect of the application thereof. A.D. 1914.

47. If at the expiration of six months from the completion of the sale of all the estate lands and property vested in the Company or in any person in trust for them any money remains undistributed in the hands of the Company either by reason of the same not having been claimed by any person entitled thereto or by reason of any person claiming the same not having shown to the satisfaction of the Company a sufficient title thereto or by reason of the person claiming the same being under any disability or incapacity and no person competent to give an effectual receipt for the same having claimed the same on behalf of such person the Company shall forthwith pay the same to the credit of His Majesty's Paymaster General on behalf of the Chancery Division of the High Court and every such payment into court shall conclusively discharge the Company from all further liability with respect to the money so paid and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain payment thereof out of court accordingly. Payment of money into court.

48. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall except so far as the same shall have been paid by the Company to the Corporation be paid by the Corporation out of moneys borrowed under the authority of this Act or out of the borough fund and borough rate the district fund and general district rate or partly in one way and partly in the other. Costs of Act.

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