CHAPTER cxl.

An Act for dissolving the Abercarn and Newbridge Gas and Water Company Limited and re-incorporating the members thereof with others and for enabling them to supply Gas and Water in the parishes of Mynyddyslwyn and Llanhilleth in the county of Monmouth and for other purposes. [14th July 1884.] A.D. 1884.

WHEREAS in the year one thousand eight hundred and seventy-six certain persons formed themselves into a company under the name of the Abercarn and Newbridge Gas and Water Company Limited (in this Act called "the limited company") for the purpose of carrying on the business of a gas and water company in the towns of Abercarn and Newbridge in the parish of Mynyddyslwyn in the county of Monmouth and in the adjacent parishes and the said company was duly registered on the twenty-fifth day of January one thousand eight hundred and seventy-six under the Companies Acts 1862 and 1867:

And whereas the authorised capital of the limited company consists of ten thousand pounds divided into two thousand shares of five pounds each:

And whereas the company have issued one thousand and seventy-six shares on which the sum of five pounds per share has been paid up:

And whereas it is expedient that the limited company should be dissolved and the members thereof re-incorporated and that the company so to be incorporated (in this Act called "the Company") should be authorised to supply gas and water within the parishes of Mynyddyslwyn and Llanhilleth in the said county of Monmouth and that such other powers should be conferred upon the Company and such other provision made with respect to their undertaking as herein-after contained and expressed:

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

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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):—

Short title.

1. This Act may be cited as the Abercarn and Newbridge Gas and Water Act 1884.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) the Lands Clauses Consolidation Acts Amendment Act 1860 the Gasworks Clauses Act 1847 and the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall apply to the present undertaking of the limited company as if the same had been authorised by this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "gross estimated rental" used in reference to any premises means the gross estimated rental of such premises as appearing in the valuation list in force in the parish in which the premises are situate at the commencement of the quarter in respect of which the water rates are payable or if there be no such valuation list then in the last rate for the relief of the poor made in respect of such premises and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Company.

4. James Thomas Green Daniel Matthews William Williams Richard Hughes Richards Evan Phillips and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purposes herein-after men-

tioned and shall be incorporated by the name of "The Abercarn and Newbridge Gas and Water Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

5. The Company shall be established for the purposes of acquiring maintaining altering improving extending and enlarging the gas-works of the limited company and of manufacturing and storing gas and for supplying gas within the parishes of Mynyddyslwyn and Llanhilleth aforesaid (herein-after referred to as "the limits of this Act") and for converting or utilising and distributing materials used in and about the manufacture of gas and of residual products resulting from such manufacture and for purchasing or acquiring on lease collieries and working and raising coal and for dealing in selling and disposing of gas coal coke lime peat oil tar chemicals and residual and manufactured products and any other material or substance used in or arising or to be made and obtained from or in the manufacture of gas or by the combination of any of the above-mentioned matters either with each other or with other substances and for carrying on the business usually carried on by gas companies or by companies or persons dealing in any of the matters and things aforesaid and for manufacturing purchasing or hiring and supplying gas meters fittings stoves engines and other apparatus and for the purpose of supplying water by meter or otherwise to and within the limits of this Act and for selling or letting on hire meters and other materials necessary or desirable for such supply and for other the purposes of this Act Provided always that if in any place within the limits of this Act adequate provision for the supply of water shall not have been made by the Company within five years after the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company and so far as regards such place apply to or be binding on the local authority (as defined by that Act) of such place provided further that notwithstanding anything in this Act or the Acts incorporated herewith the Company shall not except with the consent in writing of the Risca Local Board under their common seal supply gas or water within that portion of the parish of Mynyddyslwyn which immediately before the passing of this Act formed part of the district of the said local board And until such consent for the supply of water shall have been given the Company shall not be deemed for the purposes of the said section 52 of the Public Health Act 1875 to be a water company empowered by Act of Parliament to

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supply water within the said portion of the parish of Mynyddyslwyn Provided also that notwithstanding anything as aforesaid the Company shall not supply gas within the said portion of the said parish of Mynyddyslwyn which immediately before the passing of this Act formed part of the district of the said local board without the consent in writing of the Risca and Pontymister Gas Company under their common seal.

Present property of limited company vested in Company incorporated by this Act.

6. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately before the passing of this Act (herein-after referred to as "the time of vesting") were vested in the limited company or any person in trust for them or to which the limited company were in anywise entitled and all mains and pipes plant plugs lamps irons retorts gauges meters lamp-posts syphons apparatus stock effects matters and things which may have been by them purchased provided laid down erected or placed in any place or house within the limits of this Act or which immediately before the time of vesting were the property of the limited company and all moneys securities credits effects and other property whatsoever which immediately before the time of vesting belonged to the limited company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the limited company and immediately before the time of vesting in force (herein-after referred to collectively as "the undertaking of the limited company") shall be and the same are hereby vested in the Company as from the time of vesting to the same extent and for the same estate and interest as the same may then be vested in the limited company or any trustee on their behalf and may subject to and in accordance with the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Memorandum and articles of association of the limited company to be void without prejudice to remedies for antecedent breaches thereof.

7. As from the time of vesting and subject to the provisions of this Act the memorandum and articles of association of the limited company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the limited company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of association incurred before the time of vesting but such liability or obligation in respect of any such breach shall thenceforth continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company

as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

8. Except as is by this Act otherwise expressly provided everything before the time of vesting done or suffered by or with reference to the limited company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes as from the time of vesting represent the limited company and the members thereof as such and the property of the limited company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to vesting to be binding.

9. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the limited company or any trustees or persons acting on behalf of that company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall as from the time of vesting and subject to and in accordance with the provisions of this Act be as binding and of as full force and effect in every respect against or in favour of the Company and may as from the time of vesting and subject as aforesaid be enforced as fully and effectually as if instead of the limited company or the trustees or persons acting on behalf of the limited company the Company had been a party thereto.

Actions, &c. not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the limited company or any member thereof in relation to the affairs of that company or to which that company or any member thereof in relation to such affairs were parties immediately before the time of vesting but such action suit or other proceeding may thereafter be maintained prosecuted or

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continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if the vesting had not happened the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted as from the time of vesting for the limited company and its members respectively.

Trustees of limited company to be indemnified.

11. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the limited company were vested immediately before the time of vesting and who (being authorised so to do) before the time of vesting entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the limited company and for or in respect of which the Company are by this Act as from the time of vesting substituted for the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of limited company.

12. From and after the time of vesting but subject to and in accordance with the provisions of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the time of vesting were subject and shall indemnify the members directors officers and servants of the limited company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of gas rents, &c.

13. All gas rents and sums of money which immediately before the time of vesting were due or accruing to the limited company shall subject to and in accordance with the provisions of this Act be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before the time of vesting.

14. All persons who immediately before the time of vesting owed any money to the limited company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the time of vesting were due or recoverable from the limited company or for the payment of which the limited company were or but for this Act would at the time of vesting be

liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates, &c. to remain in force.

15. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions before the time of vesting made or executed under them for and with respect to any shares in the limited company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books, &c. continued evidence.

16. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

17. All officers and servants of the limited company who were in office immediately before the time of vesting shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company or their period of service shall in accordance with notice duly and lawfully given in that behalf by the limited company before the time of vesting or otherwise be determined and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

18. The books kept by the limited company for entering the names and designations of the members thereof shall and may continue to be kept by the Company for the same purpose in relation to the capital stock by this Act vested in the shareholders in the limited company and shall until some other register of holders of that stock shall be provided by the Company be taken and considered as the register of stockholders required to be kept by the Companies Clauses Consolidation Act 1845.

Original capital.

19. The original capital of the Company shall be five thousand three hundred and eighty pounds and shall consist of capital stock (which shall be deemed to be fully paid up and is herein-after referred to as "original capital stock").

Original capital stock to vest in shareholders of limited company.

20. The original capital stock is by this Act vested in the several persons who immediately before the time of vesting were the registered members of the limited company in proportion to their respective holdings in and in substitution for their shares in the limited company and every portion of stock so vested shall be subject and liable to the same trusts powers provisions declarations agreements

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charges liens and incumbrances as immediately before the time of vesting affected the share or shares for which the same is substituted and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

21. The Company shall as soon as conveniently may be after the passing of this Act call in and cancel the certificates of shares in the limited company and issue in lieu thereof certificates under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the time of vesting or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Power to Company to raise additional capital.

22. The Company may from time to time raise (in addition to their original capital) any further capital not exceeding in the whole seven thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds.

Division of additional capital into gas capital and water capital.

23. The additional capital of seven thousand pounds by this Act authorised to be raised shall be divided into two portions one of which comprising the sum of two thousand pounds shall be called "gas capital" and shall be appropriated to and used for the gas undertaking only of the Company (including such proportion if any as the directors may resolve of the costs of obtaining this Act) and the other of which comprising the sum of five thousand pounds shall be called "water capital" and shall be appropriated to and used for the water undertaking only of the Company (including such proportion if any as the directors may resolve of the costs of obtaining this Act).

Water capital shares not to be issued until one fifth paid. Calls.

24. The Company shall not issue any share forming part of the water capital created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof and one-fifth of the amount of such share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of such share shall be the utmost aggregate amount of the calls made in any year upon any such share.

Profits of the Company on

25. The Company shall not in any one year make out of their profits any larger dividend on their additional capital to be raised

under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

additional capital limited.

26. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate deduction shall be made in the dividend of each class.

Dividends on different classes of stock or shares to be paid proportionately.

27. Notwithstanding anything in this Act contained the Company shall when any shares or stock in the gas capital created under the powers of this Act are to be issued and before offering the same to the holder of any shares or stock in the capital of the Company and whether the last-mentioned stock or shares is or are at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such stock or shares shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of stock or shares in the Company except that if any bid or offer by tender of any holder or holders of stock or shares in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of stock or shares shall be accepted in preference.

Shares in gas capital to be offered by auction or tender.

28. It shall be one of the conditions of any sale of shares or stock portion of the gas capital under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerks to the sanitary authorities for the districts to which the limits of the

As to notice to be given as to sale, &c. of shares.

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Company for the supply of gas extend and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders (as the case may be) and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulated within the limits of supply.

Shares not sold by auction or by tender to be offered to share-holders.

30. When any shares or stock portion of the gas capital created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of stock or shares in the capital of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock portion of the gas capital created under the powers of this Act Provided further that any stock or shares so offered for sale by public auction or tender more than once and not accepted as aforesaid may be dealt with by the directors of the Company and for the benefit of the Company in such manner as such directors shall in their absolute discretion think proper.

Application of premium arising on issue of shares or stock.

31. Any sum of money which shall arise from the issue of any such shares or stock portion of the gas capital by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the gasworks of the Company or in paying off money borrowed by the Company for the purpose of their gas undertaking and shall not be considered as part of the capital of the Company entitled to dividend.

Receipt in case of persons not sui juris.

32. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Representation of the Company in bankruptcy, &c.

33. In proceedings under any bankruptcy or liquidation by arrangement or deed of composition or arrangement the secretary of the Company or any person appointed on his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Power to borrow in respect of original capital stock.

34. The Company may at any time and from time to time after the passing of this Act borrow on mortgage in respect of their original capital stock any sums not exceeding in the whole inclusive of any debt of the limited company one-fourth part of the nominal amount of such stock.

Power to borrow in respect of additional capital.

35. In addition to the money which the Company are authorised to borrow by the last preceding section they may from time to time in respect of their additional gas capital and also in respect of their additional water capital by this Act respectively authorised to be raised by shares or stock borrow on mortgage of the gas undertaking or of the water undertaking (as the case may be) any sum or sums not exceeding in the whole one-fourth part of the nominal amount of such respective additional capital from time to time but no part of any such further sum shall be borrowed until shares for so much of the respective portion of capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845 (before he so certifies) that the whole of so much of such last-mentioned portion of capital has been issued and accepted and that one half thereof has been paid up and (as regards shares in the additional water capital) that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and (as regards shares in the additional gas capital) that the whole of such shares with the premium (if any) realised on the sale thereof have been fully paid up and until stock for so much of the respective portion as is to be raised by means of stock is fully paid up with in the case of stock in the gas additional capital any premium realised on the sale thereof and the Company have proved to such justice before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and so far as the said capital is raised by means of shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the respective proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed

36. The Company shall not have power to raise any money by this Act authorised to be borrowed on mortgage or any part thereof

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money into capital.

by the creation of shares or stock instead of borrowing or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

37. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver of the undertaking comprised in their respective mortgages In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the whole amount for the time being owing by the Company upon mortgage of the same undertaking.

Debenture stock.

38. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu as against the undertaking upon which such debenture stock and mortgages are charged (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking.

Priority of mortgages and debenture stock over other debts, &c.

39. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on the mortgages or debenture stock nor shall anything herein-before contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Application of moneys.

40. All moneys raised under this Act whether by stock shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable including the costs of obtaining this Act.

Quorum at meetings.

41. The quorum in order to constitute a meeting (whether ordinary or extraordinary) of the Company shall be not less than five shareholders or holders of stock holding not less than two hundred and fifty pounds of the capital of the Company.

First ordinary meeting.

42. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Votes at meetings.

43. At all general meetings of the Company every shareholder shall have one vote for every share held by him and every holder of stock (not being debenture stock) shall have one vote for every ten pounds of such stock held by him.

Number of directors.

44. The number of directors shall be seven but the Company may from time to time reduce or again increase the number provided that the number be never less than three or more than seven.

Qualification of directors.

45. The qualification of a director shall be the possession in his own right of not less than ten shares or not less than one hundred pounds of original capital or other stock (not being debenture stock).

Quorum of directors.

46. The quorum of a meeting of directors so long as the number of directors be four or more shall be three but if the number of directors be reduced to three the quorum shall be two.

First directors;

47. James Thomas Green Daniel Matthews William Williams Richard Hughes Richards Evan Phillips and two other duly qualified persons to be nominated by them or by the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held in the year next after the passing of this Act At that meeting the shareholders present in person or by proxy may subject to the power of reducing the number of directors herein contained either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to fill up the number of directors or to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year thereafter the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation

Election of directors.

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Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Contracts not to disqualify for office of director.

48. Any contract to be made under this Act with any local board corporation or public body shall not disqualify any of the members of such local board corporation or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local board corporation or public body shall vote upon any question with reference to any contract with such local board corporation or public body.

Powers as to maintenance and construction of gas-works.

49. Subject to the provisions of this Act the Company may maintain alter improve enlarge extend and renew or discontinue the gas and other works of the limited company and erect make and maintain alter improve enlarge extend and renew or discontinue other works for the manufacture of gas and convert or utilise and distribute materials used in and about the manufacture of gas and of residual products resulting from such manufacture upon the lands and hereditaments described in the schedule to this Act or some part or parts thereof and upon those lands they may accordingly manufacture gas and manufacture convert utilise and distribute such materials and residual products as aforesaid and also on those lands store gas and the Company may also from time to time provide lay down maintain alter improve enlarge extend and renew or discontinue drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such other acts as they may think proper for making storing and supplying gas within the limits of this Act and may supply gas accordingly and may deal in and sell and dispose of coke oil tar and residual products and any other material or substance used in or arising or to be made and obtained from or in the manufacture of gas or by the combination of any of the above matters with each other and carry on the business usually carried on by gas companies or by companies or persons dealing in any of the matters and things aforesaid and may manufacture purchase or hire and supply gas meters fittings stoves engines and other apparatus.

Power to lay pipes against buildings.

50. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any gas main or branch pipe into through or against such building for the purpose of lighting it and may with the like

consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Limiting the price of gas.

51. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed six shillings per thousand cubic feet.

Pressure of gas.

52. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

53. The prescribed number of sperm candles shall be fourteen.

Testing place.

54. Within twelve calendar months from the passing of this Act a testing place shall be provided upon some part of the works or lands of the Company or within two hundred yards from any part thereof.

Burner.

55. The prescribed burner shall be Suggs No. 1 London Argand Burner with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame rises above the top of the glass a six-inch by two-inch chimney shall be used.

Power to hold licenses under letters patent.

56. The Company may take hold and use patent rights or 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 aforesaid or the filtering and disinfecting of water.

Power to purchase lands by agreement.

57. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands and

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hereditaments not exceeding in the whole ten acres which the Company may from time to time require for the purposes of their works and undertaking but no lands shall be used for the manufacture of gas or residual products except the lands described in the schedule to this Act.

Power to take easements, &c. by agreement.

58. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege in over or affecting any lands (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

For the protection of the London and North-western Railway Company.

59. The following provisions for the protection of the London and North-western Railway Company shall have full force and effect and be binding upon the Company and their assigns:

In laying down executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the said railway company or the bridges approaches viaducts stations or other works or any level crossings of such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the said railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company And all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges approaches level crossings viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make com-

pensation in respect thereof to the said railway company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable.

For the protection of the Great Western Railway Company.

60. The following provisions for the protection of the Great Western Railway Company shall have full force and effect and be binding upon the Company and their assigns:

In laying down executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the Monmouthshire Canal or the railways lands or property now or hereafter belonging to or used or occupied by the said railway company or the bridges approaches viaducts stations or other works or any level crossings of such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the said railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company And all such works matters and things shall be constructed executed and done so as not to cause any injury to such canal railways bridges approaches level crossings viaducts stations works lands or property or interruption to the passage or conduct of traffic along or over such canal or railways or at any station on such railways And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the said railway company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable.

Company may lease &c. spare lands of undertaking.

61. The Company may from time to time demise and lease for any term not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the

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Reservation of water rights, &c. on sale.

Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands) and on the lease or sale by the Company of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Constant pressure not required.

62. Water supplied under this Act need not be constantly laid on under pressure.

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

63. The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house occupied as a separate tenement who under the provisions of this Act is entitled to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic use at a rate not exceeding six per centum per annum upon the gross estimated rental of the dwelling-house or part of a dwelling-house occupied as a separate tenement supplied and so in proportion for any longer or shorter period than a year Provided that the Company shall not be obliged to furnish any such supply for any less rate than twopence per week nor shall they be compellable to afford a supply as aforesaid to any owner or occupier for a period of less than twelve months unless he shall agree to pay the full rate as for a supply for twelve months.

Company may elect to lay communication pipes.

64. Any owner or occupier of any dwelling-house or part of a dwelling-house within the limits of supply who is desirous of obtaining a supply of water from the waterworks of the Company shall give to the Company two days notice in writing of such his desire and the Company may if they think fit elect themselves to lay down any communication pipe for the purpose of conveying water from the waterworks of the Company into the premises of any such owner or occupier and the cost of any such pipe shall be defrayed by such owner or occupier and may be recovered from him by the Company in like manner as rates under this Act may be recovered and after payment of such cost such owner or occupier shall have the same right to a supply of water and under and subject to the same conditions as he would have under section 53 of the Waterworks Clauses Act 1847 if he had himself laid such communication pipe.

Rates for water-closets and baths.

65. In addition to the rates for the supply of water for domestic purposes the Company may demand and receive for every water-closet beyond one in any house of not more than twenty pounds gross estimated rental any yearly sum not exceeding five shillings and in any other house any yearly sum not exceeding ten shillings and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

Owners of houses not exceeding ten pounds gross estimated rental to be liable to water rates.

66. The owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements the gross estimated rental of which houses or tenements shall not exceed the sum of ten pounds shall be liable to the payment of rates instead of the occupiers thereof and the powers and provisions contained in this Act and the Acts incorporated herewith for the recovery of rates or rents from occupiers shall be construed to apply to the owners of such houses and tenements and the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof on his own account or as agent or receiver for any person interested therein shall for this purpose be deemed the owner of such house or tenement.

When several houses supplied by one pipe each to pay.

67. When several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the Company by a separate pipe.

For preventing fouling water.

68. Provided always that the Company shall not be compelled to supply with water any watercloset or any private fixed bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company nor any bath which shall be capable of containing when filled for use more than thirty gallons of water.

Supply of gas or water for trading, &c. purposes.

69. The Company may supply any person with gas or water for trading or manufacturing purposes or for any purposes other than domestic purposes for such rents or other remuneration as may be agreed on between them and the person supplied.

Rent for water may be ascer-

70. The Company and any person desirous of having a supply of water may agree that the rent or remuneration for such supply

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shall be determined by the quantity of water consumed to be ascertained by a meter to be provided or approved by the Company and may agree on the amount of the rent or remuneration to be paid for such supply.

tained by meter.

Power to sell or let meters.

71. The Company may from time to time sell and dispose of gas or water meters or let meters on hire upon and subject to such terms (pecuniary and otherwise) and conditions as the Company think fit.

Company to pay interest on money deposited as security for meter, &c.

72. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to Company to agree for supplies of gas or water for other than domestic purposes.

73. Subject to the provisions of this Act the Company may from time to time enter into and carry into effect such contracts and arrangements with any sanitary authority or other local authority and with any school board and the trustees of any turnpike or other road or any highway board or any surveyors of any highway and any railway company and any other companies bodies or persons with respect to the supply of gas or water in bulk or otherwise as the Company think fit and every such contract and arrangement may be for such period on such terms pecuniary or otherwise and conditions as the Company think fit and may from time to time by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof or in addition thereto.

Domestic supply within limits of Act not to be interfered with by supply for other purposes.

74. Notwithstanding anything in this Act contained the Company shall not supply water in bulk to any corporation body or person beyond the limits of this Act nor to any person within those limits for other than domestic purposes if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the limits of this Act.

Entry on premises to cut off supply in certain cases.

75. In all cases in which the Company are by this Act authorised to cut off the pipe or to turn off water from any premises the Company their agents and workmen (after giving notice to the owner or occupier as herein-after provided) may enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises.

Mode of giving notice.

76. Any notice to be given by the Company under the Gasworks Clauses Act 1871 or this Act previously to entry on any premises

shall be in writing and shall be served in manner following (that is to say):—

If the premises intended to be entered be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry;

If such premises be unoccupied and the owner thereof and his usual place of abode be in England and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode and posted forty-eight hours at least previously to such entry;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry:

And for the purposes of this section any person receiving the rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Service pipes.

77. All fittings connected with any service gas or water pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Power to remove meters and fittings.

78. The Company after twenty-four hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee or to the agent of the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than twenty-four consecutive hours may enter such buildings or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

Notice to Company of putting up meters, &c.

79. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice

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in writing to the Company of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

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

Register of meter to be primâ facie evidence.

81. The register of the meter when in perfect working order shall be primâ facie evidence of the quantity of water consumed by any customer of the Company in respect of which any water rate or rent is charged and sought to be recovered by the Company.

Fraudulently injuring meters, &c.

82. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any water pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such index from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damages is paid notwithstanding any contract previously existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the customer using such pipe meter or fitting.

For preventing frauds and waste of water.

83. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Power for Company to supply materials, &c.

84. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any meters pipes valves cocks baths soil-pans waterclosets apparatus and receptacles and may provide all materials and do all work necessary or proper in that behalf and the cost of providing such materials and executing such work shall be paid by the person requiring the same and shall be recoverable from such person in the same manner as the gas or water rates or rents.

Incoming tenant not liable for arrears.

85. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rate or rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Company not bound to supply several houses by one pipe.

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

Supply in courts, passages, &c.

87. With respect to cases where a group or number of dwelling-houses are situate in a court or passage or otherwise in contiguity with or in close neighbourhood to one another the following provisions shall have effect (that is to say)—

(1.) If at any time it appears to the Company that a supply of water cannot be well and effectually provided by the Company for any such group or number of dwelling-houses except by means of a stand pipe or other apparatus placed outside the dwelling-houses the Company may from time to time supply such group or number of dwelling-houses by means of a stand pipe or other apparatus as aforesaid:

(2.) The expense of providing such stand pipe or other apparatus shall be borne by the owner of the dwelling-houses or if there is more than one owner then by the respective owners in such proportion as may be agreed or as failing agreement may be determined by any two justices who are hereby required to hear and determine the matter in difference accordingly and who may decide and order by whom and in what proportion the costs of the inquiry shall be borne:

(3.) If the requisite stand pipe or other apparatus is provided and is in accordance with any regulations of the Company in that behalf for the time being in force (which regulations the Company are hereby empowered from time to time to make vary or rescind subject to the sanction of the Local Government Board) then the Company shall give to those dwelling-

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houses a supply accordingly by means of the stand pipe or other apparatus so provided and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given to or taken by such owners or occupiers under the provisions of this Act and the Acts incorporated herewith in respect of the respective dwelling-houses separately but not exceeding (for each such dwelling-house of the gross estimated rental of seven pounds or less) twopence per week or such other sum as the Local Government Board upon the application of the Company shall deem reasonable.

Recovery of sums due.

88. If any person fails to pay any gas or water rent meter rent rate damages costs expenses or other sum due to or recoverable by the Company under this Act then if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent rate damages costs expenses or other sum.

Notice of discontinuance.

89. A notice to the Company from a consumer for the discontinuance of a supply of gas or water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company.

Liability to gas or water rent not to disqualify justices, &c.

90. A justice or a judge of any court shall not (except as in this Act expressly provided) be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of summons, &c.

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

Costs of distress.

92. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Penalties not cumulative.

93. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Saving rights of the Alex-

94. Nothing in this Act contained shall extend or be construed to limit interfere prejudice or alter any of the rights powers or

privileges of the Alexandra (Newport and South Wales) Docks and Railway Company and the Newport (Alexandra) Dock Company Limited or either of them.

Alexandra Dock Companies.

95. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

Certain lands belonging or reputed to belong to and in the occupation of the limited company containing one rood and twenty-seven perches or thereabouts situate at Abercarn in the hamlet of Clawrplwyf in the parish of Mynyddyslwyn in the county of Monmouth bounded on the north by the site of an old tramway or siding of the Great Western Railway Company and by lands belonging or reputed to belong to the Right Honourable Lady Llanover in the occupations of James Delves William Taylor and William Horton on the east by lands belonging or reputed to belong to Lady Llanover in the occupations of the said James Delves William Taylor and William Horton an occupation road to the said lands of the limited company and lands belonging or reputed to belong to Lady Llanover in the occupations of Hannah Davies Sarah Jones and William Jones on the south by the River Ebbw and on the west by the site o the said old tramway or siding of the Great Western Railway Company.

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