CHAPTER xxxvii.

An Act for incorporating the Barry and Cadoxton Gas and Water Company and conferring powers on them for the construction of works the supply of gas and water and for other purposes. [25th September 1886.]

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WHEREAS the parishes of Barry Cadoxton-juxta-Barry Highlight Sully Merthyr Dovan Wenvoe and Porthkerry in the county of Glamorgan are at present insufficiently lighted and inadequately supplied with water and it is expedient that provisions be made for effectually lighting the said parishes and affording an adequate supply of pure and wholesome water for the purposes of the inhabitants thereof:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to undertake the lighting and the supplying with water of the said parishes on being incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated accordingly and authorised to construct gasworks and waterworks as by this Act provided and that such other powers as are in this Act contained be conferred on the Company for the better and more effectually carrying the purposes of the undertaking into effect:

And whereas the guardians of the poor of the Cardiff Union acting as the rural sanitary authority are the owners or reputed owners of a water tank situate in the parish of Merthyr Dovan and it has been agreed between the said rural sanitary authority and the Company and it is expedient that the Company be authorised and required to purchase the said water tank and the interest of the said rural sanitary authority in the land on which the tank is constructed and the water rights of the said rural sanitary authority in certain springs and also the mains pipes and apparatus belonging to the said rural sanitary authority in connexion with the supply of water from the said tank and springs laid and fixed in the said

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parishes of Merthyr Dovan St. Andrew and Cadoxton-juxta-Barry on the terms and conditions in this Act appearing:

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans sections and book of reference:

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

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

Short title.

1. This Act may be cited as the Barry and Cadoxton Gas and Water Act 1886.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Gasworks Clauses Act 1847 the Gasworks Clauses Act 1871 the Waterworks Clauses Act 1847 which for the purposes of this Act shall be read as if the words "with the consent "in writing of the owner or reputed owner of any such house or of "the agent of such owner" were omitted from section 44 and the Waterworks Clauses Act 1863 except where expressly varied by this Act and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof so far as the same are applicable for the purposes of and are not inconsistent with this Act are incorporated with and form part of this Act Provided that the incorporated provisions of the Railways Clauses Consolidation Act 1845 shall apply only to the reservoirs by this Act authorised.

Interpretation of terms.

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 "the Company" means the Company incorporated by this Act;

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General purposes of the Company.

6. The Company shall be established for the purpose of making and maintaining the gasworks and waterworks and for supplying gas and water within the limits of this Act and for manufacturing storing utilising and distributing gas and for converting or utilising and distributing materials used in and about the manufacture of gas and residual products resulting from such manufacture and for dealing in selling and disposing of gas lime coke tar ammoniacal liquor and other residual products matters and things and for carrying on the business usually carried on by gas and water companies and for manufacturing purchasing and hiring and supplying meters stoves fittings and other apparatus and appliances and generally for carrying the powers of this Act into execution.

Capital and number and amount of shares.

7. The capital of the Company shall be thirty-six thousand pounds in three thousand six hundred shares of ten pounds each.

Appropriation of capital.

8. The capital of thirty-six thousand pounds by this Act authorised to be raised shall be divided into two portions of fourteen thousand four hundred pounds and twenty-one thousand six hundred pounds and the portion consisting of fourteen thousand four hundred pounds shall be called "Gas Capital" and shall be appropriated to and used for the gas undertaking only of the Company and the other portion of twenty-one thousand six hundred pounds shall be called "Water Capital" and shall be appropriated to and used for the water undertaking only of the Company.

The Company shall keep separate accounts of receipts and expenditure on capital and revenue account in respect of the gas undertaking and the water undertaking.

Shares not to be issued until one-fifth part thereof shall have been paid up.

9. The Company shall not issue any share 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.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts in case of persons not sui juris.

11. 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.

Power to borrow.

12. The Company may from time to time borrow on mortgage of and for the purposes of the gas undertaking any sums not

The expressions "the gasworks" and "the gas undertaking" respectively mean and include the gasworks and works connected therewith and the gas undertaking by this Act authorised;

The expressions "the waterworks" and "the water undertaking" respectively mean and include the waterworks and the works connected therewith and the water undertaking by this Act authorised;

And for the purposes of this Act—

The expressions "railway" and "the centre of the railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act mean the works and the boundaries of the works by this Act authorised;

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 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.

Limits of Act.

4. The limits of this Act for the supply of gas and water shall be the parishes of Barry Cadoxton-juxta-Barry Highlight Sully Merthyr Dovan Wenvoe and Porthkerry all in the county of Glamorgan Provided that if in any parish within the limits the Company shall not have made adequate provision for the supply of water within two years after the period herein-after fixed for the completion of the waterworks 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 apply to or be binding on the local authority (as defined by that Act) of any such parish.

Company incorporated.

5. Lewis Davis John Best Ferrier Edmund Handcock James Milward Thomas Roe Thompson James Ware Thomas Andrew Walker Thomas Webb Lewis Williams 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 are hereby united into a company for the purposes herein-after mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Barry and Cadoxton Gas and Water Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

exceeding in the whole three thousand six hundred pounds in respect of the gas capital and they may from time to time borrow on mortgage of and for the purposes of the water undertaking any sums not exceeding in the whole five thousand four hundred pounds in respect of the water capital but no part of either of such sums of three thousand six hundred pounds and five thousand four hundred pounds shall be borrowed until the whole gas capital or water capital as the case may be in respect of which the borrowing power is to be exercised is issued and accepted and one half thereof 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 such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and 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 proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

13. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

14. 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 authorised to be borrowed by the Company on mortgage of the same undertaking.

Power to create debenture stock.

15. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863

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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 such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking.

Moneys borrowed on mortgage or debenture stock to have priority.

16. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of 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 any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or 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 granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

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

First meeting.

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

Number of directors.

19. The number of the directors shall be nine but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

20. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum of directors.

21. The quorum of a meeting of directors shall be a majority of the total number of directors for the time being.

First directors.

22. Lewis Davis John Best Ferrier Edmund Handcock James Milward Thomas Roe Thompson James Ware Thomas Andrew Walker Thomas Webb and Lewis Williams shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation 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.

Election of directors.

Power to take lands.

23. Subject to the provisions of this Act the Company may for the purposes of the gas undertaking enter upon take and use all or any of the lands described in the schedule to this Act defined on the deposited plans and described in the deposited book of reference.

Power to erect and maintain gasworks and manufacture and store gas on lands in schedule.

24. Subject to the provisions of this Act the Company may from time to time on the lands described in the schedule to this Act or on any part thereof erect make lay down provide maintain alter improve enlarge extend renew or discontinue with all necessary roads approaches sidings and conveniences gasworks buildings retorts gasholders receivers purifiers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery apparatus works and conveniences and may do all such acts as they think proper for making and storing gas and for supplying gas within the limits of this Act and for the manufacture and storing of gas and coke and other residual products obtained in the manufacture of gas and matters producible therefrom and may make store and supply gas and may manufacture convert store sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas and matters producible therefrom and also meters fittings tubes pipes burners and other articles and things in any way connected with gasworks or with the supply of gas as they may from

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time to time think fit and may also from time to time erect fit up maintain and let houses cottages and dwellings for the officers and servants employed by the Company for the purposes of their gas and water undertakings.

Power to supply gas fittings &c. for heating and other purposes.

25. The Company as they from time to time think fit may manufacture purchase provide supply sell let for hire use and otherwise deal in fittings engines stoves ranges pipes and other apparatus and appliances for lighting for motive power for the warming and ventilating of houses and buildings the cooking of food and for all other purposes for which gas can or may be used And such letting for hire may be for such remuneration in money and on such terms with respect to the repair of articles and fittings let and for securing the safety and return to the Company of such articles and fittings and otherwise as may be agreed upon between the hirer and the Company.

Power to take licenses.

26. Subject to the provisions of this Act the Company may (but only for the purposes of the Company within their limits of gas supply and not so as to acquire an exclusive right therein) contract for take and use any leave license or authority to work use exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture or distribution of gas or the conversion manufacture or utilisation of the products obtained from the manufacture of gas or the materials used therein or in relation to the manufacture of meters and other fittings and apparatus in which the Company are authorised in any way to deal.

Power to purchase lands by agreement.

27. The Company may for the purposes of their gas 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 hereditaments within their limits of gas supply not exceeding in the whole five acres which the Company may from time to time require for those purposes but no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Gas not to be manufactured except on lands scheduled.

Power to lay pipes against buildings.

28. 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 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.

29. 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 five shillings per one thousand cubic feet.

Pressure of gas.

30. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water 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 the 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.

31. The prescribed number of candles shall be fifteen.

Testing place.

32. Within one year from the time when the Company commence to supply gas under this Act a testing place shall be provided upon some part of the works or lands of the Company.

Burner.

33. The prescribed burner shall be Sugg's London Argand Burner Number One with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Power to make waterworks.

34. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may do the things by this Act authorised and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The works herein-before referred to and by this Act authorised to be made and maintained and the things by this Act authorised to be done comprise the following works and things (that is to say):

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1. A well shaft or boring (No. 1) to be situate in the parish of Cadoxton-juxta-Barry in the southern corner of a field numbered 199 on the $\frac{1}{2500}$ Ordnance map of that parish.
2. A Reservoir (No. 1) to be situate in the parish of Merthyr Dovan in the northern corner of a field formerly two fields and numbered 240 and 241 on the $\frac{1}{2500}$ Ordnance map of that parish and 160 yards or thereabouts measured in a westerly direction from a house known by the name of the "Buttrills."
3. A conduit aqueduct or line or lines of pipes (No. 1) to commence from and out of the well shaft or boring (No. 1) by this Act authorised and to terminate in the Reservoir (No. 1) by this Act authorised which aqueduct conduit line or lines of pipes will be wholly situate in the parishes of Cadoxton-juxta-Barry and Merthyr Dovan.
4. A conduit aqueduct or line or lines of pipes (No. 2) situate wholly in the parish of Merthyr Dovan to commence by a junction with Conduit (No. 1) by this Act authorised in the road numbered 313 on the $\frac{1}{2500}$ Ordnance map of that parish near the north-western corner of the field numbered 300 on the said map and to terminate in the said road at a point 395 yards or thereabouts measured in a north-easterly direction from the house known as "East Barry."
5. A conduit aqueduct or line or lines of pipes (No. 3) situate wholly in the parish of Merthyr Dovan to commence by a junction with Conduit (No. 1) by this Act authorised in the northern corner of a field numbered 324 on the $\frac{1}{2500}$ Ordnance map of that parish and to terminate by a junction with Conduit (No. 2) by this Act authorised in the said road numbered 313 on the said map at a point 192 yards or thereabouts measured in a northerly direction from the house known as "Holton-fâch."
6. A well shaft or boring (No. 2) to be situate in the parish of Wenvoe in the south-west corner of a field numbered 412 on the $\frac{1}{2500}$ Ordnance map of that parish.
7. A well shaft or boring (No. 3) to be situate in the parish of St. Andrews Major in a field or wood called "Bears Wood" numbered 77 on the $\frac{1}{2500}$ Ordnance map of that parish and at a distance of 368 yards or thereabouts measured in a westerly direction from the south-east corner of such field or wood.
8. A conduit aqueduct or line or lines of pipes (No. 4) to commence from and out of the well shaft or boring (No. 3) by

this Act authorised and to terminate in the well shaft or boring (No. 2) by this Act authorised which conduit aqueduct line or lines of pipes will be situate in the parishes of St. Andrews Major and Wenvoe.

9. A conduit aqueduct or line or lines of pipes (No. 5) situate wholly in the parish of Wenvoe to commence from and out of the pond at Goldsland numbered 415 on the $\frac{1}{2500}$ Ordnance map of that parish and to terminate in the well shaft or boring (No. 2) by this Act authorised.

10. A Reservoir (No. 2) wholly in the parish of Merthyr Dovan to be situate in the north-western corner of the field No. 142 on the $\frac{1}{2500}$ Ordnance map of that parish.

11. A conduit aqueduct or line or lines of pipes (No. 6) to commence from and out of the well shaft or boring (No. 2) by this Act authorised and to terminate in the Reservoir (No. 2) by this Act authorised which conduit aqueduct or line or lines of pipes will be situate in the parishes of Wenvoe St. Andrews Major and Merthyr Dovan.

12. A conduit aqueduct or line or lines of pipes (No. 7) situate wholly in the parish of Merthyr Dovan to commence from and out of the Reservoir (No. 2) by this Act authorised and to terminate in the Reservoir (No. 1) by this Act authorised.

13. A dam and gauge weir about 4 yards in length to be situate in the parishes of St. Lythans and Merthyr Dovan and to be constructed across the Goldsland Brook at a point thereon 395 yards or thereabouts from and to the west of the said pond at Goldsland.

14. All necessary and proper embankments walls filtering beds dams drains sluices residuum lodges catchpits conduits culverts channels bye-washes weirs wells shafts drifts adits standpipes tanks engines mains pipes buildings machinery roads approaches and other works and conveniences for the collecting filtering storing and distributing of water.

15. The taking collecting diverting impounding and using the waters of the said pond at Goldsland the springs at Goldsland and the Goldsland Brook which can or may be taken collected or abstracted by means of the aqueduct conduit or line or lines of pipes No. 5 by this Act authorised and also all or any of the underground springs streams and waters which can or may be taken collected or abstracted by means of the said waterworks or as may be found in or under any of the lands acquired for the waterworks under the powers of this Act.

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Compensation for water taken from Goldsland Brook.

35. As compensation for the waters of the Goldsland Brook to be taken and appropriated by means of the Conduit No. 5 under the powers of this Act the Company shall from the day on which the waters of the said Goldsland Brook shall be taken and appropriated as aforesaid maintain an uniform flow of water over the dam in the course of the Goldsland Brook by this Act authorised so that there shall be not less than thirty thousand gallons of water flowing down the said brook in every day in the year Provided always that the compensation water daily to be discharged as aforesaid shall be full compensation for the water taken by the Company by means of the aforesaid Conduit No. 5 under the authority of this Act to the owners and occupiers of lands mills and manufactories and other persons interested in the Goldsland Brook and in the River Waycock below the junction of the Goldsland Brook therewith and in the River Daw or Taw below the junction of the River Waycock therewith.

Gauge to be constructed.

36. For the purpose of measuring the quantity of water whereof the flow as aforesaid is to be maintained by the Company into the said Goldsland Brook they shall at their own cost make construct and for ever maintain a proper and sufficient gauge over or through which the said compensation water shall flow or be discharged and such gauge shall be open at all times to the inspection and examination of any parties interested as aforesaid.

Deviation.

37. In constructing the waterworks the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on the said plans and may deviate vertically from the levels shown on the deposited sections in the case of the reservoirs to any extent not exceeding five feet upwards and five feet downwards and in the case of any other work to any extent not exceeding five feet upwards and five feet downwards Provided that when any conduit or pipe is to be made on or under any road the limits of lateral deviation if not otherwise laid down shall be the boundaries of such road Provided also that the Company shall not in the exercise of the power of lateral deviation hereby given make any embankment or wall of any reservoir of a greater height than that shown on the deposited plans and sections with reference to the corresponding embankment or wall and five feet in addition.

Period for compulsory purchase of lands.

38. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act in respect of lands required for the gas undertaking and four years in respect of lands required for the water undertaking.

Power to acquire additional lands by agreement for waterworks purposes.

39. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act in connexion with the waterworks from time to time by agreement purchase in fee any additional quantity of land not exceeding in the whole ten acres or any springs wells or waterworks or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of the water undertaking Provided that the Company shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their water undertaking.

Provision as to labouring class houses.

40. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Period for completion of works.

41. If the waterworks authorised by this Act and shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits of this Act.

Power to take easements &c. by agreement.

42. 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 privilege or authority not being

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an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights privileges and authorities as aforesaid respectively.

Reservation of water rights &c. on sale.

43. On the sale by the Company of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Provisions for the protection of the rural sanitary authority of the Cardiff Union.

44. For the protection of the guardians of the poor of the Cardiff Union acting as the rural sanitary authority (herein-after in this section called "the sanitary authority") the following provisions shall have effect (that is to say):—

(1.) The Company shall purchase and the sanitary authority shall sell and transfer to the Company for the sum of six hundred pounds to be paid as herein-after mentioned the water tank belonging to the sanitary authority situate in the parish of Merthyr Dovan and the interest of the sanitary authority in the land on which the tank is constructed and the water rights of the sanitary authority in the springs at Pen-coed-tre-uchaf in the parishes of Merthyr Dovan and St. Andrews subject to the rents covenants and conditions under which the sanitary authority hold the same and also the mains pipes and apparatus belonging to the sanitary authority in connexion with the supply of water from the said tank and springs laid and fixed in the parishes of Merthyr Dovan St. Andrews and Cadoxton-juxta-Barry.

(2.) The purchase or consideration money of six hundred pounds shall be paid and the purchase shall be completed and possession of the property sold shall be delivered within six months after the passing of this Act.

(3.) From and after the completion of the purchase and until the Company supply water from the works by this Act authorised the Company shall continue to supply the owner or occupier of any dwelling-house in the parish of Cadoxton-juxta-Barry who shall at the time of the passing of this Act be supplied with water by the sanitary authority by means of the property so sold with water for the purposes for and in the manner in which such owner or occupier is now supplied with water by the

sanitary authority and at rates not exceeding the rates by this Act authorised.

(4.) From and after the completion of the purchase the Company shall supply the sanitary authority with such quantity of water as that authority may from time to time by not less than three months notice in writing require for flushing and sanitary purposes within the limits of this Act without prejudice to the supply for domestic purposes on such terms and conditions as may be agreed upon or as in default of agreement shall be settled by an arbitrator to be on the application of the sanitary authority or the Company appointed by the President for the time being of the Institution of Civil Engineers.

(5.) The sanitary authority shall apply the purchase money paid to them by the Company in the repayment of money borrowed by the sanitary authority for the purposes of the property sold to the Company and any surplus with the approval of the Local Government Board to the payment of the expenses incurred by the sanitary authority in connexion with the sale of the said property or to some other purpose under the Public Health Acts to which capital is properly applicable.

Provisions for the protection of the Wenvoe Castle Estate.

45. For the protection of Wenvoe Castle in the parish of Wenvoe aforesaid and of the buildings and premises belonging or appertaining to or connected with the said castle and of all other lands belonging to the Wenvoe Castle Estate situate within the limits of this Act with the hereditaments and premises now or hereafter to be erected thereon the following provisions shall notwithstanding anything in this Act contained be in force and have full effect (that is to say) :—

(*a*) In the following provisions the word "owners" shall mean the owner or owners for the time being of Wenvoe Castle aforesaid and of the lands now belonging to the Wenvoe Castle Estate.

As to supply of water to Wenvoe Castle.

(*b*) The Company shall in no way diminish or affect the supply of water to Wenvoe Castle aforesaid but in case of any failure or diminution of the supply of water to the said castle by reason of the works or operations of the Company the Company shall at their own expense at all times supply the same with a sufficient quantity of good water for the use of the occupiers for the time being of the said castle and also for the buildings and premises belonging or appertaining to or connected with the said castle.

As to buildings erected within sight

(*c*) The Company shall not erect any buildings or works within sight of Wenvoe Castle except such as are reasonably necessary

of Wenvoe Castle.

for carrying on the operations of the Company and the Company shall erect and use the same so as not to prejudice the said castle as a place of residence and in case of any dispute the same shall be determined by the arbitrator or engineer herein-after mentioned and in making any determination the said arbitrator or engineer shall have regard to the said castle as a place of residence and to the objects and circumstances of the Company and shall not involve the Company in any additional expense exceeding one hundred pounds.

Ponds and watering places to be made and supplied.

(*d*) If by reason of the works or operations of the Company the owners or the occupiers of any lands belonging to the Wenvoe Castle Estate shall be deprived of the use of any of their ponds or watering places or waters used for farm agricultural or irrigation purposes the Company shall at their own expense make and maintain all such ponds and watering places as the said owners and occupiers respectively may reasonably require for such purposes and shall at all times keep the same ponds and watering places supplied with a sufficient quantity of good water for such purposes.

As to the laying of mains and pipes.

(*e*) The Company shall at their own expense lay their mains and pipes for gas and water where reasonably required by the said owners or occupiers so as to efficiently supply all buildings and premises erected or to be erected by the owners or occupiers within the limits of this Act provided that the aggregate amount payable yearly by the said owners or occupiers for a supply of water or gas as the case may be at rates not exceeding the rates by this Act authorised shall not be less than one tenth part of the expense of providing and laying down the pipes necessary for such supply and that the said owners or occupiers severally execute an agreement binding themselves to take such supply for three successive years at least.

Arbitration.

(*f*) Any difference which may at any time arise between the said owners or occupiers and the Company in reference to any matter contained in this section shall on the application of the owners or occupiers or the Company be referred to and determined by an arbitrator to be agreed upon or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers and the costs of the reference and of all matters incidental thereto shall be in the discretion of the arbitrator.

For the protection of the corporation of Cardiff.

46. (1.) The Company shall not except with the consent of the mayor aldermen and burgesses of the borough of Cardiff herein-after in this section called the corporation under their common seal

supply water for any purpose either directly or indirectly in any parish or place named in clause 6 of the Cardiff Waterworks Act 1860.

(2.) The Company and the corporation ma[illegible]ime enter into and carry into effect contracts and a[illegible]ents for the supply of water in bulk to the Company by the corporation and every such contract or arrangement may be for such period and on such terms (pecuniary or otherwise) and conditions as the Company and the corporation think fit.

For the protection of the Barry Dock and Railways Company.

47. The Company shall for the protection of the Barry Dock and Railways Company (in this section referred to as the railway company) observe the following conditions:—

1. Any works executed by the Company under the powers of this Act in through over or affecting any part of the dock or railway works bridges approaches or other works land or property of the railway company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and according to plans to be submitted to and approved by him in writing before any such works are commenced and such works shall be executed by and in all things at the expense of the Company and if any injury shall arise to any such dock or railway works bridges approaches or other works land or property or interruption to traffic the Company shall make full compensation to the railway company in respect of such injury or interruption.
2. All works of the Company across or in any way affecting the said dock or railway works bridges approaches or other works land or property shall be maintained and renewed by them and such renewals and repairs shall be effected to the reasonable satisfaction and under the superintendence of such engineer and when the works are commenced they shall be executed and completed with all due dispatch and in case the Company fail to execute such maintenance and renewals the railway company may make and do in and upon their own land all such works and things as the railway company may reasonably think requisite in that behalf and the reasonable amount of such their expenditure shall be repaid to the railway company by the Company and in case of non-payment may be recovered from them with costs in any court of competent jurisdiction.
3. The Company shall not acquire any of the lands or property of the railway company but shall acquire only an easement

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in and upon such of the works lands and property of the railway company if any as may be necessary for constructing and maintaining the works of their undertaking and the railway company shall sell and grant to the Company such easement accordingly.

4. The amount to be paid for the acquisition of such easement if any shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act with respect to the purchase of lands otherwise than by agreement.

5. The Company shall at all times after the opening of their works if required by the railway company but without prejudice to the supply for domestic purposes supply the vessels frequenting the Barry Dock with water at rates not exceeding the rates for the time being charged for water supplied to vessels using Penarth Dock.

6. Nothing in this Act contained shall prejudice lessen take away or interfere with the land property rights powers and privileges of the railway company otherwise than is herein expressly provided.

Constant supply and pressure.

48. The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

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

49. The Company shall at the request of any owner or any occupier of any dwelling-house or part of a dwelling-house in any street in which any pipe of the Company shall be laid or on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes fnrnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates not exceeding the rates herein-after specified according to the rateable value of such dwelling-house or part of a dwelling-house (that is to say):—

Where the rateable value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding twopence per week;

Where such rateable value shall exceed seven pounds and shall not exceed twenty pounds at a rate per centum per annum not exceeding eight pounds ten shillings;

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding eight pounds;

Where such rateable value shall exceed forty pounds and shall not exceed sixty pounds at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such rateable value shall exceed sixty pounds and shall not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ten shillings;

Where such rateable value shall exceed eighty pounds and shall not exceed one hundred pounds at a rate per centum per annum not exceeding six pounds five shillings;

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding six pounds.

Rates for water-closets and private baths.

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first the sum of five shillings per annum and to every bath the sum of ten shillings per annum.

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the annual value of a part only of any hereditament entered in the valuation list or poor rate such annual value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

For preventing the fouling of water.

50. The Company shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Power to Company to supply water for other than domestic purposes and by measure.

51. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes.

Regulations for preventing waste of water.

52. For the purpose of preventing the waste or misuse or contamination of water the Company may from time to time by regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus or receptacles whatsoever to be

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used and may forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination.

Confirmation of regulations.

53. No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same And no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to the local authorities within the limits of supply who may within the said period of one month make such representation with reference thereto to the Local Government Board as such authorities shall think expedient and during such period a copy of the proposed regulations shall be kept at the office of the Company and be open during office hours to the inspection of all persons locally interested without fee or reward and a copy thereof or extracts therefrom shall be furnished to such persons by the Company on payment of sixpence for every one hundred words contained in such copy or extract.

Publication of regulations.

54. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

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

For enforcing regulations.

56. In the event of any such regulations not being complied with by any person being or about to become a customer of the Company they may refuse to supply water or (as the case may be) may cut off the water supplied by them to him (notwithstanding any contract or otherwise) until the regulations are complied with Provided that except in cases of accident emergency or necessary repairs the Company shall not under this provision cut off the water supplied to any customer of the Company until after he has had forty-eight hours notice in writing from the secretary or other

officer of the Company of the intention of the Company to cut off the same and notwithstanding such notice he shall have refused or neglected to comply with such regulations.

Disputes to be determined by justices.

57. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive.

Company may repair pipes of customer.

58. Where any person supplied with water by the Company after forty-eight hours notice in writing under the hand of the secretary or other officer of the Company to alter or repair any pipe valve cock cistern or other apparatus in order that the water supplied to him by the Company shall not be wasted fails to alter or repair the same so as to prevent such waste the Company may forthwith alter or repair the same and their expenses in so doing shall be repaid to them by the person so failing as aforesaid and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Company's officer may enter buildings.

59. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

For preventing frauds and waste of water.

60. 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 or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse or undue consumption of water the Company may cut off the water supplied by them to him as long as the cause of injury remains or is not remedied and also 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 this behalf.

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As to supply of water by meter and by agreement.

61. No person shall be entitled to require nor shall the Company be bound to supply any dwelling-house with water (otherwise than by meter or by special agreement) when any part of such dwelling-house is used for any trade or business purpose for which water is required.

Water supplied for domestic purposes not to be used for other purposes.

62. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company no person supplied by the Company with water for domestic purposes shall use such water or suffer the same to be used for the purposes of affording power to or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding five pounds.

Water to be supplied by measure if required in certain cases.

63. The Company may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any such person shall supply him with water by measure for other than domestic purposes In every case a meter for ascertaining the quantity consumed shall be provided by the Company at a reasonable rate for the same.

Power to sell or let meters.

64. 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.

65. 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.

Notice to Company of putting up meters &c.

66. Before any person connects or disconnects any meter through which any of the water or gas of the Company is intended to be or has been registered he shall give not less than seven days notice 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.

Register of meter to be primâ facie evidence.

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

Fraudulently injuring meters &c.

68. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water or gas supplied he shall (without

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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 or gas to the person so offending until the injury is remedied and the amount of the damage is paid notwithstanding any contract then 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 such alteration or prevention has been fraudulently caused by the consumer using such meter Provided always that the Company shall not discontinue the supply of water until the consumer has had forty-eight hours notice from the secretary or other officer of the Company of the intention to discontinue the supply and notwithstanding such notice shall have refused or neglected to remedy the injury.

Entry on premises to cut off supply.

69. In all cases in which the Company are authorised to cut off the pipe or stop or discontinue the supply of water or gas to any premises the Company their agents and workmen may for that purpose and after giving notice as herein-after provided enter into any premises through which such pipe or supply passes between the hours of nine in the forenoon and four in the afternoon.

Notice before entry.

70. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company and shall be given or served in manner following (that is to say):—

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof forty-eight 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 or by sending the same by post in a registered letter addressed to him at his usual place of abode 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;

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

Power for Company to supply apparatus &c.

71. 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 such pipes valves cocks apparatus and receptacles as are required or permitted by their regulations 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.

Incoming tenant not liable for arrears.

72. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent gas 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.

Notice of discontinuance.

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

Contracts for supplying water and gas for public purposes.

74. Subject to the provisions of this Act the Company may from time to time enter into and carry into effect agreements with any sanitary authority company corporation public body officers or persons for the supply by the Company of water or gas to any such sanitary authority company corporation public body officers or persons respectively in bulk and for what purposes soever and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit.

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

75. Subject and without prejudice to section 45 of this Act but notwithstanding anything else in this Act contained the Company shall not supply water in bulk to any sanitary authority company 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.

Liability to rents not to disqualify justices &c.

76. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent water rent meter rent rate or charge under this Act.

Contents of summons &c.

77. 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.

78. 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 the 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.

79. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Costs of Act.

80. All costs charges and expenses preliminary to and of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

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The SCHEDULE referred to in the foregoing Act.

Gas Lands.

A piece or parcel of land situate in the parish of Cadoxton-juxta-Barry in the county of Glamorgan containing by admeasurement six acres or thereabouts situate at or near "The Girt" and bounded on the south by the northern boundary fence of the Barry Dock and Railways Company and being the whole of the field numbered 199*a* on the $\frac{1}{2500}$ Ordnance map of the said parish of Cadoxton-juxta-Barry the northern portion of the field numbered 204 on the said map a portion on the western side of the field numbered 206 on the said map and a portion on the southern side of the field numbered 201 on the said map the centre of which piece or parcel of land is 330 yards or thereabouts from and to the eastward of the house or building called or known as Holton-fâch situate on the northern side of the public road forming the boundary between the parishes of Cadoxton-juxta-Barry and Merthyr Dovan.

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