ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. lxix.

An Act for supplying with Water the Town and Port of *Cardiff* and the Neighbourhood thereof, in the County of *Glamorgan*. [15th *July* 1850.]

WHEREAS the Town of *Cardiff* and the Neighbourhood thereof in the County of *Glamorgan* are insufficiently supplied with Water, and the making of Waterworks for effectually supplying the same would be of public Advantage: And whereas the several Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution; but the same 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, That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, and the Provisions of the said Acts shall be applicable to the Purposes of this Act, except so far as the same Provisions or any of them are inconsistent with the Provisions of this Act, or are modified or altered thereby.

Provisions of 8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 17. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Cardiff* Waterworks Act, 1850."

Limits of the Act.

III. And be it enacted, That the Limits of this Act for the Supply of Water shall be deemed and taken to extend to and shall comprise and include the whole of the Town and Port of *Cardiff*, and the Parishes or Places within and adjoining to such Town, in the said County of *Glamorgan*.

Subscribers incorporated.

IV. And be it enacted, That *William Simpson*, *John Wetherman* the younger, *William Patterson*, *James Simpson*, *Richard George Shum Tuckett*, *Griffith Phillips*, *William Bird*, *John Owen*, *Patrick Redmond Power*, *William Baker*, *John Taylor*, *William Prichard*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the Limits of this Act, and for making Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions of the said incorporated Acts and of this Act, and for other the Purposes herein and in the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Cardiff* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Amount of Capital.

V. And be it enacted, That the Capital of the Company shall be Fifteen thousand Pounds.

Shares.

VI. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Seven hundred and fifty, and the Amount of each Share shall be Twenty Pounds.

Calls.

VII. And be it enacted, That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Two Months at the least shall intervene between the making of any Two successive Calls.

Power to borrow Money on Mortgage.

VIII. And be it enacted, That it shall be lawful for the Company from Time to Time to borrow, for the Purposes of the said Undertaking, on Mortgage or Bond, any Sums of Money which shall be from

from Time to Time authorized to be borrowed by a General Meeting of the Company; but the aggregate Amount of such Sums of Money so to be borrowed shall not at any Time exceed One Third of the Capital for the Time being of the Company in Shares or Stock, and no Part of such Sums shall be borrowed until the whole of the said Capital or Sum of Fifteen thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Arrears may be enforced by Appointment of a Receiver.

IX. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages, by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

First and other Meetings.

X. And be it enacted, That the First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Month of *August* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting.

Quorum of General Meetings.

XI. And be it enacted, That the Quorum for any General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Three thousand Pounds in the Capital of the Company.

Scale of voting.

XII. And be it enacted, That the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) for One Share or more, but not exceeding Five, One Vote; exceeding Five Shares and not exceeding Ten, Two Votes; exceeding Ten Shares and not exceeding Fifteen, Three Votes; exceeding Fifteen Shares and not exceeding Twenty, Four Votes; and for more than Twenty Shares, an additional Vote for every Five Shares.

Number and Qualification of Directors.

XIII. And be it enacted, That (subject to the Provisions herein contained for increasing or reducing the Number of Directors) the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to vary the Number of Directors.

XIV. And be it enacted, That it shall be lawful for the Company from Time to Time to increase the Number of Directors, and again to reduce them, but the whole Number of Directors, after such

Increase

Increase or Reduction as aforesaid, shall not be greater than Seven nor less than Five.

First Directors.

XV. And be it enacted, That the said *Richard George Shum Tuckett*, *John Wetherman* the younger, *William Simpson*, *William Patterson*, *Patrick Redmond Power*, and *John Taylor* shall be the First Directors of the Company.

Committees of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three, and the Quorum of such Committee shall be such as the Directors at the Time of appointing the same shall determine.

Declaration of Dividends.

XVII. And be it enacted, That, subject to the Restrictions and Limitations in the said Waterworks Clauses Act, 1847, contained, as to the maximum Amount of Profits to be divided among the Undertakers by way of Dividend in any Year, the Amount of Dividend to be from Time to Time declared and divided shall be fixed and determined by the Directors.

Appointment of Secretary.

XVIII. And be it enacted, That the Secretary of the Company shall from Time to Time be appointed by the Directors, and the Amount of his Salary or Remuneration shall be fixed and determined by them.

Appointment of Auditor.

XIX. And be it enacted, That the Company shall annually elect an Auditor for the Purpose of auditing the Accounts of the Company; and in case the Office of such Auditor shall, before such Accounts have been audited by him, be vacant by Death or from any other Cause, the Company shall from Time to Time appoint an Auditor to supply such Vacancy.

Newspapers for Insertion of Advertisements.

XX. And be it enacted, That the Newspaper or Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper or Newspapers printed within the said Town of *Cardiff*, and if no Newspaper shall be printed within the said Town, then in some Newspaper or Newspapers usually circulated within the same Town.

Power to make Waterworks according to deposited Plans.

XXI. And whereas Plans and Sections showing the Line and Levels of the Waterworks, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands, Springs, and Streams in or through which the same are intended to be made or to pass, or which are required for the Purposes of the said Waterworks, have been deposited with the Clerk of the Peace for the County of *Glamorgan*: Be it

it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make, construct, and maintain the said Waterworks, Reservoirs, and other Works and Conveniences connected therewith, in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands, Springs, and Streams delineated on the said Plans and referred to in the said Book of Reference as the Company shall deem necessary for that Purpose, or to acquire, compulsorily or by Agreement, any Easement, Liberty, Privilege, Power, or Authority in or over the same, or to agree for a Lease of such Lands, Springs, and Streams, and to take therefrom such Water as the Company may require for the Purposes of this and the said incorporated Acts.

Power to deviate from Plans, in certain Cases.

XXII. And be it enacted, That, subject to the Restrictions in the said incorporated Acts contained, it shall be lawful for the Company, in making the Works by this Act authorized, where Limits of Deviation are marked on the said Plans, to deviate from the Lines delineated on the said Plans so deposited with the said Clerk of the Peace to the Extent of the Limits of Deviation marked on the said Plans.

Company may purchase Land not exceeding 20 Acres for extraordinary Purposes.

XXIII. And be it enacted, That, in addition to the Lands, Springs, and Streams authorized to be purchased as aforesaid, it shall be lawful for the Company to contract with any Party willing to sell or lease the same for the Purchase or Lease of any Streams or Springs of Water, or of any Land not exceeding in Quantity Twenty Acres, which shall be deemed proper or expedient for extraordinary Purposes; (that is to say,) for the Purpose of making and providing additional Tanks, Aqueducts, and other Buildings and Conveniences, or for making convenient Roads or Ways to the said Works, or for any other Purposes connected with the said Waterworks which the Company may think beneficial to the Undertaking: Provided always, that nothing herein contained shall authorize the said Company to divert or use any such Stream or Spring of Water unless and until they shall purchase or lease the Interests therein of and from all Persons whose beneficial Use thereof shall be affected thereby.

Owners may grant Leases.

XXIV. And be it enacted, That the Persons empowered by the said "Lands Clauses Consolidation Act" to convey Lands shall have full Power to grant Leases of any Lands, Springs, or Streams for the Purposes of this Act, or any Easement, Liberty, Privilege, Power, or Authority in or over the same.

Form of Lease.

XXV. And be it enacted, That any Leases to be made or taken by virtue of the Powers or Provisions of this Act or the incorporated

Acts may be according to the Form in Schedule (A.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit.

In case of Parties under Disability, Lands, &c. to be let at best yearly Rent.

XXVI. And be it enacted, That in every Lease of any Lands, Springs, and Streams by any Party under any Disability or Incapacity to sell and convey Lands, as defined by the "Lands Clauses Consolidation Act, 1845," there shall be reserved the best or most usual yearly Rent for or in respect of such Lands, Springs, and Streams, and no Fine, Premium, or Foregift shall be paid upon or in respect of such Lease.

Period for completing Works.

XXVII. And be it enacted, That the Waterworks shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the said incorporated Acts granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Waterworks as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from extending their Mains and Pipes from Time to Time, whenever it shall be necessary, for the Purpose of supplying the Inhabitants and other Persons requiring the same within the Limits of this Act with Water.

Cost of Fire-plugs and Keys to be borne by the Company.

XXVIII. And be it enacted, That the Cost of Fire-plugs, and the Expense of fixing, placing, and maintaining the same in repair, and of providing the necessary and proper Keys for the Use thereof, shall be defrayed by the Company, except as to such Fire-plugs as shall be provided at the Request of the Owner or Occupier of any Work or Manufactory, under the Provision in that Behalf contained in "The Waterworks Clauses Act, 1847."

Rate at which Water is to be supplied for domestic Purposes.

XXIX. And be it enacted, That the Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which or within One hundred Yards of which any Main Pipe of the Company shall be laid, or of any Person who, under the Provisions of this Act or any Act incorporated herewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses, at the Rates herein-after specified; (that is to say,)

Where the annual Value of such House shall not exceed Twenty Pounds, at a Rate not exceeding Six Pounds *per Centum per Annum*:

And where such annual Value shall exceed Twenty Pounds, at a Rate not exceeding Five Pounds *per Centum per Annum*.

XXX. And

Supply of Water for domestic Purposes not to include Supply for Trade, &c.

XXX. And be it enacted, That a Supply of Water for domestic Purposes as aforesaid shall include a Supply for a Water-closet in each such House, but shall not include a Supply of Water for Railway Purposes, or for Baths, Wash-houses, or public Purposes, or for Horses or Cattle, or for washing Carriages, or for any ornamental Purpose, or for any Steam Engine, or for any Brewery, Warehouse, Counting-house, Office, Shop, Coach-house, Stable, Store, Cellar, Vault, Workshop, Mill, or Manufactory, or for Shipping, or for any Trade, Manufacture, or Business whatsoever.

Company to lay Service Pipes free of Charge under all Ground dedicated to the Public.

XXXI. And be it enacted, That it shall not be lawful for the Company to charge any annual Rent, or to make any Charge whatsoever, in addition to the Water Rates herein-before mentioned, for so much of the Communication Pipes and other necessary Works for the Supply of any Dwelling House with Water as shall be laid under any Ground dedicated to public Use, except in Situations and under Circumstances where the Company are not required to furnish a Supply of Water under the Provisions of this Act or any Act incorporated herewith.

Water for other than domestic Purposes to be supplied by Agreement.

XXXII. And be it enacted, That it shall be lawful for the Company to supply any Person with Water (other than for domestic Purposes) at such Rent, and upon such Terms and Conditions, as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water.

Supply of Water to Vessels in Bute Docks to be subject to Control of Managers of Docks.

XXXIII. And be it enacted, That the Supply of Water to Vessels in the *Bute* Docks shall be subject to such Bye Laws, Rules, and Regulations as shall from Time to Time be made by the Owners and Managers for the Time being of the said Docks for preventing any Obstruction of the due Management and Regulation of the said Docks, and of the Shipping therein, and for fixing the Time and Mode of such Supply of Water as aforesaid.

Power to Undertakers to lease the Rates.

XXXIV. And be it enacted, That it shall be lawful for the Undertakers to lease the whole or any of the Water Rates payable by virtue of this Act for any Term not exceeding Three Years, and upon such Terms, Covenants, and Conditions as the Undertakers shall think proper; and every Lessee shall have the same Powers, Rights, and Remedies for recovering and enforcing the Payment of the Water Rates granted by the Lease as are by this and the said incorporated Acts vested in the Company for that Purpose: Provided always, that no such Lease shall defeat or abridge the Power by the said Waterworks Clauses Act given to the Court of Quarter Sessions of directing the Reduction of the Rates, and the Company shall reduce the Rates

Rates in the same Manner as they would have done in case no Lease had been granted.

Constant Pressure to be afforded from Reservoir.

XXXV. And with respect to the Supply of Water in pursuance of the Thirty-fifth Section of the "Waterworks Clauses Act, 1847," be it enacted, That the Water so to be supplied need not be constantly laid on under a Pressure greater than sufficient to supply the whole of the Town of *Cardiff*, and which Town is situate within the Parishes of *Saint John the Baptist* and *Saint Mary*.

Persons using Water to provide Stopcock.

XXXVI. And be it enacted, That every Person supplied with Water under the Provisions of this Act shall, when required by the Company, provide and affix such proper Tap, Stopcock, or other Apparatus to the Pipe conducting the Water from the Works of the Company as the Company shall direct, and shall keep such Tap, Stopcock, or other Apparatus in good Repair, so as effectually to prevent the Water from running to waste; and in case any such Person shall neglect to provide, when required by the Company, such Tap, Stopcock, or other Apparatus, or to keep the same in good Repair, it shall be lawful for the Company, or for any Person acting under their Authority, to cut off the Pipe or turn off the Water from the Premises of such Person, until such Tap, Stopcock, or other Apparatus shall be provided or repaired, as the Case may require.

Penalty for suffering Waste of Water.

XXXVII. And be it enacted, That if any Person supplied with Water by the Company shall wilfully or negligently do or suffer any Act, or permit or suffer any Pipe or Apparatus to be out of repair, so that the Water supplied to him by the Company shall be wasted, or the Supply thereof improperly increased, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings, together with the Value of the Water so wasted or improperly increased.

Company may repair, and recover the Expenses.

XXXVIII. And be it enacted, That it shall be lawful for the Company to repair any Place for Water, Pipe, or Cock that shall be out of repair in any Dwelling House or other Building, and the Expenses of such Repair shall be payable by the Person occupying or using the same, and shall or may be recovered in manner by the said "Waterworks Clauses Act, 1847," provided for Recovery of the Water Rate.

For Protection of the Cardiff Gaslight and Coke Company.

XXXIX. And be it enacted, That if in carrying into execution any of the Powers by this Act granted any Injury or Damage shall be done or committed to any of the Pipes, Branches, Apparatus, Materials, or Things already or hereafter to be laid down by the *Cardiff* Gaslight and Coke Company, for the Purpose of supplying with Gas the said Borough of *Cardiff* and the Neighbourhood thereof,

or any Part thereof, either by removing or disturbing the Ground in, upon, or near to which the same is or are placed, or by the Compression or subsequent settling or lowering of the same at any Time afterwards or otherwise, the said Waterworks Company shall, at their own Expense, Cost, and Charges, within Twenty-four Hours next after Notice in Writing given to them by the Gaslight and Coke Company, or their Clerk, cause such Pipes, Branches, Apparatus, Materials, and Things to be well and effectually repaired and amended, and shall pay the said Gaslight and Coke Company the Amount of all Damage or Loss which may accrue from the Escape of Gas by reason of any such Injury or Damage, and in default or neglect thereof it shall be lawful for the said Gaslight and Coke Company, and they are hereby authorized and empowered, to cause such Pipes, Branches, Apparatus, Materials, and Things so injured or damaged as aforesaid to be effectually repaired, amended, and made good; and the reasonable Costs and Charges attending the same, together with the Amount of all Damage or Loss which may accrue to the said Gaslight and Coke Company from such Escape of Gas as aforesaid, shall be defrayed and paid by the said Waterworks Company, or their Treasurer, to the said Gaslight and Coke Company, the same having been ascertained and settled, in case of Dispute concerning the same, by some Justice not being a Proprietor of any Share in either of the said Companies, which Determination shall be final and conclusive; and the Amount of such Expenses, Damages, and Loss, together with such Costs and Charges as shall be by such Justice allowed, shall be levied and recovered by Warrant of Distress under his Hand and Seal.

Company not to interfere with the Bute Docks, or to lay Pipes on the Wharfs without Consent.

XL. Provided always, and be it enacted, That nothing in this Act shall enable the Company hereby incorporated to break up or in any Manner alter or interfere with the Docks at *Cardiff* known as the *Bute* Docks, or the Works connected therewith, nor to lay Pipes across or along the Wharfs or any of them abutting on the said Docks, now being the Property of the Marquess of *Bute* or his Trustees, without the Consent in Writing of the Owner or Owners for the Time being of the said Docks, Works, and Wharfs.

Company not exempt from Provisions of 11 & 12 Vict. c. 63.

XLI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Company from the Provisions of the "Public Health Act, 1848," or of any general Act relating thereto or to the Subject Matter thereof which may pass during the present or any future Session of Parliament.

Public Act.

XLII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The SCHEDULE (A.) to which the foregoing Act refers.

FORM OF LEASE.

I of in consideration of the Rent herein-after reserved and made payable to me by the Cardiff Waterworks Company, do hereby demise to the said Company, their Successors and Assigns, all [*describing the Premises to be demised*], together with all Ways, Rights, and Appurtenances thereunto belonging, to hold the Premises to the said Company, their Successors and Assigns, for the Term of Years from the Day of the Date hereof, yielding and paying therefore yearly and every Year during the said Term, free from Land Tax and all other Taxes and Outgoings (Property and Income Tax excepted), the yearly Rent or Sum of by Two equal Payments in the Year, the first Payment to be made on the Day of according to the true Intent and Meaning of the Act of Parliament incorporating the said Company. In witness whereof I have hereunto set my Hand and Seal, and the said Company have hereunto affixed their Common Seal, the Day of 18 .

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