



CHAPTER lvi.

An Act for supplying with Water the town and district of A.D. 1872.
Newtown in the county of Montgomery. [27th June 1872.]

WHEREAS the supply of water to the town and district of Newtown is inadequate for the wants of the inhabitants, and it is expedient to increase and improve the supply, and for that purpose to make and maintain the works herein-after described :

And whereas the persons herein-after named, with others, are willing, at their own expense, to provide such increased and improved supply, and to make and maintain the said works ; and it is expedient that powers be conferred upon them for those purposes :

And whereas plans and sections showing the lines and levels of the waterworks and the lands to be taken for the purposes thereof, and a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Montgomery :

And whereas the objects of this Act cannot be attained 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 :

1. This Act may be cited for all purposes as "The Newtown Short title. Waterworks Act, 1872."

2. "The Companies Clauses Consolidation Act, 1845," Part I. Provisions of general Acts herein named incorporated.
(cancellation and surrender of shares) and Part III. (debenture stock) of "The Companies Clauses Act, 1863," the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Waterworks Clauses Acts, 1847 and 1863, and the provisions of "The Railways

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A.D. 1872. — Clauses Consolidation Act, 1845," with reference to the temporary occupation of lands near the railway during the construction thereof, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Temporary occupation of lands.

3. The provisions with respect to the temporary occupation of lands of "The Railways Clauses Consolidation Act, 1845," incorporated with this Act, shall apply only to the reservoirs authorised by this Act and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if reservoirs and works were therein mentioned instead of the railway, and the boundaries of reservoirs and works instead of the centre of the railway.

Interpretation of terms.

4. 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; the expressions "the works," "the waterworks," and "the undertaking" mean respectively the waterworks and undertaking by this Act authorised; the word "street" in "The Waterworks Clauses Act, 1847," shall extend to and include railways and other works of a like nature; 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 common simple contract debt, and not a debt or demand created by statute.

Limits of Act.

5. The limits of this Act for the supply of water shall be the town of Newtown and the parishes and places of Newtown Southern Division, Newtown Upper Division, Newtown Lower Division, Moughtre, Kerry, Gartheilin, Graig, Newtown Streets, Hendidley, Gwestydd, and Llanllwchaiarn, all in the county of Montgomery.

Company incorporated.

6. Joseph Henry Blythe, David Thomas, Ralph Dickinson Gough, John Campbell Bayard, 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 united into a company for the purpose of making and maintaining the waterworks and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Newtown Waterworks 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.

7. 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, together with all proper mains, conduits, sluices, weirs, gauges, engines, wells, drains, cuts, pipes, approaches, embankments, filtering beds, dams, culverts, shafts, bye-washes, works, and other conveniences connected therewith, and may enter upon, take, and use the lands delineated on the said plans and described in the deposited book of reference, and may divert, collect, and impound in the reservoirs herein-after described the waters of the stream which separates the parishes of Moughtre and Kerry and runs past Neuadd Mill, and all such other streams, springs, and waters as flow into and through the site of the said reservoirs, and as shall be found within the limits of deviation marked upon the deposited plans. The works herein-before referred to and authorised by this Act are—

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Power to
make works.

1. A reservoir, partly in the parish of Moughtre and partly in the parish of Kerry, or in one of those parishes, at a point on the stream which separates those parishes and runs past Neuadd Mill about 900 yards northward of the said mill :
2. A reservoir, partly in the said parish of Moughtre and partly in the said parish of Kerry, upon lands on the east and west sides of the said stream, and at a point thereon about 160 yards southward of reservoir Number 1 :
3. A conduit, aqueduct, or line of pipes, Number 1, commencing on the eastern side of the reservoir Number 2 before described, in the said parish of Kerry, thence passing on the eastern side of the reservoir Number 1 before described, and terminating in the parish of Llanllwchaiarn, at a point on the Newtown and Aberbechan turnpike road :
4. A conduit, aqueduct, or line of pipes, Number 2, in the township of Gartheilin in the parish of Kerry, commencing at the eastern side of the reservoir Number 1 before described, and terminating at a point in the conduit, aqueduct, or line of pipes Number 1 before described, about 100 yards north-eastward of the said reservoir Number 1.

8. In constructing the works the Company may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Company may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or seven feet downwards.

Limits of
lateral and
vertical
deviation.

9. The capital of the Company shall be twelve thousand pounds, in one thousand two hundred shares of ten pounds each.

Capital.

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Shares not
to be issued
until one
fifth paid up.

10. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

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

Receipts for
disqualified
persons.

12. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his or her guardian or committee shall be a sufficient discharge to the Company for the same.

Power to
borrow.

13. The Company may from time to time borrow on mortgage any sum not exceeding in the whole three thousand pounds, but no part thereof shall be borrowed until the whole capital of twelve thousand pounds is subscribed for, 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 subscribed for, 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 subscribers or their assigns, and that such subscribers or their 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.

For appoint-
ment 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. 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 five hundred pounds in the whole.

Power to
create debenture
stock.

15. The Company may create and issue debenture stock.

Interest on
debenture
stock.

16. Notwithstanding anything in Part III. of the Companies Clauses Act contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with

the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. A.D. 1872.

17. 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 granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Act Amendment Act, 1860." Priority of mortgages and debenture stock.

18. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only. Application of moneys.

19. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act. First ordinary meeting.

20. The number of directors shall be not more than seven nor less than three. Number of directors.

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

22. No person shall be disqualified as a director by being a commissioner or a trustee under any Act of Parliament, or member of any local board for any public purposes within the limits of this Act, or mortgagee of rates, or justice of the peace for the division within which the works may be situate; and no shareholder of the Company shall be disqualified as such commissioner, trustee, or member by reason of any contract between the Company and the commissioners, trustees, or local board: Provided always, that no commissioner, trustee, or member who is a director or shareholder or holder of debenture stock shall act or vote at any meeting of such commissioners, trustees, or board, or at any committee appointed by such commissioners, trustees, or board, on any question or with reference to any matter in which such director or shareholder has direct or indirect interest as a shareholder. Directors not to be disqualified by being Commissioners under local Acts.

23. The quorum of a meeting of directors shall be three, and if the number of directors be reduced to three the quorum shall be two. Quorum.

24. Joseph Henry Blythe, David Thomas, Ralph Dickinson Gough, and John Campbell Bayard shall be four of the first First directors and election of directors.

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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 place of those not continued in office, or may appoint additional directors, 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 hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are selected in their stead, in manner provided by the same Act.

Quorum for general meetings.

25. The quorum of every general meeting of the Company, whether ordinary or extraordinary, shall be at least seven shareholders, present in person or by proxy, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Extraordinary meeting may be convened.

26. The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened shall not be less than seven shareholders, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Period for compulsory purchase of lands.

27. 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 from the passing of this Act.

Period for completion of works.

28. The works shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for making the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that, subject to the restrictions and provisions of this Act, the Company may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, mains, pipes, reservoirs, and other works, in such way and manner as they may consider requisite or advisable for supplying water within the limits of this Act.

Lands for extraordinary purposes.

29. The Company may from time to time purchase by agreement for the purposes of this Act any quantity of land, or any easements (not being a right of water) in, over, or affecting any land, which they may think requisite, provided that such land shall not

exceed five acres in addition to the land which they are by this Act authorised to take by compulsion. A.D. 1872.

30. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," to convey lands may, if they think fit, but subject to the provisions contained in those Acts with respect to land and rentcharges, grant to the Company for the purposes of this Act any lands which by this Act they are authorised to take, or the right of user thereof, or any other easement, liberty, privilege, power, or authority in or over any such lands, except an easement of water. Parties may grant easements.

31. Upon any sale by the Company under the provisions of "The Lands Clauses Consolidation Act, 1845," of any superfluous lands or of any lands or hereditaments purchased by them under the powers of this Act, the Company may reserve to themselves all or any part of the water or water rights and other easements thereunto belonging, and may sell such lands and hereditaments subject to such reservations, and also subject to such special conditions, restrictions, and provisions with reference to the use of water, and for preventing the exercise of any noxious trade or business upon the premises, and for preventing or regulating the discharge and deposit of manure, sewage and other impure matter and liquids, as they may think fit. Restrictions may be imposed upon the sale of superfluous property.

32. The clauses and provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes, shall extend and apply to the opening and breaking up by the Company of any turnpike roads or other public highways or footways or any public bridges within the limits of this Act, and also to the laying down and placing of pipes, conduits, and other works in, under, and along the said roads, footways, highways, and bridges respectively. Certain provisions of 10 Vict. c. 17. to extend to turnpike roads, &c.

33. The Company shall not cross or interfere with any land or works of any railway or canal company for the purposes of this Act without the consent in writing of such railway or canal company under their common seal for that purpose first had and obtained; and if, after such consent has been given, any difference shall arise between the Company and any such railway or canal company as to the mode of crossing or interfering with such land or works, such difference shall (except as herein otherwise provided) be settled by an engineer to be appointed by the Board of Trade at the request of either company; and the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration shall, *mutatis mutandis*, apply to such arbitration. As to interference with works or property of railway or canal companies.

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Extent of
pressure.

34. With reference to the thirty-fifth section of "The Waterworks Clauses Act, 1847," the water of the Company need not be laid on or supplied to houses within the limits of this Act, in the cases in which the supply cannot be afforded from the pipes laid down by the Company by its own residual pressure or gravitation, nor need the water to be supplied by the Company be constantly laid on under pressure.

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

35. The Company shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house in any street in which any service pipe of the Company shall be laid, or of any person who, under the provisions of this Act, shall be entitled to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier or other person a sufficient supply of water for domestic use, at any rate, according to the annual rackrent or value of such dwelling-house, not exceeding the yearly rate herein-after specified; (that is to say,)

Where the annual rackrent or value of the premises so supplied with water shall not exceed five pounds, the sum of eight shillings and eightpence:

Where such rackrent or value shall exceed five pounds and not exceed ten pounds, the sum of sixteen shillings:

Where such rackrent or value shall exceed ten pounds and not exceed fifteen pounds, the sum of twenty-four shillings:

Where such rackrent or value shall exceed fifteen pounds and not exceed twenty pounds, the sum of thirty-two shillings:

Where such rackrent or value shall exceed twenty pounds and not exceed twenty-five pounds, the sum of thirty-nine shillings:

Where such rackrent or value shall exceed twenty-five pounds and not exceed thirty pounds, the sum of forty-six shillings:

Where such rackrent or value shall exceed thirty pounds and not exceed thirty-five pounds, the sum of fifty-three shillings:

Where such rackrent or value shall exceed thirty-five pounds and not exceed forty pounds, the sum of sixty shillings:

Where such rackrent or value shall exceed forty pounds and not exceed forty-five pounds, the sum of sixty-six shillings:

Where such rackrent or value shall exceed forty-five pounds and not exceed fifty pounds, the sum of seventy-two shillings:

Where such rackrent or value shall exceed fifty pounds and not exceed fifty-five pounds, the sum of seventy-eight shillings:

Where such rackrent or value shall exceed fifty-five pounds and not exceed sixty pounds, the sum of eighty-four shillings:

Where such rackrent or value shall exceed sixty pounds and not exceed sixty-five pounds, the sum of eighty-nine shillings:

Where such rackrent or value shall exceed sixty-five pounds and not exceed seventy pounds, the sum of ninety-four shillings :

Where such rackrent or value shall exceed seventy pounds and not exceed seventy-five pounds, the sum of ninety-nine shillings :

Where such rackrent or value shall exceed seventy-five pounds and not exceed eighty pounds, the sum of one hundred and four shillings :

Where such rackrent or value shall exceed eighty pounds and not exceed eighty-five pounds, the sum of one hundred and eight shillings :

Where such rackrent or value shall exceed eighty-five pounds and not exceed ninety pounds, the sum of one hundred and twelve shillings :

Where such rackrent or value shall exceed ninety pounds and not exceed ninety-five pounds, the sum of one hundred and sixteen shillings :

Where such rackrent or value shall exceed ninety-five pounds, and not exceed one hundred pounds, the sum of one hundred and twenty shillings :

Where such rackrent or value shall exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds ten shillings :

Provided always, that it shall not be compulsory on the Company to afford a supply of water for a less period than twelve months.

36. If there be more than one watercloset in any such house, then, in addition to the rates before specified, the Company may demand in respect of each such house, for every watercloset beyond the first, an additional sum not exceeding seven shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum ; and such additional sums may be received with and as part of or recovered by the same means as the rate for the supplying of water for domestic purposes : Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons, the Company may charge an increased rate in proportion to the size of such baths.

Rates for waterclosets and baths.

37. The Company shall not be compelled to supply any person with water for waterclosets or baths unless the apparatus or pipes provided or to be provided by such person shall be of such material and 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 shall they be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water.

For preventing fouling of water.

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Water supplied by agreement.

38. The Company may from time to time supply any person, body, or company with water for other than domestic purposes, for such remuneration and upon such terms and conditions as shall be agreed upon between the Company and such company, body, or person desirous of having the supply.

Company may contract with local bodies as to supply of water.

39. Any local board of health, trustees, surveyors, and other bodies and persons within the limits of this Act shall have power to contract with the Company, and the Company may contract with such bodies and persons, for the supply of water, in bulk or otherwise, and the said bodies and persons may appropriate and apply funds, and raise additional funds by rates or otherwise, for the purposes of such supply.

Company may sell by measure.

40. The Company may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

Penalty for injury to and fraudulent use of meters.

41. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any meter, pipes, or fittings belonging to the Company, or who shall fraudulently alter the index to any meter, or shall knowingly and wilfully prevent any meter from duly and properly registering the quantity of water supplied, shall for every such offence forfeit to the Company a sum not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damage by them sustained.

Meters not to be altered or repaired except under direction or with consent of Company.

42. No meter, whether supplied by the Company or the consumer, shall be altered or repaired except under the direction or with the consent of the Company, or the surveyor or other officer of the Company; and the Company shall be entitled to keep all meters which may be provided by the consumer in repair at the cost of the consumer, at such moderate rate of remuneration as may be agreed on between the Company and the consumer, or in case of dispute as may be fixed by two justices.

Domestic supply not to be prejudiced.

43. No person shall be entitled under this Act to a supply of water for any purposes other than domestic purposes when the supply would interfere with the proper supply under this Act of water for domestic purposes.

Persons using water for water-closets to provide cisterns, &c.

44. Every person supplied with water under the provisions of this Act for the purposes of a watercloset shall, when required by the Company, provide a cistern, or such other apparatus as the Company may deem proper, to receive and retain the water with which he shall be supplied for such purpose, and shall keep such cistern 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 cistern 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 cistern or other apparatus shall be provided or repaired, as the case may require.

Where several houses supplied by one pipe, each to pay.

Penalty for affixing tubes to Company's pipes without their consent.

Incoming tenant not liable to pay arrears of water rate.

Company may require pipes, &c. to be repaired.

Rates may be recovered by distress.

45. The Company shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

46. It shall not be lawful for any owner or occupier of any house supplied with water by the Company, without the consent of the Company, to affix or permit or suffer to be affixed to any of the mains or other pipes of the Company, or to any service pipe of such owner or occupier, any gutta percha or other tubes or pipes for the purposes of washing the windows or fronts of houses or other buildings, or the pavements or roads adjacent thereto, or for any other purposes whatsoever; and any person who shall act contrary to this enactment shall for every such offence forfeit to the Company any sum not exceeding five pounds.

47. In case any consumer of the water company shall leave the premises where such water has been supplied, and leave without paying to the Company the rate due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the Company or with the former tenant to pay or exonerate him from the payment of such arrears, but the Company shall supply their water to such incoming tenant upon the usual terms and conditions upon being required by him so to do.

48. The Company may, by notice in writing under the hand of their surveyor or other duly authorised officer, require any person who shall have suffered any pipe, cock, cistern, or other apparatus to be out of repair, forthwith to put the same into a proper state of repair; and if such person shall not, within three days after the service of such notice, so repair such pipe, cock, cistern, or other apparatus as to prevent any waste of water therefrom, the Company may repair the same; and if the expenses of such repair shall not be repaid to the Company on demand, the same may be recovered by the Company as damages.

49. All water rates or rents due to the Company, and all damages, costs, and expenses by this Act directed to be paid, may, after the defaulter shall have been summoned to appear before a

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Several names in one warrant.

50. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the warrant or notice or in a schedule thereto.

Costs of distress.

51. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of such rate or sum shall be paid by the person liable to pay such rate or sum; and such costs may be ascertained by the justice, and may be included in the warrant of distress for the recovery of such rate or sum.

Liability to rates not to disqualify justices.

52. 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 any rate, rent, or charge under this Act.

Penalties not cumulative.

53. Penalties imposed on the Company by several Acts for one and the same offence shall not be cumulative; and for this purpose this Act and the Acts incorporated with this Act shall be deemed several Acts.

Expenses of Act.

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