



CHAPTER cxxxiv.

An Act to enable the Newport and Pillgwenlly Waterworks Company to construct additional Works and raise additional Capital and for other purposes. A.D. 1887.
[19th July 1887.]

WHEREAS the Newport and Pillgwenlly Waterworks Company (in this Act called "the Company") were incorporated by the Newport and Pillgwenlly Waterworks Act 1846 : 9 & 10 Vict.
c. ccxxi.

And whereas the said Act was repealed by the Newport and Pillgwenlly Waterworks Act 1854 but the Company were continued incorporated by the same name and are acting under the powers of the last-mentioned Act and the Newport and Pillgwenlly Waterworks Extension Act 1872 the Newport and Pillgwenlly Water Order 1881 and the Newport and Pillgwenlly Water Order 1883 which Acts and Orders are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed : 17 & 18 Vict.
c. cxc.
35 & 36 Vict.
c. xxxv.

And whereas the Company have raised and expended the whole of the money they are authorised to raise either by way of shares stock or loan except the sum of thirty-nine thousand pounds and such last mentioned sum is required to meet the engagements of the Company already undertaken :

And whereas the shipping frequenting the Port of Newport and the population and trade within the limits of the former Acts have largely increased and are increasing and it is expedient that the Company be empowered to construct additional works and obtain a further supply of water :

And whereas it is expedient that the limits within which the Company may supply water be extended :

And whereas it is expedient that the Company be authorised to raise additional share and loan capital for the purposes of this Act and for the general purposes of their undertaking :

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And whereas the Company have created and issued debenture stock but do not owe any money on mortgage :

And whereas it is expedient that the powers of the Company be in various respects enlarged and that the former Acts be extended and amended :

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

And whereas plans and sections showing the lines situations and levels of the intended works and plans showing the lands which may be taken 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 and describing such lands were duly deposited with the clerk of the peace for the county of Monmouth and are hereinafter referred to as the deposited plans sections and book of reference :

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

Short title.

1. This Act may be cited as the Newport Waterworks Act 1887.

Incorporation of general Acts.

2. The following Acts and parts of Acts :—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but for the purpose only of constructing the reservoirs and works immediately connected therewith by this Act authorised and such portions of the aqueducts conduits or lines of pipes by this Act authorised as are to be made in tunnel ; and

The Waterworks Clauses Acts 1847 and 1863 ;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act : And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) Part III. (relating to

debenture stock) and Part IV. (change of name) of the Companies

Clauses Act 1863 as amended by the Companies Clauses Act 1869

shall (subject to the provisions of this Act) extend and apply to

the Company and the additional capital by this Act authorised to

be raised.

3. In this Act terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression—

Interpretation.

“Superior courts” or “court of competent jurisdiction” or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute:

in the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions “the railway” “the work” and “the centre of the railway” respectively mean the reservoirs and works immediately connected therewith and the said portions of the said aqueducts conduits or lines of pipes and the boundaries thereof respectively by this Act authorised.

4. The limits within which the Company may supply water are hereby extended so as to include the following parishes in the county of Monmouth (herein-after referred to as “the additional “limits”) that is to say:—Goldcliff Llanvaches Kemeys Inferior Llanmartin and Llandevaud Langstone and Llanbedr Penhow and Saint Brides Netherwent and so much of the parishes of Llanvihangel Rogiett Magor and Rogiett as is situate northward of the northern fence of the South Wales and Severn Tunnel Railways of

Extension of limits of water supply.

A.D. 1887. the Great Western Railway Company and for the purposes of such supply and subject to the provisions of this Act the Company shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations they now have and may exercise or are subject to under the provisions of the former Acts and the provisions of the former Acts shall subject to the provisions of this Act extend and apply to the additional limits and the supply of water therein: Provided that the Company shall not be compelled to lay down mains or pipes to or to bring a supply of water to any house situate within the additional limits and which shall be at an elevation of more than two hundred feet above the coping of the present existing quay walls of the Old Newport Dock at Pillgwenlly belonging formerly to the Newport Dock Company but now to the Alexandra (Newport and South Wales) Docks and Railway Company nor to any house within the additional limits situate at a greater distance than one hundred yards from where any main pipe of the Company shall be laid:

Provided also that if at the expiration of five years from the passing of this Act the Company are not able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the local authority throughout any parish or part of a parish within the additional limits the restriction imposed by section fifty-two of the Public Health Act 1875 on the construction of waterworks by such local authority within such parish or part of a parish shall cease to apply.

Rates for supply of water for domestic use within the additional limits.

5. The rates at which the Company shall supply water for domestic use to any private dwelling-house within the additional limits shall not exceed the following exclusive of the rates which the Company are authorised by the Act of 1854 to charge for water-closets and baths:—

When the gross estimated rental shall not exceed the sum of seven pounds and ten shillings per annum the rate of eight shillings and eight pence per annum and so in proportion for any shorter period;

When the gross estimated rental shall exceed the sum of seven pounds and ten shillings per annum the rate of six pounds per centum on such gross estimated rental and so in proportion for any shorter period:

For the purposes of this section the gross estimated rental shall be the gross estimated rental 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 gross estimated rental of a part only of any hereditament entered in the valuation list or poor rate such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole hereditament as aforesaid the apportionment in case of dispute to be determined by two justices. A.D. 1887.

6. From and after the passing of this Act the Company shall no longer be called by the name of "The Newport and Pillgwenlly Waterworks Company" but shall be named and styled "The Newport Waterworks Company" and by that name shall continue and be a body corporate with perpetual succession and a common seal and shall have and retain all the lands hereditaments property effects rights powers and privileges vested in conferred on or acquired by them under or by virtue of the former Acts or any of them or any other Act and with power to purchase hold sell and dispose of lands subject to the provisions of the former Acts and this Act. Changing the name of the Company.

7. Subject to the provisions of this Act the Company in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain the reservoirs aqueducts conduits tunnels lines of pipes extensions deviations alterations diversions and other works shown on the deposited plans among which are the following principal works (that is to say):— Power to construct works.

"NEWCHURCH RESERVOIR."—An intake reservoir wholly situate in the parish of Newchurch otherwise Newchurch West and to be formed by an embankment across the valley of the Cas Troggy Brook;

AQUEDUCT No. 1.—An aqueduct conduit or line of pipes to commence at the foot of the inner slope of the embankment of Newchurch Reservoir and to terminate in the parish of Llanvair-Discoed on the south side of the Nant-y-Prydd Brook;

"WENTWOOD RESERVOIR."—An intake reservoir wholly situate in the said parishes of Newchurch otherwise Newchurch West and Llanvair-Discoed to be formed by an embankment across the valley of the Nant-y-Prydd Brook;

AQUEDUCT No. 2.—An aqueduct conduit or line of pipes situate wholly in the said parish of Llanvair-Discoed to commence at the foot of the inner slope of the said Wentwood Reservoir and to terminate by a junction with Aqueduct No. 1 at the said termination thereof;

AQUEDUCT No. 3.—An aqueduct conduit or line of pipes wholly in the parishes of Llanvair-Discoed and Llanvaches to commence

A.D. 1887. — by a junction with Aqueduct No. 1 at the said termination thereof and to terminate in the Llanvaches Reservoir hereinafter described;

“LLANVACHES RESERVOIR.”—A storage reservoir situate wholly in the said parish of Llanvaches (to be formed by an embankment across the valley through which runs the brook which rises in Wentwood and flows through the parish of Llanvaches to and into the Nedden Brook and is herein-after referred to as the “Llanvaches Brook”) and to be constructed upon farms known as “Wern-hellog” and “Sebastopol” among others and the wood known as “Coedy-Seymour”;

AQUEDUCT No. 4.—An aqueduct conduit or line of pipes to commence by a junction with the Llanvaches Reservoir at the foot of the inner slope of the embankment thereof and to terminate in the parish of Christchurch;

ALTERATION OF LEVEL OF ROAD.—An alteration in level of the parish road leading from Llanvaches to Foresters Oaks for a length of about $8\frac{1}{4}$ chains wholly in the said parish of Llanvaches;

DIVERSION OF THE SAID ROAD.—A diversion of the said parish road wholly in the said parish of Llanvaches;

ALTERATION OF LEVEL OF FOOTPATH.—An alteration of the level of the footpath in the said parish of Newchurch otherwise Newchurch West which leads from the lower road between Pen-y-cae-mawr and Sportsman’s Hall to the road leading from Sportsman’s Hall to the house known as Lower Goytre and to places beyond.

Power to make subsidiary works.

8. The Company in addition to the foregoing works may subject to the provisions of this Act and upon the lands shown on the deposited plans and described in the deposited book of reference make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices bywashes weirs gauges wells tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them.

Power to take lands and waters.

9. Subject to the provisions of this Act the Company may enter upon take and use such of the lands described in the deposited plans and book of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Company the following streams and waters or any of them (that is to say):—

The Cas Troggy Brook the Nant-y-Prydd Brook and the Llanvaches Brook and all other springs and waters which may be found in on or under any of the lands for the time being belonging to the Company:

And may stop up so much of the said footway in the said parish of Newchurch otherwise Newchurch West as lies between the said points of alteration of the level thereof and all roads and ways within the limits of deviation defined on the deposited plans and which are shown thereon as intended to be stopped up or diverted and may appropriate for the purposes of this Act the sites of the roads and ways so stopped up or diverted so far as the same are bounded on both sides by lands of the Company.

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10. With respect to compensation water to be afforded by the Company the following provisions shall have effect (that is to say) :—

As to compensation water.

(1) The Company shall during every day of twenty-four hours in every year permit to flow or shall deliver into the Llanvaches Brook not less than three hundred thousand gallons of water.

(2) The Company shall also during every day of twenty-four hours in every year permit to flow or shall deliver into the Cas Troggy Brook not less than six hundred and seventy thousand gallons of water :

Provided that if and so long as the natural flow of the said brook at the point where it enters the Newchurch Reservoir shall be less than six hundred and seventy thousand gallons in any day of twenty-four hours the Company shall not divert into their works or take any of the waters of that brook but shall allow the whole flow thereof to pass down the said brook and they shall not during such times be bound to deliver any other water thereinto.

(3) The Company shall also during every day of twenty-four hours in every year permit to flow or shall deliver into the Nant-y-Prydd Brook not less than thirty thousand gallons of water :

Provided that if and so long as the natural flow of the said brook at the point where it enters the Wentwood Reservoir shall be less than thirty thousand gallons in any day of twenty-four hours the Company shall not divert into their works or take any of the waters of that brook but shall allow the whole flow thereof to pass down the said brook and they shall not during such times be bound to deliver any other water thereinto.

(4) The said flow or delivery of water shall in each case be as nearly as possible continuous.

(5) The said respective quantities of water shall be permitted to flow or shall be delivered into the said brooks respectively at a distance of not more than fifty yards from the foot of the outer slope of the embankment of the Llanvaches Reservoir and of the Newchurch Reservoir and of the Wentwood Reservoir respectively.

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(6) The Company shall construct and for ever thereafter maintain suitable measuring gauges over or through which the said respective quantities of compensation water shall flow or be delivered and also suitable gauges weirs or other works to prevent the water of the Cas Troggy Brook or the Nant-y-Prydd Brook respectively being diverted into the works of the Company when the natural flow of those brooks respectively as they respectively enter the Newchurch Reservoir and the Wentwood Reservoir respectively is less than the quantity by this section prescribed in relation to the said brooks respectively.

(7) The said gauges shall be respectively open to the inspection and examination of all persons interested in the flow of the waters of the said brooks.

(8) If at any time any of such gauges be out of repair or in an unfit condition for the purpose for which it is intended the Company shall forthwith put the same in fit repair and condition and if they fail to do so within seven days after notice in writing to that effect given to them by or on behalf of any of the persons interested in the flow of the waters of the said brooks respectively then any such person may cause the same to be put in fit repair and condition and may recover the reasonable cost of so doing with full costs of suit in any court of competent jurisdiction.

(9) The Company shall not divert into or take any water from the Newchurch Reservoir or from the Llanvaches Reservoir or from the Wentwood Reservoir respectively until they have made provision for affording the said respective quantities of compensation water nor except during such time as the said respective quantities are so flowing or delivered as aforesaid.

(10) If the Company fail or omit to permit to flow or to deliver the said quantities of compensation water respectively in manner by this section provided they shall be liable to a penalty of not exceeding twenty pounds for every day such failure or omission shall continue such penalty to be recoverable summarily by any person interested in the flow of the said quantities of water respectively.

(11) If any difference arise between the Company and any person interested in the water to flow through or over the said gauges or any of them with respect to the construction or use thereof or of any parts thereof such difference shall be settled and determined by a hydraulic engineer to be nominated (unless otherwise agreed on between the parties in difference) on the application of either party after seven days' notice in writing to the other of them by the President for the time being of the Institution of Civil Engineers and

the costs of and incident to the reference shall be borne as the arbitrator shall direct. A.D. 1887.

(12.) The provisions of this section shall be accepted and taken by all persons interested in the flow of the said brooks as full compensation for the waters thereof respectively.

11. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoirs three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding ten feet: Provided that if it be found necessary or expedient in the construction of the reservoirs by this Act authorised to alter the situation of any embankment they may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankments reservoirs and works to any extent not exceeding twenty feet but the Company shall not construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition. Limits of deviation.

12. Notwithstanding anything shown on the deposited plans and sections or contained in this Act the Company shall not alter the level of the road leading from Llanvaches to Foresters Oak so as to have a steeper gradient than 1 in 12. As to gradient of road Llanvaches to Foresters Oak.

13. Subject to the provisions and for the purposes of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use compulsorily or by agreement the following lands shown upon the deposited plans and described in the deposited book of reference (that is to say):— Power to acquire additional lands.

Certain lands and buildings known as New Mill in the parishes of Shirenewton and Newchurch otherwise Newchurch West; also

Certain lands and buildings known as Cribah Mill in the parishes of Shirenewton and Caerwent; also

Certain lands and buildings known as Upper Cwm Mill in the parish of Caerwent; also

Certain lands and buildings known as Lower Cwm Mill in the parishes of Shirenewton and Caerwent.

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Period for compulsory purchase of lands.

Owners may be required to sell parts only of certain lands and buildings.

14. 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 five years from the passing thereof.

15. And whereas in the construction of the works hereby authorised it may happen that portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Period for completion of works.

16. If the works authorised by this Act be not completed within six 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 in this section shall restrict the Company from extending their works mains and pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their existing limits of supply.

Power to take easements &c. by agreement.

17. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being 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 rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

18. In addition to any other lands which the Company are under the former Acts and this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands not exceeding in the whole twenty acres in extent or any term interest or easement (not being an easement of water) in any such lands: Provided that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking of the Company.

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Purchase of
lands by
agreement.

19. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Sale of super-
fluous lands.

20. 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.

Restriction
on displacing
persons of
the labouring
class.

For the purposes of this section the expression "labouring class" includes mechanics artisans 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 such persons who may be residing with them.

21. The Company from time to time may (subject to the provisions of Part II. of the Companies Clauses Act 1863) raise for the purposes of this Act and for the general purposes of their undertaking any additional sum or sums of money not exceeding in the whole one hundred and twenty-eight thousand pounds by the issue

Power for
Company to
raise further
capital.

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at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until the full nominal amount of such share or stock if such share or stock shall be issued at or above par together with any premium obtained upon the sale thereof shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of one hundred and twenty-eight thousand pounds.

Incidents of shares or stock.

22. Subject to the provisions of this Act any capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital: The capital in new shares or stock so created shall subject to the provisions of this Act form part of the capital of the Company:

Provided that no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned except as otherwise expressly provided by the resolution creating the same.

Dividends on new shares or stock.

23. Subject to the provisions of this Act every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Limit of dividends on new shares and stock.

24. The Company shall not out of the profits of their undertaking in respect of any one year make any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any

previous dividend which may have fallen short of the said sum of seven pounds per centum per annum. A.D. 1887.

25. In case in any year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate deduction shall be made in the dividend of each class of such capital. Dividends on different classes of shares or stock to be paid rateably.

26. 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. Receipt in case of persons not sui juris.

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

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

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Newport and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the Notice to be given as to sale &c. of shares or stock.

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case may be and notice of such intention shall be advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

Shares or stock not sold by auction or by tender to be offered to shareholders.

30. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered to the holders of ordinary shares or stock of the Company and if not accepted may be disposed of by the Company in manner provided by the Companies Clauses Act 1863.

Application of premium arising on issue of shares or stock.

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

Power to borrow.

32. The Company may in respect of the additional capital of one hundred and twenty-eight thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time of such borrowing issued together with the premium (if any) realised on the sale thereof shall have been fully 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 such shares and stock and premium (if any) have been issued and fully paid up 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 certificate shall be sufficient evidence thereof.

For appointment of a receiver.

33. 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 in the whole than ten thousand pounds.

Debenture stock.

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

but notwithstanding anything therein or in the former Acts contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the former Acts or any of them and this and any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock.

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

As to conversion of borrowed money into capital.

36. All money 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 or dividend on their mortgages or debenture stock.

As to priority of mortgages and debenture stock.

37. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only for the purposes of this Act and the general purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable.

Application of moneys raised under this Act.

38. 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 from duly

Fraudulently injuring meters &c.

A.D. 1887. — registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *primâ facie* evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Repair of
meters.

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

Register of
meter to be
primâ facie
evidence.

40. The register of the meter shall be *primâ facie* evidence of the quantity of water consumed in respect of which any water rent is charged and sought to be recovered by the Company: Provided always that if the Company and the consumer differ as to the quantity consumed such difference may be determined upon the application of either party by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Power to
remove
meters and
fittings.

41. Any officer of or person authorised by the Company after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon for the purpose of removing and may remove every such

pipe meter and fitting repairing all damages caused by such entry or removal and every notice required by this section shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in England or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such building or lands.

42. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and water-closets apparatus receptacles fittings and appliances as are required in connection with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Power for
Company
to supply
materials
&c.

43. In the cases in which the Company are authorised to cut off the communication pipe to or turn off water from any premises the Company their agent or workmen (after giving notice to the owner or occupier in manner by this Act provided for the giving of notices by the Company) may with the consent in writing of a justice under his hand enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water shall be supplied to such premises.

Entry on
premises to
cut off supply
in certain
cases.

44. The Company shall not be bound to supply more than one house by means of the same pipe nor one house by means of more than one pipe.

Company
not bound
to supply
several
houses by
one pipe.

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

Notice of
discontin-
ance.

46. Subject to the provisions of this Act the Company may from time to time enter into and fulfil such contracts and arrangements with any sanitary highway or other local authority with respect to the supply of water in bulk without as well as within the Company's limits of supply as the Company think fit and every such contract and arrangement may be on such terms and conditions as the Company think fit and the Company may by agreement vary suspend or rescind any such contracts or arrangements and

Supply of
water in
bulk.

A.D. 1887. Domestic supply not to be interfered with. make others in lieu thereof and in addition thereto: Provided always that the Company shall not supply water in bulk to any such authority beyond the Company's limits of supply 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 throughout the Company's limits of supply.

Costs of Act. 47. 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.

The **SCHEDULE** referred to in the foregoing Act.

A.D. 1887.

LANDS and BUILDINGS of which portions only may be required by
the Company.

Parish.	Numbers on deposited plans (all inclusive).
WORK No. 2.	
Newchurch otherwise Newchurch West	18 to 22.
WORK No. 8.	
Llanvaches	- - - 49 and 50.
WORK No. 9.	
Llanvaches	- - - 55, 56, 57.
ADDITIONAL LANDS.	
Shirenewton	- - - 16.
Caerwent	- - - 9.

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