



CHAPTER cviii.

An Act to authorise the Pontypridd Waterworks Company A.D. 1892.
to construct Additional Waterworks for better supplying
their district with Water and for other purposes.

[20th June 1892.]

WHEREAS by the Pontypridd Waterworks Act 1864 (in this 27 & 28 Vict.
c. xxxvi.
Act referred to as the Act of 1864) the Pontypridd Water-
works Company (in this Act referred to as the Company) were
incorporated and authorised to construct waterworks and to supply
water to and within the town of Pontypridd and the parishes of
Llanwonno Eglwysilan Llantwitfardre and Llantrissant in the county
of Glamorgan :

And whereas by the Pontypridd Waterworks Act 1875 (in this 38 Vict.
c. xliii.
Act referred to as the Act of 1875) the Company were authorised to
construct new or additional waterworks and their limits of supply
were extended so as to include portions of the Rhondda Fawr and
Rhondda Fach Valleys in the adjoining parish of Ystrad-y-fodwg
in the said county :

And whereas by the Pontypridd Water Order 1883 (in this Act
referred to as the Order of 1883) which was duly confirmed by Par-
liament the Company were authorised to raise additional capital for
completing improving and extending the waterworks authorised
by the Act of 1864 and the Act of 1875 and for laying down mains
pipes and other works of distribution in connexion with such
waterworks :

And whereas it is expedient that the Company be empowered
to acquire the land and construct the additional waterworks herein-
after described and to obtain a further supply of water for the
increasing population of their district :

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

And whereas plans and sections showing the lines situations and
levels of the waterworks authorised by this Act and the lands which

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may be taken under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after referred to as the deposited plans sections and books of reference :

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

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

Short title.

1. This Act may be cited as the Pontypridd Waterworks Act 1892.

Incorporation of general Acts.

2. The Lands Clauses Acts ;

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 reservoir filter beds and service tanks and works immediately connected therewith by this Act authorised and such portions of the conduits or lines of pipes described in this Act 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 Provided that the Waterworks Clauses Act 1847 as incorporated in this Act and in the previous Acts of the Company shall be read and have effect as if the words " with the " previous consent in writing of the owner or reputed owner of any " such house or of the agent of such owner " were omitted from the forty-fourth section thereof.

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 nonpayment 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 ;

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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) and Part III. (relating to debenture stock) 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 the 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 for the purposes of this Act the expression—

Interpretation.

“Superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

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 reservoir filter beds and service tanks and works immediately connected therewith and the said portions of the conduits or lines of pipes and the boundaries thereof respectively.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections the reservoir filter beds service tanks conduits or lines of pipes byewashes dams weirs pumping station and other works in the county of Glamorgan among which are the following principal works (that is to say) :—

Power to construct works.

(A.) A reservoir partly in the parish of Aberdare and partly in the townships or hamlets of Rhigos and Ystrad-y-fodwg in the parish of Ystrad-y-fodwg to be formed by an embankment two hundred yards or thereabouts in length across the valley of the Rhondda Fach river at or near the point where the Nant-bryny-gelli brook flows into that river and extending up the river for a distance of four furlongs or thereabouts ;

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- (B.) A conduit (No. 1) wholly in the parish of Aberdare commencing in the before-mentioned reservoir at a point sixty-three yards or thereabouts measured in a north-westerly direction from the junction of the Nant-bryn-y-gelli brook with the Rhondda Fach river and terminating by a junction with the Company's existing water main at the southern end of their filter bed at Castell Nos near Maerdy ;
- (C.) Filter beds and service tank (No. 1) wholly in the parish of Aberdare to be situate alongside of Conduit (No. 1) before described about half-a-mile from the commencement of that conduit commencing at a point twenty-five yards or thereabouts measured in an easterly direction from the bridge over the Rhondda Fach river called " Pont Llustwen " and terminating at a point two hundred and seventy-three yards or thereabouts measured in a south-easterly direction from the said bridge ;
- (D.) Filter beds and service tank (No. 2) wholly in the parish of Aberdare to be situate alongside of Conduit (No. 2) hereinafter described commencing at a point thirty yards or thereabouts measured in a southerly direction from the cottage at Castell Nos occupied by John McCarthy the Company's waterman and terminating at a point one hundred and seventy-eight yards or thereabouts measured in a southerly direction from the said cottage ;
- (E.) A conduit (No. 2) commencing in the parish of Aberdare by a junction with Conduit (No. 1) at the termination thereof before described and terminating in the township and parish of Ystrad-y-fodwg by a junction with the Company's existing water main at the northern end of Wrgant Place Maerdy ;
- (F.) A conduit (No. 3) wholly in the parish of Eglwysilan commencing in the brook called Nant-cae-dudwg at the boundary between the parishes of Eglwysilan and Llanfabon at a point thirty-seven yards or thereabouts measured in a northerly direction from the old mill called Velin Fach and terminating in the north-eastern corner of the Company's Cilfynydd reservoir ;
- (G.) A conduit (No. 4) wholly in the parish of Eglwysilan commencing at a point in a stream on Bodwenarth Farm eleven yards or thereabouts measured in a westerly direction from the south-western corner of the enclosure numbered 631 on the 25-inch Ordnance map and terminating in and near to the south-eastern corner of the Company's Cilfynydd reservoir ;
- (H.) A conduit (No. 5) wholly in the parish of Llanwonno commencing in the brook called Nant-blaen-hen-wysg at a point forty yards or thereabouts measured in a southerly direction

down the brook from the south-eastern corner of the enclosure numbered 1491 on the 25-inch Ordnance map and terminating in the public road by a junction with the Company's existing water main at a point opposite Brynhyfryd House in Hopkinstown. A.D. 1892.

5. In addition to the foregoing works the Company may subject to the provisions of this Act make and maintain upon the lands shown on the deposited plans and described in the deposited books of reference all necessary and convenient approaches embankments roads ways wells tunnels adits tanks filter beds dams sluices outfalls channels conduits drains pipes and engines in connexion with or subsidiary to the before-mentioned works or any of them for enabling the Company to obtain collect and filter store and distribute water. Power to make subsidiary works.

6. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as they require for the purposes of this Act and may by means of the works authorised by this Act take divert collect impound appropriate and use for the purposes of the undertaking all such springs streams and waters as may be intercepted by the works by this Act authorised or as may be found in or under any of the lands for the time being belonging to the Company and also the following streams and waters or any of them (that is to say) :— Power to take lands and waters.

The Rhondda Fach river and the streams brooks and springs known respectively as the Nant-bryn-y-gelli Nant-bryn-y-gelli-uchaf Nant-rhyd-felin Nant-cae-dudwg Bodwenarth Nant-blaen-hen-wysg and Williamstown springs the waters of all of which flow directly or indirectly into the River Taff.

7. In the construction of the works authorised by this Act the Company may deviate to any extent not exceeding the limits of 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 reservoir filter beds and service tanks three feet upwards and seven feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards. Provided that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of any embankment or weir they may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment Limits of deviation.

A.D. 1892. — weir reservoir and works as shown with reference to the datum line to any extent not exceeding twenty feet but the Company shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Power to acquire additional lands.

8. Subject to the provisions of this Act and for the purposes of their undertaking 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 books of reference (that is to say) :—

- (1.) Two acres or thereabouts of land in the parish of Eglwysilan now forming part of the properties numbered 82 83 and 107 on the 25-inch Ordnance map of that parish ;
- (2.) One acre or thereabouts of land at Williamstown in the parish of Llantrissant on which a service tank of the Company is situate forming part of the property numbered 72 on the 25-inch Ordnance map of that parish and all springs of water on lands of the owners of the Dinas Estate herein-after mentioned within a radius of four hundred yards from the centre of the said tank measured on the north-eastern side of the public road leading from Peny-graig to Trebanog.

Period for compulsory purchase of lands.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing thereof.

Period for completion of works.

10. If the works authorised by this Act be not completed within five 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 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 limits of supply :

For the protection of the Pontypridd and Ystradyfodwg Local Boards.

Provided that for the protection of the Pontypridd and Ystradyfodwg Local Boards (herein-after called the local boards) the following provisions shall have effect (namely) :—

- (A.) The Company shall construct and complete within fifteen months from the passing of this Act the filter beds and service tank (No. 2) herein-before described and also shall construct and complete the other filter beds authorised by this Act within four years from the passing of this Act ;
- (B.) The service tanks to all filter beds authorised by this Act shall be constructed to contain not less than one hundred

thousand gallons of filtered water each and such service tanks shall be at all times open to inspection by the local boards or their officers ;

- (c.) The existing Rhiw tank shall be constantly supplied with filtered water so that there shall always be at least one foot of water in the said tank above the inlet to the pipe supplying the town of Pontypridd therefrom. A proper self-closing valve shall be provided on the inlet to the said tank to prevent waste of the water from the Maerdy service tank by overflowing from the Rhiw tank ;
- (d.) The Company shall within eighteen months from the passing of this Act lay down and complete a separate and independent line of mains not less than five inches in diameter and connect the same with their existing Maerdy service tank so as to be in a position to supply every portion of the districts of Williamstown Edmondstown and Penygraig within the Company's limits and shall keep the said mains charged with water at all times under constant pressure ;
- (e.) The Company shall keep their mains throughout the districts of the local boards charged with water at all times under constant pressure and shall provide such means as will best enable them to do so ;
- (f.) The Company shall carry out the works authorised by this Act so as to give in the first instance a storage capacity of not less than one hundred and sixty million gallons of water and shall further increase their storage capacity if found necessary so as to bring it up to two hundred million gallons of water ;
- (g.) After completion of the filter beds and service tank (No. 2) herein-before referred to all water not supplied direct from springs within the districts of the local boards shall be properly filtered before the same shall be allowed to enter the mains.

11. The waterworks herein-before described and authorised by this Act shall for the purpose of rates rents and charges and for all other purposes be part of the waterworks and undertaking of the Company.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts 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 or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Existing water-works and those authorised by this Act to form one undertaking.

Power to take easements &c. by agreement.

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Purchase of
lands by
agreement.

13. 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 ten acres in extent or any easement (not being an easement of water) in any such lands Provided that the Company shall not create or permit any nuisance on any such lands and that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking of the Company.

Sale of
superfluous
lands.

14. 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.

For the pro-
tection of
Caroline
Elizabeth
Williams
and others.

15. For the protection of Caroline Elizabeth Williams Morgan Bransby Williams Arthur John Williams and their successors and assigns owners for the time being of the Dinas Estate (herein-after called the owners) and their lessees and tenants the following provisions shall unless otherwise agreed between the Company and the owners have effect (that is to say) :—

(1.) Before taking or using any water of the Williamstown springs the Company shall construct and shall thereafter maintain to the reasonable satisfaction of the owners a covered tank of sufficient capacity as herein-after mentioned in such convenient and accessible position near the said springs as the owners and Company shall agree and in case of difference shall be determined by arbitration and shall collect and lead the waters of such springs into the said tank ;

(2.) The Company shall to the like satisfaction construct an outlet pipe from the said tank with a self-acting tap capable of discharging eight thousand gallons in twenty-four hours for the exclusive use of the owners and such of their lessees and tenants as cannot or by the default of the Company may not for the time being be supplied with water by gravitation from the works of the Company and such owners and their lessees and tenants shall at all times have access to the said tank and

outlet pipe and the right to take water free of charge from the said tank by means of the said outlet pipe ;

(3.) The Company shall not be entitled to take water from the said springs otherwise than through or over an upstand pipe or weir in the said tank at a level not less than nine inches above the top of the aforesaid outlet pipe And the said outlet pipe and upstand pipe or weir shall be fixed in such positions respectively as shall always secure a storage between the said outlet pipe and upstand pipe or weir of six hundred gallons in the said tank ;

(4.) The Company shall within two years from the date of the passing of this Act lay down and complete to Williamstown a separate and independent line of mains not less than six inches in diameter and connect the same with their existing Mardy reservoir and shall keep the same constantly charged with water under the pressure obtainable by gravitation from such reservoir so as to be in a position to supply any houses now built or hereafter to be built on the estate of the owners which can be reached by gravitation from the said reservoir ;

(5.) Any difference which may arise between the owners or their lessees or tenants and the Company under this section shall be determined by an arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the decision of such arbitrator shall be final and the costs of such arbitration shall be in his discretion.

16. For the protection of the Marquess of Bute (herein-after referred to as the said Marquess which expression shall include his sequels in estate and assigns) the following provision shall have effect:—

For the protection of the Marquess of Bute.

Notwithstanding the power by this Act conferred upon the Company to divert and take the water of the Rhondda Fach river and its tributaries Nant-bryn-gelli Nant-bryn-y-gelli-uchaf and Nant-rhyd-felin the Company shall at no time divert or take water from the said river or its tributaries so as to reduce the flow of water in its passage through the property of the said Marquess either above or below any point or points at which such water may be so diverted and taken below such a quantity of water as shall from time to time be necessary for the efficient winning working converting and manufacturing of the minerals under the said property and for all the agricultural uses and purposes of the said property and the tenants thereof and it shall be lawful for the said Marquess and the lessees and tenants of the said Marquess to take and use such water accordingly but this provision shall not authorise the

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taking or using of such water for the purpose of working any water-wheel or low pressure steam engine. And this provision shall be deemed to be full compensation under the Waterworks Clauses Act 1847 and otherwise to the said Marquess and such lessees and tenants in respect of their right of using the streams and waters which the Company are by this Act authorised to take and for all damage sustained by them through the exercise of the powers of the Company with respect to such streams and waters.

For the protection of Lord Windsor and others.

17. For the protection of the Right Honourable Robert George Lord Windsor his heirs successors in estate and assigns or other the owner or owners of the Windsor Estate in the parish of Eglwysilan (all of whom are in this section included in the expression the owner) and the lessees and occupiers of the said estate or of any part or parts thereof and of the mines and minerals under the same the following provisions shall unless otherwise agreed between the owner and the Company have effect (that is to say) :—

- (1.) Notwithstanding the works authorised and powers conferred by this Act on the Company the owner and the said lessees or occupiers shall be at liberty from time to time without let or hindrance to cultivate and manure the land on the said estate and to sink pits work mines and erect works and buildings upon or under any part or parts of the said estate as freely and fully as if this Act had not been passed and the Company shall from time to time at their own expense construct and maintain such sewers intercepting drains or other works as may be found necessary to intercept and carry away all foul or impure water and sewage caused by or arising from any such pits mines works or buildings or from agricultural operations and prevent the same from flowing into the Nant-cae-dwdwg brook above the point at which the waters of such brook shall be intercepted taken or used by the Company under this Act ;
- (2.) The Company may purchase and acquire an easement in the lands of the owner necessary for the purpose of constructing such sewers intercepting drains or other works ;
- (3.) All such sewers intercepting drains or other works shall be constructed to the reasonable satisfaction of the engineer for the time being of the owner :
- (4.) The owner and the said lessees and occupiers shall so far as the Company are concerned at all times be entitled notwithstanding this Act to take a sufficient supply of water for domestic agricultural mining and manufacturing purposes from the said Nant-cae-dwdwg brook and other springs and streams situated or abutting upon or intersecting the said estate and

to make such ponds and watercourses as they may think necessary for those purposes ;

- (5.) The owner and the said lessees or occupiers shall not be responsible or in any way liable to make good or to pay compensation for any injury or damage which may be occasioned or arise in consequence of the fouling of the said brook or its tributaries from or by reason of any domestic mining agricultural or other operations ;
- (6.) Any dispute or question which may from time to time arise between the Company and the owner or the said lessees or occupiers under the provisions of this section shall be settled by arbitration in manner provided by the Public Health Act 1875.

18. For the protection and benefit of Ralph Thurstan Bassett or other the owner for the time being (in this section referred to as the owner) of the Bodwenarth Estate in the parish of Eglwysilan the following provisions shall be in force and have effect (that is to say) :—

For the protection of Ralph Thurstan Bassett.

- (1.) The Company shall at their own expense lay down a communication pipe from their Conduit No. 4 to one or more small tanks or cattle troughs to be provided at the like expense and placed in such a position on the said estate as may be reasonably selected by the owner where water can be delivered thereto by gravitation from the said conduit ;
- (2.) The said communication pipe shall not be less than one inch external diameter and the tank or cattle trough shall be at least ten feet in length three feet in width and one foot in depth and placed wholly or partially above the surface of the ground as the owner shall in the first instance direct and after such pipe shall have been laid and tank or trough provided the Company shall thereafter maintain the same in good order but shall not be required to repair any damage thereto caused by the occupiers of the land or his servants or cattle and no claim shall be made on the Company in respect of any land or easement required for laying down repairing or renewing the said communication pipe or for the site of the said tank or cattle trough ;
- (3.) The Company shall cause to be delivered by gravitation through the said communication pipe at or into the said tank or cattle trough water of good quality to supply the said tank or trough and for ordinary domestic and farming purposes not exceeding five hundred gallons a day free of charge ;
- (4.) The Company may if they think fit place a water meter at or near the junction of the communication pipe with the said

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conduit for ascertaining the quantity of water passing into or through the pipe and they may fix a screw-down valve on the pipe by which the flow of water through the same may be adjusted and one or more screw taps shall be affixed at or near to the end of the communication pipe at the said tank or trough and placed in charge of the occupiers of the farm or land in order to prevent the water running to waste ;

- (5.) The houses on the Bodwenarth Estate requiring a supply of water from the Company shall be supplied at the lowest rate or rent charged to any other houses of a similar description and value within the parish of Eglwysilan ;
- (6.) The owner shall be at liberty from time to time to take such a quantity of water as may be reasonably necessary for the winning working and manufacturing of the minerals under his property ;
- (7.) The owner and occupiers of the land respectively accept the foregoing provisions of this section in satisfaction of all their claims against the Company under the Waterworks Clauses Act 1847 or otherwise except compensation for any land or easement taken or used for works other than the pipe and tank or trough provided for in this section.

For protection of Cefn Mably Estates.

19. The following provisions shall apply for the protection of the Cefn Mably estates in the county of Glamorgan of which estates Halswell Milborne Kemeys-Tynte is or claims to be tenant for life and for the protection of the said Halswell Milborne Kemeys-Tynte or other the owner or owners of the said estates (who are in this section meant by and included in the expression the owner) :—

- (A.) The Company shall in lieu of the existing sheep-washing place which they may take under the powers of this Act construct and for ever maintain and supply with water by gravitation from their works free of charge a suitable and convenient sheep-washing place at such a point as shall be determined by the owner and the Company and in all respects to the reasonable satisfaction of the owner ;
- (B.) The Company shall provide and maintain and supply with water free of charge two suitable and convenient tanks or drinking places for cattle and sheep at such points as may be determined by the owner and the Company and can be reached by gravitation from Nant-rhyd-felin ;
- (C.) The owner and his tenants shall accept the foregoing provisions of this section in satisfaction of all claims against the Company in respect of the site of the existing sheep-washing place or the land required for the substituted sheep-washing place or otherwise except compensation for any land or ease-

ment taken or used for any works other than the works provided for in this section ; A.D. 1892.

(D.) In case any difference shall arise between the Company and the owner touching the provisions of this section such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either of the parties by the President for the time being of the Institution of Civil Engineers.

20. Where a line of pipes of the Company shall be laid or pass through or under any part of the Cilfynydd Estate in which Messrs. Ebenezer Lewis Matthew Cope Henry Lewis and Philip Augustus Vyvyan Robinson and the Albion Steam Coal Company Limited are interested the said Ebenezer Lewis Matthew Cope Henry Lewis and Philip Augustus Vyvyan Robinson and the coal company shall in no way be restricted in the exercise of their right of using the land adjacent to and over such line of pipes as tipping ground in connexion with their colliery or mine but before they extend any tipping bank within fifty yards of any part of such line of pipes they shall if they intend to extend the same nearer to or over such line of pipes give to the Company one month's notice in writing of their intention so to do in order that the Company may if they think fit deviate their line of pipes or place a protective culvert over the same and the said Company shall not be entitled to compensation or payment from the said Ebenezer Lewis Matthew Cope Henry Lewis and Philip Augustus Vyvyan Robinson or the said coal company for damage which may be done or caused to the Company's line of pipes works or culvert by reason of the said Ebenezer Lewis Matthew Cope Henry Lewis and Philip Augustus Vyvyan Robinson or the coal company tipping over the same and by the exercise of their mining rights.

Albion
Steam Coal
Company
may tip over
pipes after
giving notice
to Company.

21. For the protection and benefit of the owners or owner for the time being (in this section referred to as the owners) of the Fidgeyn Farm in the parish of Eglwysilan the following provisions shall be in force and have effect (that is to say) :—

For the pro-
tection of
Miss Clara
Thomas and
others.

(1.) Before taking any water from the Nant-cae-dudwg brook the Company shall at their own expense lay down a communication pipe from Conduit No. 3 herein-before described to a small tank or cattle trough to be provided at the like expense and placed in such position selected by the owners near the Fidgeyn farmhouse or homestead as to admit of water being delivered thereto by gravitation from the said conduit ;

(2.) The said communication pipe shall not be less than one inch internal diameter and the tank or cattle trough shall be at least ten feet in length three feet in width and two feet in depth and

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placed wholly or partly above the surface of the ground as the owners shall in the first instance direct and after such pipe shall have been laid and tank or trough provided the Company shall thereafter maintain the same in good order but shall not be required to repair any damage thereto caused by the occupier of the said farm or his servants or cattle and no claim shall be made on the Company in respect of any land or easement required for laying down repairing or renewing the said communication pipe or for the site of the said tank or cattle trough ;

- (3.) The Company shall cause to be delivered by gravitation through the said communication pipe at or into the said tank or cattle trough pure and wholesome water to supply the said tank or trough with such water for the ordinary domestic and agricultural purposes of the said farmhouse or homestead (such supply not being less than 500 gallons a day) free of charge ;
- (4.) The Company may if they think fit place a water meter at or near the junction of the communication pipe with the said conduit for ascertaining the quantity of water passing into or through the pipe and they may fix a screw-down valve on the pipe by which the flow of water through the same may be adjusted and one or more screw taps shall be affixed on or near to the end of the communication pipe at the said tank or trough and placed in charge of the occupier of the said farm in order to prevent the water running to waste ;
- (5.) The owners lessees and occupiers interested in the said farm and injuriously affected by the abstraction of water by the Company from the Nant-cae-dudwg brook shall be entitled to claim and receive compensation in money according to the provisions of the sixth section of the Waterworks Clauses Act 1847 for any loss damage or injury sustained by them and not fully satisfied by the provisions of this section.

For the protection of
Glamorgan-
shire Canal.

22. For the protection of the Company of Proprietors of the Glamorganshire Canal Navigation (herein-after referred to as the canal company) the following provisions shall have effect :—

- (A.) Before the Company shall take or divert any water from the brook called Nant-cae-dudwg or any tributary thereof the Company shall at their own expense to the reasonable satisfaction of the canal company or their engineer construct and erect at a point upon the said brook within twenty yards above the point at which the canal company divert the water from the brook into their canal a proper and sufficient measuring gauge of the width of three feet and the Company shall not take or divert any water from the said brook or any tributary thereof

except at times when water to the depth of two inches at the least shall be flowing over such gauge and shall not take divert or abstract any water from the said brook at any point or points nearer to the canal of the canal company than the point at which such gauge shall be fixed ;

(B.) The Company shall at all times keep the said gauge in good order repair and condition and if at any time the same shall be in any way defective or in need of repair the Company shall not take or divert any water from the said brook or any tributary thereof until they shall have repaired and made good such gauge ;

(c.) The said gauge and also any works of the Company by means of which any water shall from time to time be taken or diverted from the said brook or any tributary thereof may at any time or times be inspected by the canal company or any person or persons employed by them ;

(D.) In case the Company shall at any time take or divert any water from the said brook or any tributary thereof when water to the depth of two inches at least shall not be flowing over the said gauge or shall at any time take or divert any water from the said brook or any tributary thereof at any point nearer to the canal of the canal company than the said gauge or at any time when the said gauge shall be defective or in need of repair the Company shall pay to the canal company a penalty of ten pounds for every day during which or in any part of which any such taking or diverting of water shall take place which penalty with full costs of suit shall be recoverable by the canal company by action in any court of competent jurisdiction Provided that such penalty shall not be incurred until notice shall have been given by or on behalf of the canal company at the offices of the Company or to some official of the Company requiring the Company to desist from taking or diverting water and the Company shall have failed for four hours after any such notice shall have been given to comply therewith and if the Company shall at any time within fourteen days after any such notice take or divert any water contrary to the provisions of this section such penalty as aforesaid shall be incurred without any further notice.

23. For the protection of the owners for the time being of the estate in the parish of Ystradyfodwg in the county of Glamorgan known as the Fforchorchwy Estate (all of whom are in this section included in the expression the owners) and of the minerals thereunder the following provisions shall have effect (that is to say) :—

For protection of the Fforchorchwy Estate.

A.D. 1892.

(1.) For the purpose of making and maintaining the Conduit No. 1 by this Act authorised the Company shall have the right to take an easement only in through or over the said estate and shall not for the purpose of such conduit without the previous consent in writing of the owners acquire the ownership or right to the surface of any part of the said estate :

Provided that the engineer workmen and servants of the Company shall at all reasonable times have free and uninterrupted access to the said conduit for the purposes of inspecting repairing and altering the same making good all damage caused by so doing ;

(2.) Notwithstanding the power by this Act given to the Company to divert and take the water of the Rhondda Fach river the Company shall at no time divert or take water from the said river so as to reduce the flow in its passage along the said estate above the point at which it enters the Company's existing reservoir at Mardy below such a quantity of water as shall from time to time be necessary for the effective winning working raising converting and manufacturing of the minerals under the said estate and for all the uses and purposes of the said estate and the tenants thereof except for motive power and it shall be lawful for the owners and their respective lessees and tenants to take and use such water accordingly ;

(3.) The Company shall construct and maintain in some convenient situation on the Fforchorchwy brook at Mardy on the said estate (to be agreed on between the Company and the owners or in default of agreement to be settled as herein-after prescribed) separated therefrom and below the intake a suitable place for sheep-washing and at which the owners and their lessees and tenants may wash the sheep depastured on the said estate ;

(4.) If any difference arise between the Company on the one hand and the owners or their lessees or tenants on the other hand under the provisions of this section such difference shall be settled by an engineer to be appointed (unless agreed on between the parties) by the President of the Institution of Civil Engineers on the application of either of the parties in difference and his decision shall be conclusive and binding on the parties and the costs of the arbitration shall be borne as he shall direct.

For protec-
tion of Great
Western
Colliery
Company
Limited.

24.—(1.) Notwithstanding anything in this Act or shown upon the deposited plans the Company shall not without the consent of the Great Western Colliery Company Limited (herein-after referred to as the colliery company) under their common seal abstract or

divert any water from the Blaenhenswysg brook unless and until the Company shall have provided by proper and sufficient works for the supply of water to the colliery company as herein-after provided from other works or resources of the Company. A.D. 1892.

(2.) If after the completion of such works or with such consent as aforesaid the Company abstract or divert any water from the said brook they shall erect and maintain proper measuring gauges or meters for the purpose of ascertaining the quantity of water which they so abstract or divert from the said brook and the quantity of water which they supply to the colliery company as herein-after provided and the said colliery company shall at all times have access to such gauges or meters and the right to inspect the same and the Company shall if and whenever required so to do by the colliery company by notice in writing within twenty-four hours of the receipt of such notice supply by means of the works aforesaid into a reservoir to be constructed by the colliery company above the level of their Tymawr pits a daily quantity of water equal to that which is in any day abstracted or diverted by the Company from the said brook.

(3.) If the Company fail at any time to maintain the aforesaid works gauges and meters in proper and fit condition and repair the colliery company may themselves repair the same and recover the cost of so doing from the Company in a summary manner.

(4.) If the Company fail at any time to supply water to the colliery company as herein-before provided they shall for every day on which such failure occurs forfeit and pay to the colliery company as liquidated damages the sum of fifty pounds and the payment of such sum shall not prejudice the right of the colliery company to enforce the observance of the provisions of this section in any court of competent jurisdiction.

25. For the protection of the owners and lessees for the time being of the Mardy Farm and collieries the following provision shall have effect:—

For the protection of the owners and lessees of the Mardy Farm and collieries.

Sub-section 6 of section 9 of the Pontypridd Waterworks Act 1875 shall be read and extended so as to apply to the reservoir to be constructed by the Company under the powers of this Act as well as to the reservoir authorised by the Act of 1875 and as if such first-mentioned reservoir had been included and referred to in that sub-section and as if the term owners in that sub-section included the owners and lessees of the colliery as well as of the farm.

26. For the protection of James Walter Insole George Frederick Insole and William Henry Lewis the owners of the Cymmer

For the protection of the owners

A.D. 1892.
of the
Cymmer
Collieries.

Collieries (herein-after referred to as the colliery owners which expression shall include their successors and assigns) It is agreed that the Company shall subject to the provisions of the section of this Act whereof the marginal note is (supply of water in bulk) and so far as those provisions can be applied supply the colliery owners with such quantity of water as shall from time to time be reasonably necessary for the efficient winning working converting and manufacturing of the minerals of the colliery owners at a price not greater than the lowest price which the Company shall for the time being be charging for water supplied for any similar purpose whatever but such price shall at no time exceed the price of sixpence per one thousand gallons up to one million gallons and fourpence per one thousand gallons for any quantity beyond one million gallons.

Restriction
on taking
houses of
labouring
class.

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

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

Power for
Company to
raise further
capital.

28. The Company may from time to time (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking raise any additional capital not exceeding in the whole one hundred and twenty thousand pounds by the issue 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 such share or stock vest in the person or corporation 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 thousand pounds Provided also that not less than one half the amount of such additional capital shall be raised by ordinary shares or stock. A.D. 1892.

29. 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 : Incidents of shares or stock.

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.

30. Any preference shares or stock created by the Company under the authority of this Act and the dividends thereon shall rank next after the existing preference shares in the capital of the Company and in priority to all ordinary shares and stock created under the Act of 1864 the Act of 1875 or the Order of 1883 or to be created under this Act. Ranking of new preference shares or stock.

31. 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. Dividends on new shares or stock.

32. The Company shall not out of the profits of their undertaking in respect of any one year make any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital 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. Limit of dividends on new shares or stock.

33. The net profits of the Company shall continue to be applied in the manner prescribed by section 16 of the Order of 1883 but in Dividends on different classes of

A.D. 1892.
—
shares or
stock.

case in any year the net profits 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 from the dividend of each class.

New shares
or stock to
be offered by
auction or
tender.

34. 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 such 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.

Time for
paying up
shares or
stock sold by
auction.

35. 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.

Notice to be
given as to
sale &c. of
shares or
stock.

36. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerks to the Pontypridd and Ystrad-y-fodwg Local Boards and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said local board districts.

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

37. 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 at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the

holders of ordinary shares or stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act but with a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares or stock so offered) and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time on failure of any sale or offer.

A.D. 1892.

38. 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.

Application of premium arising on issue of shares or stock.

39. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums 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 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.

Power to borrow in respect of additional capital.

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

As to conversion of borrowed money into capital.

A.D. 1892.

Priority of principal moneys secured by existing mortgages.

41. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repeal of provisions of former Acts with respect to appointment of receiver.

42. Every provision in any Act relating to the Company passed before the present Session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

For appointment of receiver.

43. 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 thousand pounds in the whole.

Power to create debenture stock.

44. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under any previous Act or this Act or 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 such 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.

Receipt in case of persons not *sui juris*.

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

Priority of money raised on mortgage or debenture

46. All money raised or to be raised by the Company on mortgage or debenture stock 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 rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

A.D. 1892.
—
stock over
other claims.

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

Application
of moneys.

48. Subject to the provisions of this Act the Company may from time to time enter into and fulfil contracts and agreements with any local authority company or persons within or adjoining the Company's limits of supply with respect to the supply of water in bulk or otherwise to any such local authority company or persons and every such contract and agreement 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 agreements and make others in lieu thereof or in addition thereto Provided always that the Company shall not supply water under any such contract or agreement as aforesaid beyond their limits for the supply of water or for other than domestic purposes within those limits if and so long as such supply would prevent the Company from giving a full and efficient supply for domestic purposes within such limits.

Supply of
water in bulk.

Domestic
supply not to
be interfered
with.

49. The agreement between the Company and the Lockets Merthyr Steam Coal Company Limited dated the sixteenth day of December one thousand eight hundred and ninety-one set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto their successors and assigns.

Confirming
agreement
between the
Company and
the Lockets
Merthyr Steam
Coal Company
Limited.

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

Costs of Act.

A.D. 1892.

SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made this 16th day of December 1891 between THE PONTYPRIDD WATERWORKS COMPANY (herein-after called "the Water Company") of the one part and THE LOCKETS MERTHYR STEAM COAL COMPANY LIMITED (herein-after called "the Colliery Company") of the other part.

Whereby it is agreed as follows :—

1. The Water Company shall be empowered so far as the Colliery Company have power to allow them at their own cost to remove their main from the present site along the line shown on the plan hereto annexed and marked "Existing Main A B C" to a line shown on the said plan and marked "Proposed diversion of Main A D C" and the Colliery Company so far as they have power as aforesaid ratify and confirm the deviation of the said main already made or being made by the Water Company ;
2. The Colliery Company and Water Company to have the same rights and privileges and be liable to the same obligations as in clause 9 in the Water Company's Act of 1875 so far as they can apply to the new main except that the diversion of main by these presents authorised shall be at the sole expense of the Water Company ;
3. The Colliery Company shall grant as far as they have power to do so but not further an easement for the laying of the Water Company's pipes across their railway at the point marked "D" on the said plan the Water Company to make good any damage that may occur from leakage or bursting of the pipes at or near the said point "D" ;
4. In consideration of the Colliery Company not putting their boilers on the Mardy Estate which would entitle them to a supply of water from the Water Company's mains but erecting them on the Fforchorchwy Estate the Water Company agree to the Colliery Company taking the water from the Fforchorchwy streams and the Colliery Company undertake to provide a reservoir or pond and impound the said Fforchorchwy streams to the same extent as the Water Company have provided for the Colliery Company at their Mardy Colliery and in the event of the water from such last-mentioned reservoir or pond being insufficient for the supply of the boilers so to be erected on the Fforchorchwy Estate then and in that event only the Colliery Company shall be entitled to

a supply of water from the Water Company's mains for the said
boilers in the same manner as if such boilers had been erected on the
Mardy Estate.

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—

As WITNESS the seals of the respective Companies.

The common seal of the Pontypridd Waterworks Company
was hereunto affixed in the presence of

(Signed) MORGAN MORGAN
Secretary.



(Signed) THOMAS WILLIAMS
Chairman.

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