



### CHAPTER clxviii.

An Act to confer further powers upon the Mayor Aldermen and Burgesses of the Borough of Newport with respect to Waterworks and other matters and for other purposes.

A.D. 1897.

[6th August 1897.]

**W**HEREAS the borough of Newport in the county of Monmouth is a municipal borough under the government of the mayor aldermen and burgesses thereof (herein-after called "the Corporation") and is a county borough under the Local Government Acts 1888 and 1894 and the Corporation acting by the council of the borough are the sanitary authority of the borough with the powers and obligations of an urban authority:

And whereas by the Newport (Monmouthshire) Corporation Water Act 1888 (in this Act called "the Act of 1888") the undertaking and powers of the Newport Waterworks Company were transferred to the Corporation and the Corporation were also authorised to construct certain additional works for the purpose of increasing their supply of water pending the construction of extensive reservoirs and waterworks which had been authorised to be constructed under the powers of the Newport Waterworks Act 1887 (in this Act called "the Act of 1887"):

And whereas the Corporation commenced the construction of the principal reservoir authorised by the Act of 1887 and therein referred to as "the Llanvaches Reservoir" but owing to difficulties which arose in the course of such construction the completion thereof was greatly delayed and the cost of the works authorised by the said Act of 1887 will be increased:

And whereas by the Act of 1887 the period for the completion of the works thereby authorised was limited to six years from the date of the passing of that Act which received the Royal Assent on the nineteenth day of July one thousand eight hundred and eighty-seven and by the Newport Corporation Act 1892 (in this Act called "the

A.D. 1897. Act of 1892") such period was extended and expired on the nineteenth day of July one thousand eight hundred and ninety-six :

And whereas it is expedient that the powers of the Corporation to construct and complete the said Llanvaches Reservoir be revived and the Corporation be authorised to construct and complete the same as herein-after provided and to construct and maintain the other waterworks by this Act authorised in lieu of certain of the waterworks authorised by the Act of 1887 :

And whereas by the Act of 1892 the Corporation were authorised to construct and have constructed tramways within the borough and it is expedient that the Corporation be empowered to extend their tramways and in connexion therewith to make the street widening and improvement by this Act authorised and to exercise the other powers conferred upon them by this Act in relation to their tramways :

And whereas by the Newport Corporation Act 1889 the municipal borough of Newport was extended so as to include a considerable area on the east side of the River Usk and various powers were conferred upon the Corporation with a view to the improvement of that area and the expansion of the town of Newport on that side of the River Usk and in order to afford ready access across the River Usk it is expedient that the Corporation be empowered to establish ferries as by this Act provided :

And whereas it is expedient that the Corporation be authorised to acquire lands for the purposes of their waterworks and other the purposes of this Act :

And whereas it is expedient that further borrowing and other powers be conferred upon the Corporation and that the Corporation be authorised to lend to the Newport School Board and the guardians of the poor for the Newport Union such moneys as those respective bodies are from time to time authorised to borrow :

And whereas there has recently been constituted and founded by Royal Charter a university endowed by parliamentary grants and otherwise called "the University of Wales" and the situation of the buildings and offices of the said university will shortly be determined by the court of the said university :

And whereas the location of the buildings and offices of the said university within the borough would tend to the benefit of the inhabitants thereof and it is expedient that the Corporation be authorised to contribute towards the cost of providing a site for and erecting such buildings and offices and to appropriate any lands for the time being belonging to them for that purpose :

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

And whereas estimates have been prepared by the Corporation showing that the Corporation require to borrow for purposes of their waterworks undertaking further sums amounting to one hundred and fifty thousand pounds and for the purposes of the tramways and street widening and improvement by this Act authorised twenty-nine thousand five hundred pounds: A.D. 1897.

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the eighth day of December one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the *South Wales Daily Star* a local newspaper published or circulating in the borough of Newport (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund:

And whereas such resolution was published twice in the *South Wales Daily Star* a local newspaper circulating in the said borough and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twelfth day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided by Schedule III annexed to the Public Health Act 1875 with respect to resolutions of owners and ratepayers under that Act consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and the works powers to construct which are by this Act revived and the lands intended to be taken compulsorily under the powers of this Act and books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Monmouth and are in this Act referred to as "the deposited plans sections and books of reference":

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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):—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Newport Corporation Act 1897.

Act divided into Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.

Part II.—Waterworks.

Part III.—Tramways.

Part IV.—Lands &c.

Part V.—General.

Part VI.—Rates.

Part VII.—Finance.

Provisions of certain general Acts incorporated.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely:—

The Lands Clauses Acts :

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and the yearly receipt and expenditure of the undertakers) and the Waterworks Clauses Act 1863 :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof :

Section 3 (Interpretation of terms) and section 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 :

Provided that the aforesaid provisions of the Railways Clauses Consolidation Act 1845 shall be read so as to apply only to the construction of the reservoirs and works immediately adjoining the same by this Act authorised or powers to construct which are revived and sections 30 and 31 of the said Act shall also be read so as to apply to the construction of the aqueducts conduits or lines of pipe and each and every of them and notwithstanding anything in sections 2 and 10 of the Act of 1888 section 83

of the Waterworks Clauses Act 1847 shall not apply to the Corporation. A.D. 1897.

4. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):— Interpre-  
tation.

“The borough” means the municipal borough of Newport;

“The Corporation” and “the council” mean respectively the mayor aldermen and burgesses and the town council of the borough;

“The tramway” and “the tramways” mean the tramways by this Act authorised;

“Borough fund” “borough rate” “district fund” and “general district rate” mean respectively the borough fund borough rate district fund and general district rate of the borough:

And the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act (except where otherwise expressly provided) have the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The undertakers” or “the promoters of the undertaking” means the Corporation;

“The railway” means the reservoirs and works immediately adjoining the same and the aqueducts conduits or lines of pipes by this Act authorised and “the centre of the railway” means the boundaries of such works:

And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act and for the purposes of this Act in the Acts 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.

5. This Act shall be carried into execution by the Corporation acting by the council. Act to be  
executed by  
council.

## PART II.—WATERWORKS.

6. Subject to the provisions of this Act and in the lines and according to the levels shown on the deposited plans and sections relating thereto the Corporation may make and maintain in lieu of the Newchurch Reservoir and the Wentwood Reservoir and the Power to  
construct  
works.

A.D. 1897. Aqueducts Nos. 1 2 3 and 4 authorised by the Act of 1887 the following works (that is to say):—

Newchurch Reservoir.—An intake reservoir wholly situate in the parish of Newchurch otherwise Newchurch West to be formed by an embankment across the valley of the Castroggy Brook :

Aqueduct (No. 1).—An aqueduct conduit or line of pipes commencing in the Castroggy Brook immediately above the Newchurch Reservoir aforesaid and terminating in the said brook immediately below the said reservoir :

Aqueduct (No. 2).—An aqueduct conduit or line of pipes commencing near the foot of the inner slope of the embankment of the Newchurch Reservoir aforesaid and terminating in the Llanvaches Reservoir herein-after described :

Aqueduct (No. 3).—An aqueduct conduit or line of pipes (with a dam across the Nant-y-Pridd Brook at the point of commencement thereof) commencing in the Nant-y-Pridd Brook at a point 52 chains or thereabouts measured up the course of the said brook from its junction with the Castroggy Brook and terminating in the aqueduct conduit or line of pipes (No. 2) :

Aqueduct (No. 4).—An aqueduct conduit or line of pipes commencing in the Llanvaches Reservoir at or near the foot of the inner slope of the embankment thereof and terminating in the main road leading from Newport to Chepstow.

Revival of powers.

7. The powers of the Act of 1887 transferred by the Act of 1888 to the Corporation of making and maintaining the storage reservoir therein referred to as the Llanvaches Reservoir and herein-after described and all other powers of the Corporation in reference thereto are hereby revived and may be exercised by the Corporation notwithstanding anything in the said Act of 1887 or the Act of 1892 contained to the contrary and all contracts in reference to such works or powers and to the purchase of land therefor shall be and are hereby continued.

The reservoir above referred to is a storage reservoir situate wholly in the parish of Llanvaches to be formed by an embankment across the valley through which runs the brook (known as the Llanvaches Brook) which rises in Wentwood and flows through the parish of Llanvaches at or about the point at which the partially constructed puddle trench of the reservoir of the Corporation crosses the bed of the said brook and the Corporation may complete and maintain the said reservoir in the lines and according to the levels shown on the deposited plans and sections relating thereto as if

those plans had been referred to in the Act of 1887 in lieu of the deposited plans therein defined. A.D. 1897.

8. The Corporation may in connexion with the waterworks by this Act authorised and the works powers to construct which are by this Act revived make and maintain all such cuts channels adits catch-waters aqueducts mains pipes culverts overflows sluices tanks basins weirs dams filters filter-beds embankments telegraphs telephones and other means of electric communication engines rails machinery apparatus bridges roads and other works and conveniences as may be necessary for and subsidiary to such works or any of them :

Power to make subsidiary works.

Provided that no telegraphs telephones or other means of electric communication constructed under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

9. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections make the diversions and alterations of road and of footpath herein-after respectively described with all proper works and conveniences connected therewith (that is to say) :—

Power to divert road and footpath as shown on deposited plans.

A diversion and alteration of the levels of the public road situate in the parish of Llanvaches and leading from Llanvaches to Foresters' Oaks between a point  $5\frac{1}{2}$  chains or thereabouts measured along the said road in a southerly direction from the farm-house known as "Sebastopol" to a point 7 chains or thereabouts measured along the said road in a northerly direction from the said farm-house :

A diversion and alteration of the public footpath in the parish of Newchurch (otherwise Newchurch West) which crosses the Castroggy Brook at or about the south-westernmost corner of the property numbered 180 on the Ordnance map Such diversion to commence at the junction of the said footpath with the road numbered on the said Ordnance map 239 in the said parish and to terminate at a point  $5\frac{1}{2}$  chains or thereabouts measured in a northerly direction along the said footpath from such junction :

And when and so soon as the said diversions shall in each case have been completed to the satisfaction of two justices and opened to the public the Corporation may stop up and discontinue for public traffic the portion of road or footpath as the case may be for which the respective diversion is substituted and thereupon all rights of way over or along the same shall be and are as from the opening of

A.D. 1897. — the respective diversion by this Act extinguished and the site and soil of the portion of road and footpath so stopped up and discontinued and the fee simple and inheritance thereof shall subject to the provisions of the Waterworks Clauses Act 1847 vest in the Corporation.

Provisions as to repair of diverted road &c.

**10.** Any portion of road and footpath to be diverted and altered under the authority of this Act shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads and footpaths of the same nature within the parishes in which such road or footpath will be situate are from time to time liable to be repaired or maintained.

Extending provisions as to deviation.

**11.** The provisions of section 11 of the Act of 1887 shall extend and apply to the works by this Act authorised and the works powers to construct which are by this Act revived as fully as if the same had been re-enacted in this Act with reference thereto. Provided that the Corporation shall not deviate from the levels of such works as delineated on the deposited sections so as to alter the surface level of any road or raise any conduit or line of pipes above the surface of the ground except so far as may be shown on the deposited sections.

Time for completion of works.

**12.** If the waterworks by this Act authorised or the waterworks powers to construct which are by this Act revived are not completed within six years from the passing of this Act then on the expiration of that period the powers by this Act granted or revived as the case may be for the making and construction of the said works or otherwise in relation thereto shall cease except as to such of them as shall be then completed but nothing in this Act shall restrict the Corporation from extending enlarging altering reconstructing or removing any of their works mains or pipes from time to time as occasion may require.

Rights and obligations as to water.

**13.—(1)** The right of the Corporation to divert collect impound take appropriate and use streams and waters and the obligation to afford compensation water conferred and imposed by the Act of 1887 shall continue and shall not except as by this section provided be diminished or affected by the non-completion of the works authorised by that Act or the alteration thereof authorised by this Act.

**(2)** For the purposes of section 10 of the Act of 1887 the Newchurch Reservoir by this Act authorised shall be deemed to be substituted for the Newchurch Reservoir by that Act authorised. Provided that the distance of fifty yards referred to in sub-section 5



of that section shall continue to be measured from the foot of the outer slope of the embankment of the Newchurch Reservoir as authorised by the Act of 1887 and shown on the deposited plans referred to in that Act.

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(3) The said section 10 shall be read and have effect as if the point of commencement of the Aqueduct No. 3 by this Act authorised had been referred to therein in lieu of the point where the Nant-y-Pridd Brook enters the Wentwood Reservoir and for the purposes of that section the said Aqueduct No. 3 and the dam by this Act authorised at the commencement of that aqueduct shall respectively be deemed to be substituted for the Wentwood Reservoir and the foot of the outer slope of the embankment of that reservoir.

(4) Sub-section 12 of section 10 of the Act of 1887 shall not apply in the case of any persons interested in the flow of the Castroggy Brook or the Nant-y-Pridd Brook.

14. For the purpose of executing any necessary work of repair or of cleansing or of examining any aqueduct conduit or line of pipes by this Act authorised the Corporation may cause the water in any such aqueduct conduit or line of pipes to be temporarily discharged into any available stream or watercourse.

Powers for repair of aqueducts and temporary discharge of water into streams.

In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

15. The water rates chargeable by the Corporation may if the Corporation so think fit be demanded in advance by equal half-yearly instalments provided that no person shall be compellable to pay in advance water rates so demanded for any longer period than three calendar months.

Water rates to be demandable half-yearly.

### PART III.—TRAMWAYS.

16. Subject to the provisions of this Act the Corporation may make lay down and maintain wholly within the borough the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing places stables carriage-houses sheds works and conveniences

Power to make tramways.

A.D. 1897. — connected therewith as may be necessary or proper therefor and for connecting the same with the existing tramways of the Corporation.

The tramways herein-before referred to and authorised by this Act are the following (that is to say):—

Tramway No. 1 (double line) 3·5 chains or thereabouts in length commencing in Commercial Road by a junction with the existing tramway of the Corporation and terminating by a junction with the existing tramway of the Corporation in that road:

Tramway No. 2 (double line) 2 furlongs and 6·07 chains or thereabouts in length commencing by a junction with the existing tramway of the Corporation in High Street and terminating by a junction with the existing tramway of the Corporation in Chepstow Road:

Tramway No. 3 (double line) 1 mile 3 furlongs and 5·05 chains or thereabouts in length commencing by a junction with Tramway No. 2 by this Act authorised in Clarence Place and terminating at the end of Corporation Road:

Tramway No. 4 3 furlongs 2·93 chains or thereabouts in length of which 5·50 chains are double and 2 furlongs 7·43 chains are single line commencing by a junction with the existing tramway of the Corporation in Caerleon Road and terminating in Caerleon Road at its junction with York Road:

Tramway No. 5 5 furlongs 5·45 chains or thereabouts in length of which 9 chains are double and 4 furlongs 6·45 chains are single line commencing by a junction with Tramway No. 2 by this Act authorised in High Street and terminating in Malpas Road at a point 66 yards or thereabouts northward of the junction of Prospect Street with Malpas Road:

Tramway No. 6 (single line) 3·50 chains or thereabouts in length commencing by a junction with Tramway No. 2 by this Act authorised in High Street and terminating by a junction with Tramway No. 5 by this Act authorised in Shaftesbury Street:

And the Corporation may in the construction and for the purposes of the Tramways Nos. 1 and 2 by this Act authorised take up remove appropriate and use the rails and materials of the single lines of tramway belonging to the Corporation which at present exist between the respective points of commencement and termination of the said Tramways Nos. 1 and 2.

Widening  
of street.

17. In connexion with the Tramways Nos. 2 and 3 authorised by this Act the Corporation may in the lines and situation and according to the levels shown on the deposited plans and sections

make and maintain the street widening and improvement shown on those plans and herein-after described (that is to say):— A.D. 1897.

A widening of Clarence Place on the south side thereof and of Corporation Road on the west side thereof such widening to commence at the eastern side of Ropery Lane and terminate at a point on the western side of Corporation Road 70 feet or thereabouts from the northern end of that road :

An improvement of Clarence Place by setting back the garden or forecourt wall in front of the premises known as Eastgate Villas between Caerleon Road and Chepstow Road.

18. In making the said widening and improvement by this Act authorised the Corporation may deviate to any extent not exceeding two feet from the levels thereof defined on the deposited sections and may deviate laterally from the lines thereof to any extent within the limits of deviation defined on the deposited plans. Power to deviate from levels &c.

19. The Corporation may for any purpose in connexion with the street widening and improvement by this Act authorised upon any lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined upon the deposited plans raise sink or otherwise alter the position of any sewer drain channel water-pipe or gas-pipe belonging to or connected with any house or building adjoining or near to such street improvements and also any main or other pipe laid down or used by any company for carrying a supply of water or gas or any pipe tube wire or other apparatus laid down or used for telephonic purposes and any pipe tube wire or apparatus laid down or used for telegraphic or electric lighting purposes and may remove any other obstruction making in the case of alterations proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making full compensation for all damage caused by the exercise of the powers of this enactment Provided that the Corporation shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 and nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply. As to alteration of position of pipes &c.

20. For the purposes of the Act of 1892 and this Act the expression "Corporation tramways" shall in addition to the tramways by that Act comprised in such expression include the tramways by Definition of Corporation tramways.

A.D. 1897. — this Act authorised and any other tramways for the time being belonging to the Corporation.

Period for completion of tramways &c.

**21.** If the tramways and street widening and improvement by this Act authorised be not completed within the periods herein-after in that behalf mentioned (that is to say):—

As regards the street widening and improvement five years from the passing of this Act;

As regards the Tramways Nos. 2 and 3 two years from the completion of such widening and improvement; and

As regards the other tramways three years from the passing of this Act;

then on the expiration of those respective periods the powers by this Act granted to the Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed.

Power to make additional crossings &c.

**22.** The Corporation may subject to the provisions of this Act from time to time make maintain alter and remove such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Corporation Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Incorporation of sections of Act of 1892.

**23.** The following sections of the Act of 1892 shall so far as the same are applicable extend and apply to the tramways by this Act authorised and to the Corporation in respect thereto in as full and complete a manner as if the said sections were re-enacted in this Act with reference thereto (that is to say):—

11. Power to alter level of rails.

12. Further provisions as to construction of tramways.

13. Penalty for not maintaining rails and roads.

14. Inspection by Board of Trade.

16. Substituted tramways may be made where necessary.

17. Application of road materials excavated.

18. As to rails of tramways.

19. Tolls for passengers.

20. Passengers' luggage.
21. Animals and goods.
22. Corporation &c. not bound to carry goods.
23. Heavy traffic confined to certain hours.
24. Cheap fares for labouring classes.
25. Periodical revision of tolls.

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24. The provisions of section 8 of the Act of 1892 shall extend and apply to the Tramways Nos. 2 5 and 6 where they cross the bridge carrying High Street and Shaftesbury Street Newport over the railway and Monmouthshire Canal of the Great Western Railway Company as if that section had been re-enacted in this Act with reference to those tramways.

For protec-  
tion of Great  
Western  
Railway  
Company.

25. Sections 32 and 35 of the Act of 1892 are hereby repealed and in the event of the Corporation tramways being worked by electrical power the following provisions shall unless such power is entirely contained in and carried along with the carriages have effect :—

Amending  
provisions  
as to  
working by  
electricity.

#### I.—RESTRICTIONS ON USE OF ELECTRIC POWER.

- (A) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (B) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :
- (C) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the prescribed regulations") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

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(D) If the Corporation use electric power contrary to the provisions of this section or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this section they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof but nothing in this Act or the Act of 1892 shall render the Corporation liable to a double penalty for the same offence Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Corporation in the use of electric power have made default in complying with the provisions of this section or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Corporation to cease to use electric power and thereupon the Corporation shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

(E) The Corporation shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Corporation shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus

all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents. If any difference arises between the Corporation and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

- (F) The expression "the Corporation" in this section shall include their lessees and licencees and any person working or running carriages over the tramways of the Corporation.

## II.—FOR PROTECTION OF POSTMASTER-GENERAL.

- (A) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :
- (B) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (C) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest

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distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :

- (D) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (E) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (F) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (G) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with the Act of 1892 and this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular



nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

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- (H) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (I) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (J) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (K) In this section the expression "the Corporation" includes their lessees and licencees and any person working or running carriages on any of the tramways of the Corporation.

**26.** All orders and byelaws made by the Board of Trade under the authority of this Act including orders and byelaws made under the authority of the provisions of the Act of 1892 incorporated with this Act in reference to the tramways by this Act authorised shall be signed by a secretary or assistant secretary of the Board of Trade.

Orders and  
byelaws.

**27.** Section 10 of the Act of 1892 is hereby repealed and the Corporation may notwithstanding anything contained in the Tramways Act 1870 place and run carriages upon and work and may demand and take tolls and charges in respect of the Corporation tramways or any of them and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of such tramways by animal or mechanical (including cable and electrical) power and may sell exchange or dispose of the afore-mentioned articles and things as they may from time to time think fit and in the event of the Corporation working such tramways or any of them all enactments relating to the working of tramways and the taking of tolls and charges therefor shall extend and apply mutatis mutandis to and in relation to the Corporation. Nothing in this section shall empower the Corporation to construct any station for generating electric power or exempt the Corporation from any action indictment or other proceeding for nuisance in the

Power to  
work.

A.D. 1897. — event of any nuisance being caused or permitted by the Corporation on any lands belonging to them.

Prohibiting the raising of fares on Sundays and holidays.

**28.** It shall not be lawful for the Corporation or their lessees or any company or person working or using the tramways to take or demand on Sunday or on any bank or public holiday any higher tolls or charges than those levied by them on ordinary week days.

Provisions as to general Tramways Act.

**29.** Nothing in this Act contained shall exempt the Corporation or the tramways of the Corporation from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates or charges.

#### PART IV.—LANDS &c.

Power to take lands.

**30.** The Corporation may enter on take and use for the purposes of this Act and the general purposes of their waterworks undertaking all or any of the lands delineated on the deposited plans and described in the deposited books of reference :

Provided that the Corporation shall not under the powers of this section enter upon take or use any part of the properties numbered respectively on the deposited plans 11 to 15 in the parish of Shirenewton or of the properties numbered respectively 1 and 3 to 9 in the parish of Caerwent without the previous consent in writing of William Shaxson Lang or his successors in title as owners of the said properties nor shall the Corporation enter upon take or use any part of the properties numbered respectively 8 9 and 10 in the parish of Llanvaches without the previous consent in writing of His Grace the Duke of Beaufort or other the owner thereof for the time being.

Period for compulsory purchase of lands.

**31.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to acquire easements only.

**32.** The Corporation may in lieu of acquiring any lands for the purpose of any aqueducts conduits or lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury)

shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts : A.D. 1897.

Provided that as regards any lands taken or used by the Corporation for the purpose of laying aqueducts conduits or pipes therein where such aqueducts conduits or pipes are laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation :

Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso.

**33.** And whereas in the construction of the street widening and improvement by this Act authorised it may happen that portions only of certain properties shown or partly shown on the deposited plans relating thereto will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

Owners may be required to sell parts only of certain properties.

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties" :

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for

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the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that

any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit:

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The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845:

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

**34.** The Corporation from time to time in addition to the lands which they are authorised to acquire and hold under the powers of this Act may by agreement acquire in fee or by purchase or by way of exchange or otherwise or may lease—

Power to take lands &c. by agreement.

(A) For the purpose of any ferries which may be established by them any quay wharf or lands and any works connected therewith not exceeding in the whole two acres; and

(B) For the purpose of any tramways any lands not exceeding in the whole four acres;

and any easement right or privilege thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) which shall be deemed necessary by the Corporation and may from time to time sell exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any such lands or any interest in any such lands and may sell exchange or dispose of any rents reserved on the sale exchange or disposition of such lands and may in like manner purchase other lands for like purposes and afterwards sell exchange and dispose of the same from time to time as aforesaid and may make execute and do any deed act or thing proper for effectuating any such sale exchange or other disposition Provided that nothing in this Act shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands for the time being held under the powers of

A.D. 1897. this section And the Corporation may also from time to time with the consent of the Local Government Board appropriate for such purposes any lands for the time being vested in them as a municipal or urban authority and not required for the purposes for which they were acquired.

Power to take easements &c. by agreement.

**35.** 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 Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges as 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.

Errors and omissions in plans &c. to be corrected.

**36.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation may after ten days' notice to the owners lessees and occupiers of the lands in question apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Monmouth and such certificate shall be kept by such clerk of the peace along with the other documents to which the same relates and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Restriction on taking houses of labouring class.

**37.** The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December last but have been or shall be subsequently so occupied.

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. A.D. 1897.

**38.** The Corporation may retain and hold the lands which have been acquired by them under the Act of 1887 and any lands acquired by them under the powers of this Act which may in their opinion be necessary for the purpose of protecting their waters and waterworks against pollution nuisances encroachment or injury or for the preservation of the supply of water to their said works or to any of the streams to which they are under obligation to afford compensation water and so long as such necessity shall in the opinion of the Corporation continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts and the Corporation may from time to time demise and let any land so held by them for any term not exceeding ten years Provided that the Corporation shall not create or permit a nuisance and shall not erect or authorise or permit the erection on any such lands whilst so held by them of any buildings other than buildings incident to or connected with their waterworks. Power to hold lands for the protection of works &c.

#### PART V.—GENERAL.

**39.** The Corporation on the one hand and the Great Western Railway Company on the other hand may enter into and carry into effect contracts agreements or arrangements for or with respect to the widening of the bridge over the South Wales Railway of the Great Western Railway Company at Bridge Street and the substitution of a footbridge for the bridge over the South Wales Railway known as the East Street Bridge and the contribution by the Corporation and the Great Western Railway Company towards the expense of such widening and substitution and of the purchase of the property required for such widening. Agreement with Great Western Railway Company.

**40.** If and whenever the aforesaid bridge over the South Wales Railway at Bridge Street shall have been widened to such extent as may be prescribed by any such agreement between the Corporation and the Company and a footbridge over the said South Wales Railway has been constructed and opened to the public in lieu of the said East Street bridge the Great Western Railway Company may stop up and discontinue for traffic the roadway over the said East Street bridge and may take down and remove the said bridge and all Provision as to footbridge over Great Western Railway.

A.D. 1897. liability of the Great Western Railway Company to maintain and repair the same shall cease. Such footbridge shall be of such width and shall be situate in such position as the Corporation may approve.

Great Western Railway Company may apply funds.

41. The Great Western Railway Company may apply for the purposes of such widening or of any such contract agreement or arrangement or of the removal of East Street bridge and erection of a footbridge in lieu thereof any funds or moneys which they have raised or may have power to raise under any Act of Parliament.

Agreement with Alexandra Dock Company.

42. Section 59 of the Act of 1889 shall be read and have effect as if the Alexandra (Newport and South Wales) Docks and Railway Company (herein-after called "the dock company") had been mentioned therein as well as the Corporation and the Great Western Railway Company as parties empowered to enter into and carry into effect contracts agreements or arrangements for or with respect to the under-bridge "B" referred to in sub-section 1 of that section and the Corporation and the Great Western Railway Company and the dock company may enter into and carry into effect the contracts agreements or arrangements accordingly and the dock company may apply for the purposes of any such contract agreement or arrangement for or with respect to such under-bridge any funds or moneys which they have raised or may have power to raise under any Act of Parliament.

Power to establish ferries &c.

43. The Corporation may establish maintain and work a ferry or ferries for passengers and goods between such points on the west side of the River Usk and such points on the east side of the said river as they from time to time think fit and may purchase provide maintain regulate man work and use steam and other vessels and boats with all proper and sufficient tackle gear and apparatus and conveniences for conveying landing or embarking passengers and goods and may convey passengers and goods across the River Usk at or between such points and may from time to time appoint employ remunerate and dismiss such officers servants toll collectors and other persons as may be in their opinion required for the proper working of any such ferry but nothing in this Act contained shall create any exclusive right of ferry :

Provided that nothing in this Act shall be deemed to empower the Corporation to acquire or use for the purposes of any ferry any lands or easements or rights over any lands except by agreement.

Ferry tolls.

44.—(1) The Corporation may demand and receive for the use of any such ferry and for the conveyance of passengers and goods in any vessels or boats belonging to or provided by the Corporation



such reasonable tolls and payments (in this Act called ferry tolls) as they think fit and the Board of Trade approve provided that such ferry tolls shall be at all times charged equally to all persons and after the same rate in respect of all goods of a like description conveyed in the same class of vessels or boats and under the like circumstances :

Provided always that toll of any description shall not be demanded from any officer of the revenue crossing or using the ferries in the execution of his duty.

(2) The ferry tolls shall be paid to such persons and at such places upon or near to the ferry and in such manner and under such regulations as the Corporation shall by notice to be annexed to the list of tolls appoint and if any person subject to any ferry toll or any person in charge of any goods subject to any ferry toll after demand refuse or neglect to pay the same such collector by himself or taking such assistance as he shall think necessary may stop or prevent such person from entering into or upon or depositing any goods in any ferry boat or premises of the Corporation connected with such ferry or may eject such person and goods therefrom.

(3) If any person after demand fail to pay any ferry toll due from him the Corporation may recover the same in a summary manner or by action in any court of competent jurisdiction and if any person shall knowingly and wilfully and with intent to defraud refuse or neglect to pay his ferry toll when the same shall be payable by virtue of this Act every such person shall for every such offence forfeit a sum not exceeding forty shillings.

(4) A list of the ferry tolls from time to time appointed by the Corporation to be taken shall be published by the same being printed and exhibited in some conspicuous place on the toll gates or toll houses or places where such tolls shall be payable and also on some conspicuous part of the vessels or boats plying at the ferry and no ferry tolls shall be demanded or taken by the Corporation for the use of the ferry during any time at which the list of tolls hereinbefore directed to be exhibited in respect of the ferry shall not be so exhibited and if any person wilfully pull down deface or destroy any such list of tolls he shall forfeit a sum not exceeding five pounds for every such offence Provided that if any such list be destroyed injured or obliterated the tolls and payments shall continue payable during the time reasonably required for the restoration or reparation of such list in the same manner as if the list continued exhibited in the state required by this Act.

45. In connexion with any ferry established by them the Corporation from time to time may erect provide and maintain such

Power to  
provide  
accommo-

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ation in  
onnexion  
with ferry.

toll houses waiting rooms shelters sheds and other buildings works and conveniences as they think necessary for the accommodation of passengers using such ferry and goods conveyed or intended to be conveyed across the same.

Byelaws as  
to ferry.

**46.** The Corporation may subject to the provisions of this Act make byelaws with respect to any ferry established by them for all or any of the purposes following (that is to say) :—

- (A) For regulating controlling and limiting the use of the ferry ;
- (B) For preventing the commission of any nuisances in or upon premises of the Corporation used for or in connexion with any ferry ;
- (C) For preventing injuries and damages to any works or property of the Corporation so used ;
- (D) For regulating the duties and conduct of all persons as well the officers and the servants of the Corporation as others who shall be employed in and about the ferry and in and about the vessels or boats used for the purposes of any ferry established by the Corporation ;
- (E) For regulating the conveyance of passengers and goods in or upon any vessels or boats at the ferry and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any goods in any vessels or boats used for the purposes of the ferry which may in the opinion of the Corporation be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein ;
- (F) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels or boats of every description at any ferry established by the Corporation :

And the Corporation may by the byelaws so to be made by them impose such reasonable penalties as they think fit not exceeding five pounds for each breach of such byelaws :

Provided that no such byelaws shall come into operation until the same shall have been confirmed by the Board of Trade.

Notice of  
application  
to Board of  
Trade to be  
given.

**47.** Notice of the application to the Board of Trade for the approval of any ferry tolls or the confirmation of any byelaws with respect to any ferry established by the Corporation under this Act shall be given in one or more newspapers published in the borough naming a place within the borough where a list of the proposed tolls or a copy of the proposed byelaws may be seen at all reasonable times and any person desiring to object to any ferry tolls or byelaws so submitted for approval or confirmation shall give notice in writing to the Board of Trade and to the Corporation stating

the nature of his objection within twenty-one days after the last publication of the notice of the application as herein-before provided and the Board of Trade may if they think fit hold such inquiry locally or otherwise in reference to such application as they see fit and the expenses of the Board of Trade in connexion with such inquiry shall be defrayed by the Corporation.

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48. The Corporation may pay or contribute towards the payment of a band of music to perform in any park or pleasure or recreation ground or building for the time being belonging to or held by the Corporation as they may prescribe and the Corporation may enclose a small area within which such band shall play and may make byelaws for regulating the time and place for the playing of the band the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band Provided that the payments or contributions of the Corporation for or towards such band shall be paid out of the district fund and general district rate and shall not in any one year exceed the sum of one hundred pounds.

Band of music.

49. The Corporation may contribute towards the purchase or acquisition of a site within the borough for buildings and offices for the University of Wales and the cost of erecting on such site suitable buildings and premises for the purposes of the said university any sum or sums not exceeding six thousand pounds and they may appropriate the whole or any portion of such sum or sums towards the acquisition of a suitable and convenient site for such buildings and offices or may with the consent of the Local Government Board appropriate and convey to the court of governors of such university as and for such site or part of such site any lands for the time being vested in them as a municipal or urban authority and not required for the purposes for which they were acquired and if a suitable and convenient site can be obtained for less than six thousand pounds the Corporation may if they think fit contribute the balance remaining of the said sum of six thousand pounds or any part thereof towards the cost of erecting on such site suitable buildings and premises for the purposes of the said university Provided that in arriving at such balance the value of any lands of the Corporation appropriated as and for such site or part of such site shall be taken into account.

As to University of Wales.

50. The provisions of the Summary Jurisdiction Acts shall apply to the recovery of any penalty under this Act and to any penalty for non-observance of any byelaw made under the authority of this Act and also to any penalty imposed by the provisions of the

As to recovery of penalties.

A.D. 1897. Act of 1892 incorporated with this Act in reference to the tramways by this Act authorised.

Penalties to be paid to treasurer.

**51.** All penalties recovered under this Act or any byelaw made by the Corporation under the authority of this Act shall be paid to the treasurer of the borough and be by him carried as to penalties in connexion with waterworks to the credit of the waterworks account of the Corporation and as to all other penalties to the credit of the borough fund.

Power to Local Government Board to direct inquiries.

**52.** The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to the duties imposed upon them under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

#### PART VI.—RATES.

Local Government Board may prescribe form of rate.

**53.** The Local Government Board may prescribe and authorise the use of a form of rate book and a form of rate to include the poor rate borough rate general district rate water rate or any other rate and they may in respect of such rates prescribe a form of demand note receipt for rates and other necessary documents in respect of such rates and any form so prescribed shall be sufficient in law.

Repealing sections of Act of 1892.

**54.** Sections 42 to 45 of the Act of 1892 are hereby repealed.

#### PART VII.—FINANCE.

Power to borrow.

**55.** The Corporation may from time to time borrow at interest—

(A) On the security of the revenue of their water undertaking and of the district fund and general district rate for the purposes of their waterworks such sums as they may deem requisite not exceeding one hundred and fifty thousand pounds:

(B) On the security of the district fund and general district rate for the purposes of any agreement entered into with the Great Western Railway Company under this Act such sum as the Local Government Board may sanction:

(c) On the security of the borough fund and borough rate— A.D. 1897.

- (1) For the purposes of the tramways and street widening and improvement by this Act authorised twenty-nine thousand five hundred pounds ;
- (2) For payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" such sum as may be ascertained as hereinafter provided ;
- (3) For the purposes of any contribution authorised by this Act to the University of Wales six thousand pounds ;
- (4) For ferries such sum as the Local Government Board may sanction :

Provided always that in case further moneys may be required for any of the aforesaid purposes or other the purposes of this Act the Local Government Board may from time to time at the request of the Corporation authorise them to borrow such further sums for all or any of such purposes as the Local Government Board may from time to time think fit and the provisions of this Act shall *mutatis mutandis* apply to the further sums so borrowed :

And in calculating the amount which the Corporation may borrow under the provisions of any other enactment the amount which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts :

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act.

**56.** A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof. Protection of lenders from inquiry.

**57.** All moneys borrowed by the Corporation under the authority of this Act without the sanction of the Local Government Board may be borrowed for any terms not exceeding the terms hereinafter respectively mentioned from the date of the original loan (that is to say) :— As to re-payment of borrowed money.

As regards moneys borrowed for the purpose of paying the costs charges and expenses aforesaid ten years ;

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As regards moneys borrowed for the purposes of waterworks sixty years ;

As regards moneys borrowed for any other purposes (other than the purposes of the section of this Act of which the marginal note is "Power to Corporation to lend to school board and guardians") thirty years ;

And all moneys borrowed by the Corporation under the authority of this Act with the consent of the Local Government Board may be borrowed for such term not exceeding sixty years as the Local Government Board may prescribe :

And subject as aforesaid all moneys borrowed by the Corporation under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund. Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum but it shall not be obligatory on the Corporation to commence such repayment by instalments or to set apart or appropriate any moneys to or for a sinking fund under this Act prior to the expiration of one year from the time or respective times of borrowing such moneys nor in the case of moneys borrowed for the purposes of waterworks at any time within six years from the date of the passing of this Act prior to the expiration of such period of six years or the expiration of one year from the time of borrowing such moneys whichever shall last occur.

Sinking  
fund.

**58.** The Corporation in case they borrow any moneys on mortgage under this Act repayable by means of a sinking fund shall within the respective periods above prescribed and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sum or sums as will with accumulations by way of compound interest after a rate not exceeding three per centum be sufficient to pay within such a period as they may think fit (not exceeding the period by this Act in each case prescribed for the repayment thereof) the amount of the principal moneys so borrowed.

All sums so set apart and the income thereof shall from time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or on the security of mortgages bonds debentures debenture stock or other security (not including annuity certificates or certificates payable to bearer) of any municipal

corporation in Great Britain (other than the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875.

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If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any deficiency shall be made good out of the funds and rates which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any such excess may be applied as part of such equal annual payments.

The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys for which such sinking fund is set aside in such order and manner as they deem proper Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based Provided also that whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

**59.** The town clerk shall within twenty-one days after the twenty-fifth day of March of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining

Annual  
return to  
Local  
Government  
Board with  
respect to  
repayment  
of moneys  
borrowed on  
mortgage.

A.D. 1897. — invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the event of the Corporation borrowing under the provisions of the Local Loans Act 1875.

Application  
of moneys  
from sale  
&c. of land.

**60.** The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or dispositions of lands and premises by this Act authorised or by way of fine or premium on any lease of any lands acquired under the powers of this Act in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation such application shall be in addition to and not in substitution for any other mode of repayment except to such extent as the Local Government Board may approve.

Sinking  
fund may be  
adjusted.

**61.** If the Corporation out of the proceeds of the sale exchange or disposition of any lands acquired by the Corporation under the powers of this Act or out of moneys received by them by way of fine or premium on any lease of any such lands or other moneys received on capital account other than borrowed moneys repay any principal moneys borrowed by the Corporation under the powers of this Act the payments to the sinking fund may be reduced to such extent and on such terms as may from time to time be approved by the Local Government Board.

Power to  
re-borrow.

**62.** The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any



principal moneys borrowed under the foregoing provisions of this Act on the same becoming repayable or for paying off any part of any of such principal moneys as they can borrow at a lower rate of interest Provided as follows :—

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- (1) The time for repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed;
- (2) For the purpose of repayment all moneys so re-borrowed and the moneys originally borrowed shall be deemed the same loan;
- (3) The Corporation shall not re-borrow any money paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of surplus lands or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

**63.** The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Fund Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Power to borrow under Local Loans Act 1875.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act.

The Corporation may invest any sums paid into any sinking fund formed by them under the provisions of the Local Loans Act 1875 in any securities in which by the section of this Act of which the marginal note is "Sinking fund" they are authorised to invest sums set apart as a sinking fund under the powers of that section.

**64.** All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended Provided that it shall be lawful for the Corporation to contribute out of any moneys borrowed for waterworks purposes the sum of three hundred pounds towards the expense of any works which the Chepstow Rural District Council may execute with a view to ensuring the flow of water down the Neddern Brook.

Application of money borrowed.

A.D. 1897.

Corporation  
not to regard  
trusts.

**65.** The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Power to  
Corporation  
to lend to  
school board  
and  
guardians.

**66.**—(1) Subject to the provisions of this Act the Corporation may from time to time advance by way of loan to the Newport School Board and to the Guardians of the Poor of the Newport Union respectively (each of which bodies is in this Act included in the expression "borrowing authority") such sum or sums of money as the borrowing authority is for the time being by law authorised to borrow and is desirous to borrow from the Corporation upon the security of any rates or funds which the borrowing authority is authorised to charge for the repayment of the money borrowed.

(2) The Corporation may borrow any sum or sums required by them for a loan to the borrowing authority and may mortgage the borough fund and borough rate for the purpose.

(3) The following provisions shall apply to moneys borrowed or raised for the purpose of loans to a borrowing authority :—

(A) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined :

(B) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the sinking fund (if such moneys be not raised by the issue of stock) or into the Newport Corporation Consolidated Loans Fund (if such moneys be raised by the issue of stock) the whole or any

part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund. A.D. 1897.

(4) The following provisions shall apply to moneys borrowed and not raised by the issue of stock:—

(A) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority :

(B) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance if any being carried to the credit of the borough fund :

(C) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under sub-section 3 (B) of this section) and all sums set apart out of the borough fund under sub-section (3) of this section shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in securities in which by the section of this Act of which the marginal note is "Sinking fund" the Corporation are authorised to invest sums set apart as a sinking fund under that section the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

(5) The following provisions shall apply to moneys raised by the issue of Newport Corporation redeemable stock:—

(A) All sums received from the borrowing authority for interest shall be paid into the said loans fund and shall be dealt with as contributory payments in respect of dividends on stock :

(B) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under sub-section 3 (B) of this section) and all sums set apart out of the borough fund for payment into the said loans fund in pursuance of sub-section 3 of this section shall be paid into the said loans fund and shall be dealt with as contributory payments in respect of redemption or purchase and extinction of stock provided that the interest derived from any investment of such sums shall be applied in making good any loss or deficiency of or in the principal moneys so invested

A.D. 1897.

that may arise by depreciation of the investments or otherwise and subject thereto shall be invested in any securities in which contributions to the said loans fund may for the time being be invested :

(c) If the sum received as interest from any borrowing authority or derived from such investments as aforesaid is more than is required for the purpose to which the same is to be applied the surplus may be applied in reduction of any contributions payable out of Corporation revenues in respect of dividends on the said stock.

(6) If any doubt shall arise as to how much of any sum received by the Corporation from any borrowing authority is to be regarded as principal or interest the question shall be determined by the Local Government Board.

(7) The treasurer shall within twenty-one days after the expiration of each year ending on the twenty-fifth day of March if during the twelve months next preceding the said twenty-fifth day of March any sum is payable to the Corporation in respect of moneys lent by them to the borrowing authority and raised otherwise than by the issue of stock or at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing for the year next preceding the making of such return the amounts which have been received from the borrowing authority for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this section and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(8) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest as required by paragraph (c) of sub-section (4) of this section any sum by that paragraph required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof

the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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67. Section 22 of the Act of 1888 shall be read and have effect as if the words "thirty years" had been inserted therein in lieu of the words "twenty-five years" and the Corporation may at any time by agreement with any holder of any of the debenture stock (in that Act referred to as "Company's debenture stock") redeem such debenture stock at such price as may from time to time be agreed between the Corporation and such holder. And it shall be lawful for the Corporation to apply the whole or any part of the sinking fund created under the provisions of the Act of 1888 for the redemption of such annuities and debenture stock to the redemption thereof at such prices as aforesaid but subject to the provisions of sub-section 3 of section 63 of that Act:

As to redemption of securities.

Provided that if the Corporation apply any part of such sinking fund to the redemption of any such annuities at a price exceeding twenty-five years purchase or of any such debenture stock at a price exceeding the par value thereof the payments to such sinking fund shall be increased to such extent as may in the opinion of the Local Government Board be necessary to make up the excess price so paid for such redemption within the period of sixty years from the transfer day as defined by the Act of 1888.

68. All expenses of the Corporation of and incident to the working management and maintenance of any ferries established by them under the powers of this Act (including establishment expenses and providing for renewals and contingencies) and all other expenses incurred by the Corporation in carrying out the provisions of this Act relating to ferries (except such of those expenses as are to be paid out of borrowed money) shall be paid out of the sums from time to time received by the Corporation by way of rent or tolls and charges or otherwise howsoever in respect of any such ferries and if the money so received by the Corporation shall in any year be insufficient to meet such expenses the deficiency shall be made good out of the borough fund and any surplus of such moneys after satisfaction of such expenses shall be carried to the credit of the borough fund.

Expenses relating to ferries.

69. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining

Costs of Act.

[Ch. clxviii.] *Newport Corporation Act, 1897.* [60 & 61 VICT.]

A.D. 1897.

and passing of this Act (including the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of any moneys borrowed under the authority of this Act.

SCHEDULE referred to in the foregoing Act.

A.D. 1897.

PROPERTIES whereof portions only are required to be taken.

Parish.	Number on Deposited Plans of Street Widening and Improvement.	Description of Property.
Newport - - -	1	Garden or forecourt
	2	Garden or forecourt
	3	Garden or forecourt
	4	Garden or forecourt
	5	Garden or forecourt
	6	Lane
	7	Garden or forecourt
	8	Garden or forecourt

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