

The Ystrad Gas and Water Act, 1868.

subscribed for: And whereas the Company have no Mortgage Debt: And whereas for the Purpose of such Supply of Water it is expedient that the Company be empowered to make and maintain the Reservoir and other Works by this Act authorized: And whereas Plans and Sections of the Works by this Act authorized showing the Situation and Levels thereof, with a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through and upon which such Works are intended to be made, have been deposited at the Office of the Clerk of the Peace for the County of *Glamorgan*, and are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas it is expedient that the said Company be dissolved and reincorporated, and that Powers be conferred upon them and Provisions made for the Purpose of more efficiently carrying on their Undertaking: And whereas the Objects aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited as "The *Ystrad* Gas and Water Act, 1868."

8 & 9 Vict.
cc. 16., 18.,
& 20.,
10 & 11 Vict.
cc. 15. & 17.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 93. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," (respectively relating to Cancellation and Surrender of Shares and Debenture Stock,) "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Gasworks Clauses Act, 1847," "The Waterworks Clauses Acts, 1847 and 1863," and the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Limited Company" means the *Ystrad* Gas and Water Company, Limited; the Expressions "the Company" and "the Undertakers" respectively mean the Company by this Act incorporated; the Expressions "the Gasworks" and "the Waterworks" mean respectively the Gasworks and Waterworks
of

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of the Company, or which they may hereafter become possessed of under the Powers of this Act; the Expression "the Undertaking" means and includes such Gasworks and Waterworks; the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and in the Provisions of the "Railways Clauses Consolidation Act, 1845," incorporated with this Act, the Word "Railway" shall apply only to the Reservoir by this Act authorized, and the Expression "Centre of the Railway" shall apply to the Boundaries of such Reservoir.

4. The Limits of this Act for the Supply of Gas shall be and include the several Hamlets, Townships, or Places of *Treherbert*, *Abergorki*, *Pentre*, *Ystrad-Rhondda*, *Ton*, and *Heolfach*, all in the Parish of *Ystradyfodwg* in the County of *Glamorgan*.

Limits of
Act for
Supply of
Gas.

5. The Limits of this Act for the Supply of Water shall be and include the several Hamlets, Townships, and Places of *Treherbert*, *Abergorki*, *Pentre*, *Ystrad-Rhondda*, *Ton*, *Heolfach*, *Pandy*, *Llwynypia*, *Trealaw*, and *Ffrwdamws*, all in the said Parish of *Ystradyfodwg*; provided that such Limits shall not extend to the South beyond the *Ffrwdamws Brook* on the Western Side of the River *Rhondda*, or beyond a Line drawn from the Point of Junction of the said Brook with the said River to the North-east End of the present Fence, dividing a Field called *Cae Mawr* numbered 134 on the Tithe Map of the said Parish of *Ystradyfodwg* from another Field called *Caiabach* numbered 140 on the same Map.

Limits of
Act for
Supply of
Water.

6. The *Ystrad Gas and Water Company (Limited)* is hereby dissolved, and the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in such Company, and all other Persons and Corporations who shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are hereby united and incorporated into a Company for the Purpose of maintaining and providing Gasworks and Waterworks, and supplying Gas and Water within the Limits of this Act, and for other the Purposes by this Act and the incorporated Acts authorized, by and under the Name of "*The Ystrad Gas and Water Company*," and by that Name shall be a Body Corporate, with perpetual Succession and shall have a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the incorporated Acts contained.

Incorpo-
ration of
Company.

7. All

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Property, &c.
vested in
Company.

7. All Property and Rights of or to which the Limited Company or any Person on their Behalf are or is seised, possessed, or entitled at Law or in Equity at the passing of this Act are hereby vested in the Company to the same Extent and for the same Estates and Interests as the same respectively are at the passing of this Act vested in the Limited Company or any Person on their Behalf, and may be held, used, and enjoyed accordingly.

Memoran-
dum of Asso-
ciation to be
void.

8. Subject to the Provisions of this Act, the Memorandum of Association of the Limited Company shall as to any future or prospective Operation thereof from and after the passing of this Act be wholly void and of none Effect, and the several Persons who have signed the same, or who at the Time of the passing of this Act are Shareholders in the Limited Company, and their respective Heirs, Executors, Administrators, and Assigns, shall immediately from and after the passing of this Act be by virtue of this Act released and discharged from any future Obligation to observe, perform, or abide by the said Memorandum of Association or anything therein contained.

General
Saving of
Rights and
Liabilities.

9. Notwithstanding the Dissolution of the Limited Company and the Avoidance of the said Memorandum of Association, and except as by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the Limited Company shall be as valid as if that Company had not been dissolved, and such Dissolution and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the Limited Company had not been dissolved and this Act had not been passed, would be incident to and consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents represent and be deemed a Continuation of the Limited Company, and the Generality of the Expressions in this Section shall not be restricted by any other of the Provisions of this Act.

Conveyances,
&c. to be in
force as to
Company.

10. All Purchases, Sales, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act done, entered into, executed, or instituted by, with, or with reference to the Limited Company shall be as valid and effectual for, against, and with reference to the Company as if the same had been done, entered into, executed, or instituted by, with, or with reference to the Company instead of the Limited Company.

11. No

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11. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Limited Company shall abate or be discontinued or prejudicially affected by reason of this Act, but every such Action, Suit, Prosecution, or other Proceeding may be maintained, continued, or prosecuted by or against the Company, as the Case may be, in the same Manner and as effectually as the same might have been maintained, continued, or prosecuted by or against the Limited Company. Actions, &c.
not to abate.

12. All subsisting Rates, Rents, and Charges at the passing of this Act due and payable, or accruing due and payable, to the Limited Company, shall be payable to, and may be collected, recovered, and enforced by, the Company by such Means, and under such Restrictions and Regulations, as any Rents, Rates, or Charges may be collected, recovered, and enforced under this Act. Rents, &c.
to be paid to
Company.

13. All Debts due to the Limited Company, or to any Person on their Behalf, with all Interest (if any) due or to accrue due, shall be paid to the Company, and shall be recoverable by them, and all Debts due by the Limited Company, with all Interest (if any) due or to accrue due, shall be paid by the Company, and shall be recoverable from them. Debts to be
paid and
received by
the Com-
pany.

14. Every Trustee or other Person in whom or in whose Name any Property of the Limited Company was vested or standing, and who before the passing of this Act has lawfully entered into any Bond, Covenant, Contract, or other Engagement in relation thereto, and every Person who being duly authorized in that Behalf has before the passing of this Act entered into any other Contract on behalf of the Limited Company, shall be indemnified out of the Property of the Company from all Liability and against all Expenses in consequence of his having entered into the same. Indemnity to
Trustees,
&c.

15. All Officers of and Persons employed by the Limited Company in Office at the passing of this Act shall hold their respective Offices and Employments, and be deemed to be Officers of or Persons employed by the Company, and they and their respective Sureties shall be liable as if they respectively had been appointed and had become bound under this Act. Officers
continued.

16. All Certificates of Shares in the Capital of the Limited Company (until cancelled under the Powers of this Act), and all Sales, Transfers, and Dispositions heretofore made or executed with respect to any Shares of the Limited Company, shall remain in full Force and continue and be available in all respects as if this Act had not been passed. Certificates
to remain in
force.

[*Local.*]

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17. The

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Capital.

17. The Capital of the Company shall be Twenty thousand Pounds in Two thousand Shares of Ten Pounds each.

Appropriation of Capital.

18. Subject to the Provisions of this Act, so many Shares of the said Capital as are equal in Number to the Number of Shares of the Limited Company issued up to the Time of the passing of this Act shall be appropriated to and are hereby vested in the several Persons and Corporations who immediately before the passing of this Act were Proprietors of or interested in the Capital of the Limited Company in proportion to their respective Shares or Interests at that Time in the Capital of the Limited Company, but subject to all Calls and other Payments to which the Shares so held by them in such Capital were liable at the passing of this Act.

Existing Trusts, &c. attached to new Shares.

19. Every Share so allotted shall vest in the Person entitled thereto on the same Trusts, and subject to the same Powers, Provisions, Declarations, Agreements, and Charges, as at the passing of this Act affect the then existing Shares in the Capital of the Limited Company for which respectively they are substituted, and so as to give Effect to and not revoke any Testamentary Disposition of or affecting such existing Shares.

Company to call in and cancel existing Share Certificates and issue new Certificates in lieu thereof.

20. The Company shall call in and cancel the existing Certificates of Shares in the Limited Company, and issue in lieu thereof Certificates of the substituted Shares in the Form and under the Conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the Holders of such existing Certificates of Shares shall not be entitled to any Certificates of Proprietorship under this Act until they shall have delivered up to the Company to be cancelled the Certificates of Proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable Satisfaction of the Directors the Loss or Destruction thereof.

Shares not to issue until One Fifth paid up.

21. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share has been paid in respect thereof.

Calls.

22. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Receipts of Guardians, &c.

23. Where any Money is payable to a Shareholder being an Infant or a Lunatic the Receipt of his Guardian or of the Committee
of

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of his Estate (as the Case may be) shall be a sufficient Discharge to the Company for the same.

24. In Proceedings under any Bankruptcy or Deed of Composition or Arrangement the Secretary of the Company, or any Person appointed in this Behalf by Writing under his Hand, may represent the Company, and shall be competent to act for the Company, and his Acts and Omissions shall bind the Company in all respects as if the Claim or Demand of the Company in such Proceedings were the Claim or Demand of such Secretary or Person and not of the Company.

Representa-
tion of the
Company in
Bankruptcy,
&c.

25. The Company may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Five thousand Pounds in manner following; that is to say, when Twelve thousand Pounds, Part of the Capital of Twenty thousand Pounds by this Act authorized, has been subscribed for, issued, and accepted, and One Half thereof paid up, the Company may borrow a Sum of Three thousand Pounds; and when a further Eight thousand Pounds, being the Remainder of such Twenty thousand Pounds, has been subscribed for, issued, and accepted, and One Half thereof paid up, the Company may borrow a further Sum of Two thousand Pounds; but no Part of such several Sums of Three thousand Pounds and Two thousand Pounds shall be borrowed until the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the Portion of Capital in respect of which the Company propose to exercise the Power of borrowing hereby granted has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share in such Portion of Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Portion of Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given which shall be sufficient Evidence thereof.

Power to
borrow on
Mortgage.

26. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

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whom the Application for a Receiver is made shall not be less than Five hundred Pounds in the whole.

Debenture
Stock.

27. The Company may create and issue Debenture Stock bearing Interest at a Rate not exceeding *Five per Centum per Annum*.

Application
of Money.

28. All Money raised under this Act, whether by Shares, by Debenture Stock, or by borrowing, shall be applied for the Purposes of this Act only.

First Ordinary Meeting.

29. The First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act.

Number of
Directors.

30. The Number of Directors shall be Nine, but the Company may from Time to Time reduce the Number, provided that the Number be not less than Five.

Qualification
of Directors.

31. The Qualification of a Director shall be the Possession in his own Right of not less than Twenty Shares.

Quorum.

32. The Quorum of a Meeting of Directors shall be Three.

First Directors.

33. *George Fisher, Thomas Dalton, David Davies, Morgan Williams, William Evans, John Davies, Thomas Joseph, William Morgan, and Henry Cousins* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting held after the passing of this Act; at that Meeting the Shareholders present, in person or by proxy, may either continue in Office the Directors appointed by this Act, or any of them, or may elect a new Body of Directors, or Directors to supply the Place of those not continued in Office, the Directors appointed by this Act being, if qualified, eligible; and at the First Ordinary Meeting to be held in every Year after the First Ordinary Meeting the Shareholders present, in person or by proxy, shall (subject to the Power hereinbefore contained for reducing the Number of Directors) elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the same Act.

Election of
Directors.

Power to
erect and
maintain
Gasworks.

34. On the Lands described in the Schedule to this Act, or any Parts or Part thereof, the Company may erect, construct, maintain, and from Time to Time alter, remove, or enlarge Retorts, Gas-holders, Receivers, Meters, Apparatus, and Works for the Manufacture

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Fourteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per* Hour.

Company to erect a Meter to test Quality of Gas.

41. The Company shall within Twelve Months from the passing of this Act cause to be erected in some Part of their Works an experimental Meter fit for testing, and so situate and arranged as to test, all the Gas provided by the Company, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus so situated and arranged as to test the illuminating Power of all the Gas supplied to the Consumers, and shall at all Times keep and maintain the experimental Meter and Apparatus in good Repair and working Order, and if and when necessary renew the same.

As to testing the Quality of Gas.

42. It shall be lawful for Two Justices, on the Application of any Consumers of the Gas of the Company, not being less than Five in Number, by Order in Writing to appoint some competent Person to proceed to the Works of the Company, and the Person so appointed may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas by means of the experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance for the making of such Experiments; and if it shall be proved to the Satisfaction of any Two Justices, not being Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine under the Circumstances of the Case.

Costs of Experiment to be paid according to Events.

43. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Cost of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company, but in the event of no Penalty being imposed, such Costs shall be in the Discretion of the Justices, and be paid or levied as they shall award.

44. And

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44. And whereas the Company will frequently be subjected to considerable Expense in connexion with their Gasworks from Derangements of the Ground caused by Mining Operations: Therefore the Company may charge for Gas consumed by Meter any Prices not exceeding the following; that is to say, Price of Gas.

For any Quantity not exceeding Two thousand Cubic Feet consumed in any One Quarter or Period of Three Months, the Rate of Six Shillings *per* Thousand Cubic Feet;

For any Quantity exceeding Two thousand and not exceeding Ten thousand Cubic Feet consumed in any One Quarter, the Rate of Five Shillings and Sixpence *per* Thousand Cubic Feet;

For any Quantity exceeding Ten thousand and not exceeding Thirty thousand Cubic Feet consumed in any One Quarter, the Rate of Five Shillings *per* Thousand Cubic Feet;

For any Quantity exceeding Thirty thousand and not exceeding Sixty thousand Cubic Feet consumed in any One Quarter, the Rate of Four Shillings and Sixpence *per* Thousand Cubic Feet;

And for any Quantity exceeding Sixty thousand Cubic Feet consumed in any One Quarter, the Rate of Four Shillings *per* Thousand Cubic Feet:

Provided that whenever and so soon as the total Consumption of Gas by Customers in any One Year shall exceed Six million Cubic Feet, the before-mentioned Rate of Six Shillings *per* Thousand Cubic Feet shall be reduced to Five Shillings and Sixpence *per* Thousand Cubic Feet in every subsequent Year, but such Price of Six Shillings *per* Thousand Cubic Feet shall be again chargeable in case the said Consumption shall not have exceeded Six million Cubic Feet in the previous Year; and Sections Thirty-five, Thirty-six, and Thirty-seven of "The Gasworks Clauses Act, 1847," shall extend and be applicable to the Appointment of an Accountant or Person to ascertain and report the Quantity of Gas consumed in any Year.

45. The Company, with the Consent of the Owner or Occupier of any Building, may lay any Pipe or other Apparatus into, through, or against such Building for the Purpose of lighting it, and may, with the like Consent, provide and set up on or against any such Building any Apparatus necessary for securing to such Building a proper Supply of Gas, and for measuring and ascertaining the Extent of such Supply, and may from Time to Time, with the like Consent, repair, replace, alter, or discontinue and remove any such Pipe or Apparatus. Power to lay Pipes against Buildings.

46. The Company shall, on the Request in Writing of the Owner or Occupier of any Building or Part of a Building within Fifty Feet of which any Main of the Company is laid, furnish to such Owner Obligations on Company as to Supply.
or

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or Occupier a Supply of Gas for such Building or Part of a Building on the following Conditions; namely,

First, that the Owner or Occupier making such Request do, if required by the Company, give to them at his own Expense reasonable Security for Payment for the Gas to be supplied:

Second, that such Owner or Occupier do pay the Cost of and the Expenses of laying all necessary Pipes for such Supply beyond the Line of the Street or Road where the Main of the Company is placed:

Third, that such Owner or Occupier do, if required by the Company, pay in advance the estimated Amount of such Cost and Expenses:

And any Dispute as to any Matter arising under the present Section shall be settled by Arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," respecting the Matters thereby directed to be settled by Arbitration.

Consumers may be required to consume by Meter.

47. Every Consumer of Gas supplied by the Company shall, on being required by them, consume such Gas by Meter, to be supplied either by the Company or (if so agreed) by the Consumer, and in that Case to be approved by the Company.

Power to make Waterworks.

48. Subject to the Provisions of this Act, the Company may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections the Reservoir, Conduits, or Lines of Pipes and other Works for the Supply of Water herein-after described, with all proper Approaches, Embankments, Filter Beds, Engines, Works, and Conveniences connected therewith respectively, and may collect and divert into the said Waterworks and thence distribute and supply the Waters of the Rivers or Streams called respectively *Rhondda Fawr*, *Ffynona Gwynon*, *Nanty Bwch*, and *Ffynon yr Hendy*, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for any of those Purposes.

For securing a Supply of Water to the Owners of Blaen Rhondda and Ystradfermol Farms.

49. Notwithstanding the Power by this Act given to the Company to divert and take the Water of the *Rhondda Fawr River*, the Company shall at no Time divert or take Water from the said River so as to reduce the Flow in its Passage through *Blaen Rhondda* and *Ystradfermol* Farms as well above as below the Weir shown on Sheet No. 1 of the deposited Plans of such a Quantity of Water as shall from Time to Time be necessary for the efficient winning, working, converting, and manufacturing of the Minerals under the said Farms, and for all the Uses and Purposes of the said Farms and the Tenants thereof, and it shall be lawful for the Owners for the
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Time being of the said Farms and their respective Lessees and Tenants to take and use such Water accordingly, but this Provision shall not authorize the taking or using of such Water for the Purpose of working any Waterwheel or Low-pressure Steam Engine; and this Provision shall be deemed to be full Compensation under "The Waterworks Clauses Act, 1847," and otherwise, to the Owners, Lessees, and Tenants of the said Farms in respect of their Right of using the Streams and Waters which the Company are by this Act authorized to take, and for all Damage sustained by them through the Exercise of the Powers of the Company with respect to such Streams and Waters.

50. Nothing in this Act or "The Waterworks Clauses Act, 1847," contained shall be construed to deprive the Owners for the Time being of the said Farms called *Blaen Rhondda* and *Ystradfermol*, or their Lessees or Tenants, of any Powers, Privileges, Rights, or Conveniences which the present Owners, Lessees, or Tenants of the said Farms now possess or enjoy or are entitled to, or if this Act were not passed might possess or enjoy or be entitled to, for working and carrying away the Minerals in and under any Part of those Farms which may be used or taken for the Purposes of the Works by this Act authorized, or in or under any other Part of such Farms, or to prevent the Exercise or Enjoyment of any such Powers, Privileges, Rights, and Conveniences; and the Company shall make Compensation to such Owners, Lessees, and Tenants for all Damage that may at any Time be done to their or any of their Minerals or Mineral Workings by any of the Acts or Works of the Company under the Authority of this Act; provided that the Surface of the Reservoir and of the Weir shall not be taken or interfered with by such Owners, Lessees, and Tenants, or any of them, for any Surface Operations or Purposes, and no Earth or Rubbish shall be deposited on any Part of the Conduits of the Company without Six Calendar Months previous Notice in Writing being given to the Company, who are to be at liberty on receipt of such Notice to make an Arch over the Conduit, or such Part thereof as they shall think fit.

Reserving
Rights as to
Minerals
under certain
Farms.

51. In constructing the Reservoir by this Act authorized the Company shall not deviate laterally from the Lines forming the Southern and Western Boundaries thereof as shown on the deposited Plans, but in all other respects the Company in the Construction of the Waterworks by this Act authorized may deviate laterally from the Lines thereof as shown on the deposited Plans to the Extent of the Limits of lateral Deviation marked thereon, and may deviate vertically from the Levels shown on the deposited Sections in the Case of the Reservoir to any Extent not exceeding Three Feet upwards

Limits of
Deviation.

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or Three Feet downwards, and in the Case of other Works to any Extent not exceeding Five Feet upwards or Five Feet downwards.

Powers for compulsory Purchases limited.

52. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

53. If the Waterworks authorized by this Act are not completed within Five Years from the passing of this Act, then, on the Expiration of that Period the Powers by this Act granted to the Company for executing the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing herein shall restrict the Company from extending, enlarging, altering, or removing any of their Engines, Machinery, Mains, or Pipes on improving their Supply of Water at any Time or from Time to Time as Occasion requires.

Power to take additional Lands by Agreement.

54. The Company may from Time to Time for Purposes of this Act purchase by Agreement any Lands in addition to Lands which they are authorized to take by Compulsion, and the Company may hold the same not exceeding in the whole at One Time Five Acres.

Power to take Easements, &c. by Agreement.

55. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release Lands, may, if they think fit, subject to the Provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Company any Easement, Right, or Privilege in, over, or affecting any Lands, not being an Easement, Right, or Privilege of Water; and the Provisions of the last-mentioned Acts with respect to Lands and Rent-charges, as far as the same are applicable in this Behalf, shall extend and apply to such Grants or to such Easements, Rights, or Privileges as aforesaid.

Reservation of Water Rights, &c. on Sale.

56. On the Sale by the Company of any Lands they may reserve to themselves all or any Part of the Water or Water Rights or other Easements belonging thereto, and may make the Sale subject to such Reservations accordingly, and may also make any such Sale subject to such other Reservations, special Conditions, Restrictions, and Provisions with respect to Use of Water, Exercise of noxious Trades, or Discharge or Deposit of Manure, Sewage, or other impure Matter, as they think fit.

Constant Pressure, &c.

57. Water supplied under this Act need not be constantly laid on under Pressure, or be continuously supplied, or be supplied in any Case

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Case at a Level above that at which Water can be supplied by Gravitation from the Reservoir by this Act authorized.

58. The Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Company is or shall be laid, or on the Application of any Person who, under the Provisions of this Act, is entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier a sufficient Supply of Water for domestic Use at Rates not exceeding the following; that is to say,

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

If the Rackrent or (if not let at a Rackrent) the annual Value of the House or Part of a House does not exceed Four Pounds *per Annum*, the Rate of Six Shillings *per Annum*, and so in proportion for any shorter Period:

If such Rackrent or (as the Case may be) annual Value exceeds Four but does not exceed Six Pounds *per Annum*, the Rate of Eight Shillings and Eightpence *per Annum*, and so in proportion for any shorter Period:

If such Rackrent or (as the Case may be) annual Value exceeds Six but does not exceed Ten Pounds *per Annum*, the Rate of Ten Shillings *per Annum*, and so in proportion for any shorter Period:

If such Rackrent or (as the Case may be) annual Value exceeds Ten but does not exceed Twenty Pounds *per Annum*, the Rate *per Annum* of One Shilling and One Penny Halfpenny in the Pound upon such Rackrent or annual Value, as the Case may be, and so in proportion for any shorter Period:

If such Rackrent or (as the Case may be) annual Value exceeds Twenty Pounds *per Annum*, the Rate *per Annum* of One Shilling in the Pound upon such Rackrent or annual Value, as the Case may be, and so in proportion for any shorter Period.

59. In addition to the Rates for the Supply of Water for domestic Purposes, the Company may demand and receive for every Watercloset more than One in any House any yearly Sum not exceeding Six Shillings, and for every private fixed Bath in any House any yearly Sum not exceeding Twelve Shillings.

Rates for Water-closets and Baths.

60. Provided always, that the Company shall not be compellable to supply with Water any Watercloset or any private fixed Bath, or the Apparatus or Pipes connected therewith respectively, unless the same be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air or noisome and impure Matter into the Mains or Pipes belonging to

For preventing fouling Water.

The Ystrad Gas and Water Act, 1868.

to or connected with the Mains or Pipes of the Company, nor unless such private Bath shall be so constructed as to contain when filled for Use not more than Fifty Gallons of Water.

Regulations
for prevent-
ing Waste
of Water.

61. For preventing Waste, Misuse, undue Consumption, or Contamination of the Water of the Company the following Provisions shall have Effect; namely,

- (1.) The Company may from Time to Time make such reasonable Regulations as they think necessary for the Objects aforesaid to be observed by Persons supplied with Water :
- (2.) By any such Regulations the Company may direct the Use, and prescribe the Size, Nature, Strength, and Materials, and the Mode of Arrangement, Alteration, and Repair of the Pipes, Valves, Cocks, Cisterns, Baths, Soil-pans, Water-closets, and other Apparatus or Receptacles, or any of them, to be used by such Persons respectively for conveying, delivering, and receiving Water, and may interdict any Arrangement and the Use of any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle in their Judgment likely to occasion Waste, Misuse, undue Consumption, or Contamination of Water :
- (3.) The Company shall not be bound under any Agreement or otherwise to supply or to continue to supply Water to any Person unless such Regulations as are for the Time being in force are duly observed by him :
- (4.) In case of the Failure of any such Person to observe such Regulations as are for the Time being in force, the Company may, if they think fit, after Twelve Hours Notice in Writing, and by or under the Direction of their duly authorized Officer, repair, replace, or alter any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle belonging to or used by any Person supplied by them, and the Expense of every such Repair, Replacement, or Alteration shall be repaid to the Company by the Person on whose Credit the Water is supplied, and may be recovered by them as Damages for the Recovery of which no special Provision is made :
- (5.) If any Dispute arises between the Company and any Person as to whether any such Regulations are reasonable or not, or whether such Regulations have been complied with by such Person, such Dispute shall be referred on the Application of either Party to the Determination of Two Justices, whose Decision thereon shall be final and binding on both Parties.

62. Subject

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62. Subject to the Provisions of this Act, the Company from Time to Time may enter into and carry into effect such Agreements with any Railway Companies and other Companies and Persons with respect to the Supply of Water for other than domestic Purposes, and all Matters incidental and accessory thereto, as the Company think fit, and every such Agreement may be for such Period and on such Terms, pecuniary or otherwise, and Conditions as the Company think fit, but notwithstanding any such Agreement no Person shall be entitled to such a Supply whenever and as long as the same interferes or is likely to interfere with the proper Supply of Water for domestic Purposes under this Act; and every such Agreement shall be by virtue of this Act determinable by the Company on One Month's Notice in Writing, and shall contain an express Condition to that Effect.

Power to Company to agree for Supplies of Water.

63. A Supply of Water for domestic Purposes does not include a Supply of Water for more than One Watercloset, or for Cattle, or for Horses, or for washing Carriages, where the Horses and Carriages are kept for Hire or are the Property of a Dealer, or for Steam Engines, or for Railway Purposes, or for warming or ventilating Purposes in public Buildings, or for working any Machine or Apparatus, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for public or private Baths, or for any ornamental Purpose whatsoever.

What are not domestic Purposes.

64. Every Person using for other than domestic Purposes any Water supplied by the Company, and not having previously agreed with the Company for a Supply for the other Purposes, and every Person having agreed with the Company for a Supply of Water for any other than domestic Purposes, and using for any Purposes other than the Purposes so agreed on the Water so supplied by the Company, shall respectively for every such Offence forfeit and pay to the Company any Sum not less than Twenty Shillings and not exceeding Five Pounds.

Penalty for using Water for other than domestic Purposes without Agreement.

65. In all Cases in which the Company are by "The Waterworks Clauses Act, 1847," or "The Waterworks Clauses Act, 1863," or by this Act authorized to cut off the Pipe to, or turn off Water from, any Premises, the Company, their Agents and Workmen (after giving Notice to the Owner or Occupier as herein-after provided), may enter into any such Premises between the Hours of Nine in the Forenoon and Four in the Afternoon for the Purpose of cutting off any Pipe by which the Water of the Company shall be supplied to such Premises.

Entry on Premises to cut off Supply in certain Cases.

[*Local.*]

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66. The

The Ystrad Gas and Water Act, 1868.

Mode of
giving
Notice.

66. The Notice to be given previously to such Entry shall be in Writing, and shall be served in manner following; (that is to say,)

If the Premises intended to be entered be occupied, then by leaving the Notice thereat, or by delivering the same to the Occupier thereof, Twenty-four Hours at least previously to such Entry :

If such Premises be unoccupied, and the Owner thereof and his usual Place of Abode be in *England* and be known to the Company, then by delivering the Notice to such Owner, or by leaving the same at his usual Place of Abode, Twenty-four Hours, or by sending the same by Post by registered Letter addressed to him at his usual Place of Abode Forty-eight Hours, at least previously to such Entry :

If such Premises be unoccupied, and the Owner thereof or his usual Place of Abode be not in *England*, or be not known to the Company after due Inquiry, then by affixing the Notice on some conspicuous Part of such Premises Three Days at least previously to such Entry, and for the Purposes of this Provision any Person receiving the Rents of any such Premises either on his own Account or as Agent for any other Person shall be deemed the Owner of such Premises.

Service
Pipes.

67. The Service Pipes to communicate with the Mains and Pipes of the Company, and the Fittings connected therewith, shall be laid, placed, and removed under the Superintendence of the Company, and at the Expense of the Persons requiring or having the Supply, and at their Option either by themselves or by the Company.

Provision as
to letting
Meters.

68. The Company may let for Hire any Meter for ascertaining the Quantity of Gas or Water consumed or supplied, and any Fittings thereto, for such Remuneration in Money, and on such Terms with respect to Repair of such Meter and Fittings, and for securing the Safety and Return to the Company of such Meter, as may be agreed upon between the Hirer and the Company, and such Remuneration shall be recoverable in the same Manner as the Gas Rents or (as the Case may be) Water Rents due to the Company, and such Meters and Fittings shall not be subject to Distress for Rent of the Premises where the same are used, or to be taken in Execution under any Process of a Court of Law or Equity or any Proceedings in Bankruptcy against the Persons having Possession thereof.

Power to
remove
Meters and
Fittings.

69. The Company, after Forty-eight Hours Notice in Writing under the Hand of the Secretary or some other Officer of the Company to

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to the Occupier, or if there is no Occupier then to the Owner or Lessee of any Building or Lands in which any Pipe, Meter, or Fitting belonging to the Company is laid or fixed, and through or in which the Supply of Gas or Water is from any Cause other than the Default of the Company discontinued, may enter such Building or Lands between the Hours of Nine in the Morning and Four in the Afternoon, or at any other Time with the Authority in Writing of a Justice, for the Purpose of removing and may remove every such Pipe, Meter, and Fitting, repairing all Damages caused by such Entry or Removal, and every such Notice shall be served by being delivered to the Person for whom it is intended, or left at his usual or last known Place of Abode or Business in *England*, or if such Person or his usual Place of Abode or Business in *England* is not known to the Company after proper Inquiry, then by being affixed on some conspicuous Part of such Building or Lands.

70. Before any Person connects or disconnects any Meter through which any of the Gas or Water of the Company is intended to be or has been registered, he shall give not less than Twenty-four Hours Notice in Writing to the Company of his Intention to do so, and any Person offending against this Enactment shall for every such Offence be liable to a Penalty not less than Ten Shillings and not exceeding Forty Shillings.

Notice to
Company of
putting up
Meters, &c.

71. Every Consumer of Gas or Water of the Company shall at all Times at his own Expense keep all Meters belonging to him whereby any Gas or Water of the Company is registered in proper Order for correctly registering such Gas or Water, in default whereof the Company may cease to supply Gas or Water through such Meters, and the Company shall at all reasonable Times have Access to and be at liberty to take off, remove, test, inspect, and replace any Meter belonging to a Consumer, such taking off, Removal, testing, and inspecting and replacing to be done at the Expense of the Company if the Meter be found in proper Order, but otherwise at the Expense of the Consumer.

Repair of
Meters.

72. The Register of the Meter when in perfect working Order shall be *primâ facie* Evidence of the Quantity of Gas or (as the Case may be) Water consumed by any Customer of the Company in respect of which any Gas or Water Rent is charged and sought to be recovered by the Company.

Register of
Meter to be
primâ facie
Evidence.

73. If any Person wilfully, fraudulently, or by culpable Negligence injures or suffers to be injured any Pipe, Meter, or Fitting belonging to the Company, or fraudulently alters the Index to any Meter,

Fraudulently
injuring
Meters, &c.

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Meter, or fraudulently prevents any such Index from duly registering the Quantity of Gas or Water supplied, he shall (without Prejudice to any other Right or Remedy for the Protection of the Company or the Punishment of the Offender) for every such Offence be liable to a Penalty not less than Forty Shillings and not exceeding Five Pounds, and the Company may in addition thereto recover the Amount of any Damages sustained by them, and the Company may also discontinue the Supply of Gas or (as the Case may be) Water to the Person so offending until the Injury is remedied and the Amount of the Damages are paid, notwithstanding any Contract previously existing; and the Existence of artificial Means for causing such Alteration or Prevention when such Meter is under the Custody or Control of the Consumer shall be *prima facie* Evidence that the same has been fraudulently caused by the Consumer using such Meter.

Company's
Officers to
enter
Buildings.

74. The Company's Agent or other Officer duly appointed for the Purpose by the Company may, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, enter any Building or Place supplied with Gas or Water by the Company in order to inspect the Meters, Pipes, Fittings, and Apparatus for regulating the Supply of Gas or Water, and to see whether the Meters, Pipes, Fittings, Cisterns, or other Apparatus provided be in good Repair; and if such Agent or other Officer at any such Time be refused Admittance into such Premises for the Purposes aforesaid, or be prevented from making such Examination, the Occupier of such Premises shall for every such Offence forfeit to the Company a Sum not exceeding Five Pounds.

For prevent-
ing Frauds
and Waste
of Gas.

75. If and whenever any Person supplied with Gas or Water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the Provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the Prevention of Waste, Misuse, or undue Consumption of Gas or Water, the Company may cut off or stop any Pipe by or through which Gas or Water is supplied to him, and may cease to supply him with Gas or Water as long as the Cause of Injury remains or is not remedied, and also may recover in any Court of competent Jurisdiction from every Person so offending the Amount of all Damage sustained by them by reason thereof, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies in this Behalf.

Power for
Company to
supply

76. The Company may, if requested by any Person supplied or about to be supplied by them with Water, furnish to him, and from
Time

The Ystrad Gas and Water Act, 1868.

Time to Time repair or alter, any such Pipes, Valves, Cocks, Cisterns, Baths, Soil-pans, Waterclosets, Apparatus, and Receptacles as are required or permitted by their Regulations, and may provide all Materials and do all Work necessary or proper in that Behalf. Materials, &c.

77. The Company shall not be entitled to require from the in-coming Tenant of any Property the Payment of Arrears of Gas Rent, Water Rent, or Meter Rent left unpaid by any former Tenant, unless the in-coming Tenant has undertaken with such former Tenant to pay or exonerate him from the Payment of such Arrears. In-coming Tenant not liable for Arrears.

78. Where several Houses or Parts of Houses in the Occupation of several Persons shall be supplied by One common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rates for the Supply of Water as they would have been liable to if each of such several Houses or Parts of Houses had been separately supplied with Water from the Company's Mains by a separate and distinct Pipe; provided always, that the Company shall not be compelled to supply Water to the Owner or Occupier of any Dwelling House or Premises unless the Water Rate is paid for the whole of such Dwelling House and Premises; and provided also, that the Company shall not be bound to supply more than One House by means of the same Pipe, but they may, if they think fit, require that a separate Pipe be laid into each House supplied by them with Water. Where several Houses are supplied by One Pipe each to pay.

79. If any Person fails to pay any Gas Rent, Water Rent, Meter Rent, Rate, Damages, Costs, Expenses, or other Sum due to or recoverable by the Company under this Act, or any Acts incorporated wholly or in part with this Act, they may recover the same by Proceedings in any Court of competent Jurisdiction, or if the Amount thereof is not *bonâ fide* disputed, the same may be levied by Distress (the Person in default being first duly summoned), and any Justice may issue his Warrant accordingly, and the Remedies of the Company under this Section shall be in addition to their other Remedies for Recovery of any such Rent, Rate, Damages, Costs, Expenses, or other Sum. Recovery of Sums due.

80. A Notice to the Company from a Consumer for the Discontinuance of a Supply of Gas or Water shall not be of any Effect unless it be in Writing, and is left at the principal Office for the Time being of the Company. Notice of Discontinuance.

81. A Justice or a Judge of any Court shall not (except as in this Act expressly provided) be disqualified from acting in the Execution Liability to Gas Rent not to dis-

[Local.] [8 T] of

The Ystrad Gas and Water Act, 1868.

qualify Justice, &c.

of this Act by reason of his being liable to the Payment of any Gas Rent, Water Rent, Meter Rent, Rate, or Charge under this Act, or of his being a Shareholder of the Company.

Contents of Summons, &c.

82. Any Summons or Warrant issued for any of the Purposes of this Act may contain in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Costs of Distress.

83. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for Recovery of the Money to be levied be paid by the Person liable to pay such Money, and in that Case such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress.

Penalties not cumulative.

84. Penalties imposed on the Company for one and the same Offence by several Acts of Parliament shall not be cumulative, and for this Purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Expenses of Act.

85. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

A Field called Cae Coch situate in the Home Hamlet of the said Parish of Ystradyfodwg and Part of Tyr Felyn yr Hom Farm occupied by Richard Evans, which Field is bounded on the North-east by the Parish Road leading from Pontrhonda to Treherbert, and by Three Cottages in the Occupation of David Lloyd, William Jenkins, and James Miles; on the North-west by a private Road lying between the same and the Boedringallt Brook; on the South-west by the Taff Vale Railway and the Railway Siding of the Boedringallt Colliery; and on the South-east by the Gelly-galad Colliery Siding.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.