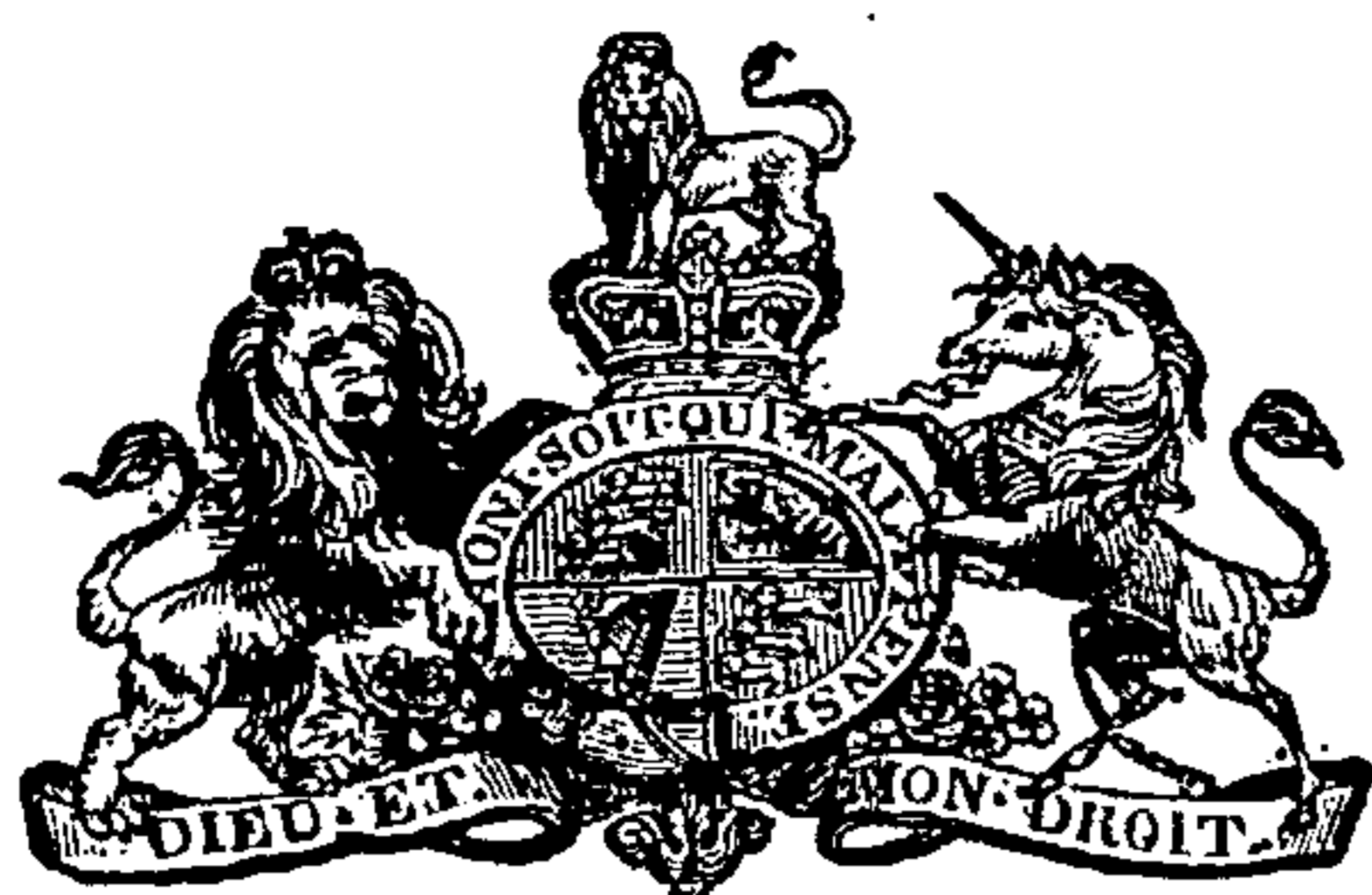


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CHAPTER clii.

An Act to extend the Borough of Newport in the County of Monmouth and to enable the Mayor Aldermen and Burgesses thereof to execute certain improvements and works and to make further provision for the improvement and good government of the borough and for other purposes. A.D. 1889.  
[12th August 1889.]

**W**HEREAS the borough of Newport in the county of Monmouth is a municipal borough subject to the Acts relating to municipal corporations and under the government of the mayor aldermen and burgesses of the borough (herein-after referred to as "the Corporation") :

And whereas the Corporation acting by the council of the said borough are the urban sanitary authority for the district of the said borough :

And whereas the following local and personal Acts and provisional orders are wholly or partially in force within the borough (that is to say) :—

An Act passed in the session of Parliament held in the seventh year of the reign of King George IV. cap. VI. intituled " An Act for lighting watching paving cleansing and improving the streets highways and places within the town and borough of Newport in the county of Monmouth " (in this Act referred to as " the Act of 1826 " ) ;

A provisional order of the General Board of Health bearing date the 4th May 1850 confirmed by the Public Health Supplemental Act 1850 ;

The Newport (Monmouthshire) Corporation Act 1855 (in this Act referred to as " the Act of 1855 " ) ;

A provisional order for putting in force the Lands Clauses Consolidation Act 1845 within the district of the Newport (Monmouthshire) Local Board of Health for the purchase of lands by the said board for purposes of street improvement

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confirmed by the Local Government Supplemental Act 1869 (No. 2); and another

Provisional order to enable the local board of Newport in Monmouthshire to put in force the compulsory clauses of the Lands Clauses Consolidation Act 1845 confirmed by the Local Government Board's Provisional Orders Confirmation Act 1873; The Newport (Monmouthshire) Improvement Act 1876 (hereinafter called "the Act of 1876");

A provisional order to enable the urban sanitary authority for the borough of Newport to put in force the compulsory clauses of the Lands Clauses Consolidation Acts 1845 1860 and 1869 confirmed by the Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne &c.) Act 1879;

A provisional order to enable the urban sanitary authority for the borough of Newport to put in force the compulsory clauses of the Lands Clauses Consolidation Acts 1845 1860 and 1869 confirmed by the Local Government Board's Provisional Orders Confirmation Act 1882;

A provisional order for permanently constituting the mayor aldermen and burgesses of the borough of Newport the port sanitary authority of the whole of the port of Newport confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883;

A provisional order to enable the urban sanitary authority for the borough of Newport (Monmouthshire) to put in force the compulsory clauses of the Lands Clauses Consolidation Acts confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1885;

A provisional order to enable the urban sanitary authority for the borough of Newport (Monmouthshire) to put in force the compulsory clauses of the Lands Clauses Consolidation Acts confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1886; and

The Newport (Monmouthshire) Corporation Water Act 1888:

And whereas with a view to the due development of the town and district of Newport and of the trade thereof it is expedient that the borough should be extended so as to include the portions of the parishes of Saint Woollos Christchurch and Nash adjacent to the borough and set forth in the First Schedule to this Act annexed:

And whereas the borough is at present divided into four wards which are represented in the council of the borough by twenty-four

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councillors and eight aldermen and it is desirable that the number of wards and of aldermen and councillors of the borough should be increased as herein-after provided : A.D. 1889.

And whereas the district of the Christchurch local board is wholly included within the area of the borough as extended by this Act and it is expedient that such local board should be dissolved :

And whereas there exist within and for the said parish of Christchurch a separate burial board and separate school board but the portions of the said parish which are not included within the borough as extended by this Act are inconveniently small to form a separate burial board district and school district and it is therefore expedient that the said burial board and school board should be dissolved and that provision as herein-after contained should be made with respect to burials and education within such portions of the said parish :

And whereas it is expedient that the Corporation should be empowered to construct the subway roads and other improvements in this Act mentioned :

And whereas by the Act of the sixth year of King William IV. chapter lxvi. (herein-after called "the Act of 1836") a body of commissioners was appointed for regulating preserving and improving the port or harbour of Newport aforesaid and powers were conferred upon them with respect thereto :

And whereas it has been agreed between the Corporation and the said board of harbour commissioners that the constitution of that board should be altered and it is expedient that provision be made as herein-after provided for effecting such alteration :

And whereas by the Act of 1855 after reciting that certain lands known as the Newport Marshes vested in the Corporation in trust as regards the profits thereof for certain freemen of the borough and their widows would if improved and let for building become very profitable to the Corporation and be advantageous to the public but that the Corporation had no power to improve or grant leases thereof It was enacted that the said lands should vest in the Corporation freed from such trusts and among other powers the power of letting such land on building leases was conferred upon the Corporation :

And whereas by the Act of 1876 section 47 after reciting that it would render the said marshes more profitable to the Corporation if they were empowered to make building leases for terms not exceeding ninety-nine years the Corporation were empowered to make such leases :

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And whereas with a view to the further development of such property for building purposes it is expedient that the powers of the Corporation of making such leases should be amended and extended as herein-after provided :

And whereas it is expedient that the powers of the Corporation with respect to streets and buildings and private street works the prevention of the spread of infectious diseases and sanitary regulations should be extended and further provision be made for the good government of the borough :

And whereas the Corporation have from time to time borrowed various sums of money and the Seventh Schedule to this Act contains a statement showing the particulars of the amounts of money which were outstanding and due on such loans on the 31st day of December 1888 :

And whereas it is expedient that the Corporation be authorised to borrow and expend further moneys and to consolidate their loans and exercise their borrowing powers for the time being by means of the creation and issue of Corporation stock and otherwise to improve their financial arrangements :

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

And whereas estimates have been prepared by the Corporation for the purchase of land and the execution of the various works by this Act authorised and such estimates are as follows :—

For the passenger subway by this Act authorised twenty thousand pounds ; and

For the new roads by this Act authorised (including contributions to the expenses of the construction of such roads and of the Road No. 3 referred to in section 44 of this Act) fifteen thousand five hundred pounds :

And whereas the said works 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 eleventh day of December one thousand eight hundred and eighty-eight after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Evening Star of Gwent* and *South Wales Times* a local newspaper published and circulating in the borough 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 borough rate :

And whereas such resolution was published twice in the said Evening Star of Gwent and South Wales Times a newspaper published and circulating in the borough and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters : A.D. 1889.

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 eighth day of January one thousand eight hundred and eighty-nine 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 in the Third Schedule of the Public Health Act 1875 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 lands to be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes of this Act and describing those lands have been deposited with the clerk of the peace for the county of Monmouth and are in this Act referred to respectively as the deposited plans sections and book of reference :

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

#### PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the Newport (Monmouthshire) Corporation Act 1889. Short title.

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

Part I. Preliminary ;

Part II. Extension of Borough ;

Part III. Improvement Works and Lands ;

Part IV. Agreements &c. ;

Part V. Reconstitution of Harbour Commissioners ;

Part VI. Newport Marshes ;

Part VII. Streets and Buildings ;

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- Part VIII. Private Street Works ;
- Part IX. Sanitary ;
- Part X. Police and Local Government ;
- Part XI. Finance ;
- Part XII. Miscellaneous.

Limits of Act.

3. This Act except where otherwise expressed or implied shall apply exclusively to the borough as extended by this Act.

Incorporation of Acts.

4. The following Acts or parts of Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act referred to as “the Lands Clauses Acts”) 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 and the provisions so incorporated with this Act of the said Railways Clauses Consolidation Act 1845 shall apply only to the subway and roads by this Act authorised as if such works were therein referred to instead of “the railway” and the prescribed limits shall be fifty yards from every or any part of the respective works.

Interpretation of terms.

5. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to the construction (that is to say) :—

“Existing borough” means the municipal borough of Newport in the county of Monmouth as existing at the passing of this Act ;

“Added area” means the area added to the existing borough by this Act ;

“Borough” used without qualification or “extended borough” means the municipal borough of Newport in the county of Monmouth as extended by this Act ;

“Mayor” means the mayor of the borough ;

“Corporation” and “council” mean respectively the mayor aldermen and burgesses and the council of the existing borough or of the extended borough as the case may require ;

“Town clerk” “treasurer” “surveyor” “medical officer of health” “inspector of nuisances” mean respectively the town clerk the treasurer the surveyor the medical officer of health and the inspector of nuisances of the borough ;

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- “Borough fund” “borough rate” “district fund” and “general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;
- “Extra-municipal portion” used in relation to any parish means that portion of such parish which is not included within the limits of the borough as extended by this Act;
- “Local board” means the local board of health for the district of Christchurch;
- “Burial board” means the burial board for the parish of Christchurch in the county of Monmouth;
- “Harbour commissioner” means a commissioner of the port or harbour of Newport;
- “Existing harbour commissioner” means a harbour commissioner at the date of the passing of this Act;
- “Harbour board” means the commissioners for the time being of the port or harbour of Newport;
- “Lord of the manor” includes lady of the manor;
- “Infectious disease” means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other diseases as the Local Government Board under the provisions and for the purposes of this Act may from time to time declare to be infectious;
- “Registered medical practitioner” means any person for the time being registered under the Medical Act 1858 or any Acts amending the same;
- “Food” includes every article other than water used for food or drink;
- “Daily penalty” means a penalty for each day on which any offence is continued after conviction thereof;
- “Dwelling-house” means any building or part thereof used or intended constructed or adapted to be used wholly or partly for human habitation by day or by night;
- “New street” means a street laid out after the commencement of this Act and includes any part of a street laid out after the commencement of this Act in continuation of a street existing at the commencement of this Act but shall not include any road or approach to the station or premises of any railway company so far as such road or approach belongs to and is maintained by such company;
- “New building” means a building begun to be built or rebuilt after the commencement of this Act and includes the re-erecting

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of any building pulled down to or below the ground story thereof or of any building of which only the framework is left above the ground story and any addition to or external alteration of an existing building ;

“ Owner ” includes in the case of any building or structure in course of construction or alteration any person by whose orders or at whose cost such building or structure is being constructed or altered such person not being any contractor or builder employed to construct or alter the same ;

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending the same ;

“ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending the same ;

“ Burial Acts ” means the Burial Acts 1852 to 1871 and the Acts amending the same ;

“ The Education Department ” means the Lords of the Committee of Her Majesty’s Privy Council on Education ;

“ Person ” includes a corporation :

Words expressions and terms to which meanings are assigned by the Municipal Corporations Acts or Public Health Acts or by the Acts recited in the preamble of this Act or by any Act wholly or partially incorporated with this Act have the same respective meanings unless varied by this section or unless there be something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act in any Act incorporated with this Act the expressions “ court of competent jurisdiction ” “ superior courts ” or any other like expression shall 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 shall include any court of competent jurisdiction.

Commence-  
ment of Act.

6. This Act shall save as otherwise expressly provided come into operation on the thirtieth day of September one thousand eight hundred and eighty-nine (which date is in this Act referred to as “ the commencement of this Act ”) Provided that for the purposes of the division of the extended borough into wards and for all proceedings preliminary to the municipal elections on and after the first day of November one thousand eight hundred and eighty-nine this Act shall come into operation on its passing.

Act to be  
executed by  
council.

7. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts Public Health Acts and



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Burial Acts respectively and any other Acts for the time being affecting the Corporation as a municipal body sanitary authority and a burial board respectively, and with all the rights powers privileges duties exemptions and authorities conferred and imposed by those Acts respectively. A.D. 1889.

PART II.—EXTENSION OF BOROUGH.

EXTENSION OF BOROUGH BOUNDARIES AND OF POWERS OF CORPORATION.

8. The borough shall comprise the district described in the First Schedule to this Act annexed. Extension of borough.

9. A plan of the borough as extended by this Act signed in duplicate by the Right Honourable Frederick Earl Beauchamp the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (herein called "the borough plan") shall within one month after the passing of this Act be deposited in the Parliament Office and with the town clerk at his office and a copy thereof certified by the town clerk shall be sent by him as soon as may be after the deposit of the same as aforesaid to the Director-General of Her Majesty's Ordnance Survey Southampton and to the Local Government Board. Deposit of plan of extended borough.

In the event of any discrepancy between the boundaries of the borough as defined in the First Schedule to this Act and as shown on the borough plan the definition in the said schedule shall prevail.

10. Copies of the borough plan deposited with the town clerk or any extract therefrom which is certified by him to be true shall be received by all courts of justice and elsewhere as *prima facie* evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of the persons liable to rates leviable within the borough by the Corporation on the payment of one shilling. All sums received under this section shall be carried to the credit of the borough fund. Copies of deposited borough plan to be evidence.

11. Subject to the provisions of this Act all the real and personal property at the commencement of this Act vested in the existing Corporation or council in any capacity for the benefit of the existing borough is hereby vested in the Corporation of the extended borough but subject to all debts liabilities interests and obligations affecting the same or any part thereof or the existing Corporation or council in respect thereof and all the jurisdiction powers rights Authority of Corporation &c. extended.

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privileges authorities immunities and duties of the existing Corporation as a municipal body and of the existing council and any committee thereof and of the existing Corporation acting in the execution of such of the provisions of any Acts relating to the Corporation or the borough as are at the commencement of this Act in force within the existing borough and of the existing Corporation acting by the council or any committee thereof as the urban sanitary authority for the district of the existing borough and of all officers and servants of the existing Corporation shall extend to and throughout the extended borough and all charters enactments orders regulations and byelaws at the commencement of this Act applicable to the existing borough or to any portion thereof shall subject to the provisions of this Act and (subject as regards such orders regulations and byelaws to revocation or alteration by the council in the manner in which the same can be made revoked or altered by the council) extend and apply to the extended borough and the jurisdiction powers rights privileges authorities duties byelaws and regulations of any other sanitary authority or highway authority in force within the added area shall cease to be in force or have any effect within such area.

Jurisdiction  
of borough  
justices.

**12.** The jurisdiction powers authorities rights privileges and duties of the justices of the peace appointed for the existing borough and of the clerk to such justices whether acting in petty sessions or out of sessions or otherwise and of all constables and other peace officers of the existing borough shall extend to and throughout the extended borough.

Exemption  
from high-  
way rates  
&c.

**13.** From and after the commencement of this Act all lands houses and hereditaments within the added area shall be exempt from all highway rates to be made by any authority other than the Corporation in respect of the parishes in which the same are situate and from all rates to be made by any sanitary authority other than the Corporation therein but all arrears existing at the commencement of this Act of such rates (other than rates made by the local board or the burial board which may be levied and collected by the Corporation as herein-after provided) may be levied and collected as if this Act had not been passed.

For the pro-  
tection of  
the county  
council for  
Monmouth-  
shire.

**14.** For the protection of the county council for Monmouthshire the local authority for the execution of the Contagious Diseases (Animals) Acts 1878 to 1886 the following provisions shall have effect (that is to say) The Corporation shall allow the said county council to provide and maintain at some convenient point within

the borough on the eastern side of the River Usk a landing-place for animals with a proper access therefrom and thereto through the borough on such eastern side to and from the county of Monmouth and the said landing-place and access shall when in use by the said county council for the purposes of the said Acts be deemed to form part of the county of Monmouth and the rules and regulations made under those Acts and for the time being in force with respect to the said county shall extend and apply to the said landing-place and access when in use as aforesaid accordingly to the exclusion of the rules and regulations made under those Acts with respect to the borough and for the time being in force within the same.

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#### DIVISION OF BOROUGH INTO WARDS &C.

15. The extended borough shall be divided into five wards with such names or distinguishing numbers and boundaries as shall be fixed and determined by a scheme to be made by a commissioner to be for that purpose appointed by Her Majesty's Principal Secretary of State for the Home Department within three weeks after the passing of this Act.

Division of extended borough into wards.

16. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch and so as to complete his scheme before the thirty-first day of August one thousand eight hundred and eighty-nine or such later day as may on his application be fixed by the said Secretary of State.

Commissioner to frame scheme.

17. After the boundaries of the wards of the extended borough have been fixed and determined as aforesaid the number of the aldermen and councillors shall be ten aldermen and thirty councillors and the six additional councillors shall be elected on the first day of November one thousand eight hundred and eighty-nine being the ordinary day of elections of councillors in accordance with the provisions of the Municipal Corporations Acts in addition to the councillors to be elected in place of those whose term of office expires on that day and the two additional aldermen shall be elected by the council in accordance with the provisions of the Municipal Corporations Acts on the ninth day of November one thousand eight hundred and eighty-nine immediately after the election of the mayor.

Number of aldermen and councillors.

18. The commissioner shall by his scheme—

(1.) Apportion the existing councillors among the wards of the borough as altered so as to provide (as far as practicable) for each of such councillors continuing to represent as large a

Apportionment &c. of councillors among wards.

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number as possible of his former constituents and every such councillor shall hold his office in the ward to which he shall be so assigned for the same period as he would have held such office if the wards of the existing borough had remained unaltered;

(2.) Prescribe for which of the wards any of the additional councillors shall be elected and make all necessary provision for the election going out of office and rotation of such councillors and of the two additional aldermen;

(3.) State for which of the wards of the borough as altered the four aldermen assigned by the council as returning officers shall act and also name an alderman to act as returning officer for the remaining ward.

Scheme to  
be pub-  
lished.

19. The scheme shall be published in the London Gazette and also in some local newspaper or newspapers circulating in the borough and from the date of the publication of the Gazette the boundaries of wards and apportionment of councillors and other matters determined by the scheme shall be observed and shall be in force. Such publication shall be made by and at the expense of the Corporation.

If Her Majesty in Council does not approve the scheme as originally prepared by the commissioner it shall nevertheless be in force for the purposes of any municipal election until Her Majesty in Council on further information and report from the commissioner definitely approves of a scheme in that behalf.

Application  
of section  
30 of  
45 & 46 Vict.  
c. 50.

20. Subject to the provisions of this Act sub-sections 8 9 10 11 14 and 15 of section 30 of the Municipal Corporations Act 1882 shall apply as if they were re-enacted in this Act.

Further  
provisions  
as to elec-  
tions &c.  
35 & 36 Vict.  
c. 33 &c.

21. Anything to be done under the provisions of the Municipal Corporations Acts the Ballot Act 1872 and any other Act or Acts in relation to elections and other matters incidental thereto or by the mayor aldermen or town clerk in relation to each of the wards determined by the said scheme before the first day of November one thousand eight hundred and eighty-nine may be done in like manner as if such wards were and had been wards of the borough existing at the time of the passing of this Act and the aldermen named by the commissioner as returning officers for the several wards of the borough as determined by the said scheme shall be deemed to have been assigned as returning officers for those wards respectively by the council on the ninth day of November one thousand eight hundred and eighty-eight and the commissioner is by this Act empowered to make all such provisions as may be

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necessary or proper in consequence of the extension of the borough and of the division or alteration of wards and of the numbers of councillors and aldermen.

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**22.** For the purposes of the parish burgess lists the ward rolls and the burgess roll to be made after the passing of this Act under the Municipal Corporations Acts and in relation to the functions and offices of the mayor town clerk and other officers under those Acts the added area shall be deemed to have always been part of the borough. Provided that no such burgess list or ward or burgess roll so to be made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notice or notices given at the time or times required prior to the passing of this Act or publication of the said scheme if such list or roll or notice or notices be made given or published as soon after the passing of this Act as may be practicable.

Burgess lists and burgess rolls.

**23.** In any ward within the extended borough which shall comprise more than one parish or parts of different parishes the names of the persons entitled to be placed or enrolled in the ward roll for any such ward may be so placed alphabetically in respect of each of such parishes or parts of such parishes instead of alphabetically in respect of the whole of such ward.

As to ward lists or rolls.

**24.** Subject to the provisions of this Act all the provisions of the Municipal Corporations Acts with respect to the division of the borough into wards or the alteration of wards shall apply to the extended borough.

Application of Municipal Corporations Acts.

DISSOLUTION OF LOCAL BOARD AND PROVISIONS AS TO BURIAL BOARD AND SCHOOL BOARD.

**25.** From and after the commencement of this Act the local board shall be dissolved and all property real and personal of every description and all rights interests and easements whatsoever (including things in action) which immediately before the commencement of this Act belonged to or were vested in or were enjoyed or exercised by the local board or any person on their behalf shall belong to and become vested in the Corporation and shall be exercised held and enjoyed by the Corporation accordingly but subject to all debts liabilities and engagements attaching to or affecting the same.

Dissolution of local board.

**26.** From and after the commencement of this Act the burial board shall be dissolved and the Corporation acting by the council

Dissolution of Christ-church Burial Board.

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shall be the burial board for the extended borough and shall within the extended borough to the exclusion of any other authority have all powers rights and duties and be subject to all the liabilities and obligations of a burial board under the Burial Acts.

Property of  
burial board  
transferred  
to Corpora-  
tion.

**27.** From and after the commencement of this Act the cemetery and all other buildings lands fixtures rights easements advantages and appurtenances at that date held therewith or belonging thereto and all other property real and personal of every description and all rights interests and easements whatsoever (including things in action) which immediately before the commencement of this Act belonged to or were vested in or enjoyed or were exerciseable by the burial board or any person on their behalf shall be and the same are hereby vested in the Corporation and shall be exercised held and enjoyed by them accordingly and in like manner and subject to the like conditions and obligations respectively as if the same had been provided by or belonged to the Corporation acting by the council as a burial board under the provisions of the Burial Acts but subject to all debts liabilities and engagements attaching to or affecting the same :

Provided always that notwithstanding the vesting in the Corporation of the property of the burial board in manner aforesaid all persons resident within the extra-municipal portion of the parish of Christchurch shall with respect to the said cemetery have possess exercise and enjoy all and the same rights of burial as they may with respect to the said cemetery have possess exercise and enjoy immediately before the commencement of this Act but subject to the same terms payments and conditions and none other or different to which at such last-mentioned time such rights were subject.

Provisions  
with respect  
to the  
transfer.

**28.** With respect to the dissolution of the local board and the burial board and the transfer to the Corporation of the property rights and powers of such boards as aforesaid the following provisions shall have effect (that is to say) :—

Rates due  
at com-  
mencement  
of Act to be  
recoverable  
by Corpora-  
tion ;

All rates tolls dues rents and moneys which immediately before the commencement of this Act are due and payable or accruing due and payable to either of the said boards shall from and after the commencement of this Act be payable to and may be collected and recovered by the Corporation in like manner as general district rates may be collected and recovered by the Corporation ;

Debts due to  
and by  
boards to be  
paid to and  
by the  
Corpora-  
tion ;

All persons who immediately before the commencement of this Act owe any sum of money to either of the said boards or to any person on their behalf respectively shall pay the same with all interest (if any) due or to accrue due for the same to the Corporation and all debts and moneys which immediately

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before the commencement of this Act are due or owing by or recoverable from either of the said boards, or for the payment whereof either of the said boards are or but for this Act would be liable shall be paid with all interest (if any) due or to accrue due thereon by or be recoverable from the Corporation;

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Any action or proceeding or cause of action or proceeding commenced or existing by or against either of the said boards before the commencement of this Act shall not abate or be prejudicially affected by this Act but on the contrary may be prosecuted maintained or continued by in favour of or against the Corporation in like manner to all intents and purposes as if the Corporation instead of the respective board were parties to such action or proceeding;

Actions &c.  
not to abate;

Subject to the provisions of this Act all deeds contracts agreements mortgages bonds and securities made or entered into before the commencement of this Act by with in favour of or on behalf of either of the said boards or any person on their behalf and now in force shall be and remain as valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the respective board had been party or privy thereto;

Deeds &c.  
to remain in  
force;

All byelaws rules and regulations notices and orders made by the burial board and in force immediately before the commencement of this Act may be repealed altered or varied by the Corporation as if they had been made by them under the powers of the Burial Acts and until repealed altered or varied shall in so far as they are not superseded by any existing byelaws of the Corporation as a burial board continue in force;

As to bye-  
laws;

All books and other documents directed or authorised to be kept by either of the said boards by any Act of Parliament and which at the commencement of this Act would be receivable in evidence shall notwithstanding the dissolution of those boards be admitted as evidence in Her Majesty's High Court of Justice and all other courts accordingly.

Books to be  
evidence.

**29.** The Corporation may pay compensation by way of annuity or otherwise to any clerk or officer to or of the local board or burial board or to or of any county justices who by reason of the passing of this Act loses his office or is deprived of the whole or part of the emoluments of his office within two years after the commencement of this Act and does not receive remuneration to an equal amount in respect of some office or employment under the Corporation or the borough justices.

Compensa-  
tion to  
officers for  
loss of  
emoluments.

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*Act, 1889.*

A.D. 1889.

Extension  
of school  
board  
district.

**30.** From and after the commencement of this Act the school board for the district of Christchurch shall be dissolved and for the purposes of the Elementary Education Act 1870 and the Acts amending the same the extended borough together with the extra-municipal portion of the parish of Christchurch and the extra-municipal portion of the parish of Saint Woollos shall be a school district to be called the Newport School District and shall be deemed to be a united school district within the meaning of the Elementary Education Act 1870 and the extended borough and the said extra-municipal portions of the parishes of Christchurch and Saint Woollos shall be deemed to be the constituent districts of such united school district and the members of the existing school board of the united district of Newport and Saint Woollos together with the members of the existing school board of the said district of Christchurch who are in office at the commencement of this Act shall constitute the school board for the Newport School District and shall be deemed to have been elected therefor on the day of January in the year one thousand eight hundred and eighty-nine on which the election of members of the school board of the united school district of Newport and Saint Woollos was held and shall hold office subject to the provisions of the said Acts and of this Act and of any order for the holding of a new election or otherwise which may be made by the Education Department.

Transfer of  
property to  
the new  
school board.

**31.** From and after the commencement of this Act all the land buildings fittings books and other property and all rights of the existing school board for the district of Christchurch shall pass to and vest in the school board of the Newport School District and all debts due to or from and liabilities contracts and engagements of the said school board for the district of Christchurch existing at the commencement of this Act shall be transferred to and recoverable by or from and be discharged satisfied and performed by or in favour of the school board for the Newport School District.

As to bye-  
laws in  
school  
district.

**32.** From and after the commencement of this Act all byelaws and regulations then in force within the united school district of Newport and Saint Woollos shall apply to and be in force within the Newport School District (subject to any future repeal or amendment of the same) and all byelaws and regulations made by the said school board for the district of Christchurch shall cease to be of any force or effect.

Order for  
election of  
new school  
board.

**33.** At such time after the commencement of this Act as the Education Department may think fit that Department may issue an order for the election of a new school board for the Newport School District in the place of the persons who at the time of the making of



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such order are members of the said school board consisting of such number of members and of such provisions as to the election and retirement of members and of any other matters connected therewith as they may think fit. A.D. 1889.

**34.** The Corporation may from time to time if they see fit sell or lease and dispose of any buildings or other property transferred to them by or under the powers of this part of this Act and which they may not require for the purposes for which they were acquired by the local board or the burial board as the case may be and they shall apply the proceeds of any such sale towards paying off any debt of the local board or burial board but nothing in this section shall be taken to dispense with the consent of the Local Government Board to any such sale lease or disposition in any case in which such consent would have been required to any such sale lease or disposition if this Act had not been passed. Power to  
sell property  
transferred  
to the  
Corporation.

**35.—(1.)** The accounts of the local board up to the time of the commencement of this Act shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Act had not been passed and the provisions of section 247 of the Public Health Act 1875 as altered by the District Auditors Act 1879 and any regulations duly issued by the Local Government Board with respect to the audit of accounts of local boards and of their officers shall extend and apply to such audit. Audit of  
accounts of  
local board  
&c.

(2.) The accounts of the burial board up to the time of the commencement of this Act shall as soon as may be after that date be audited subject to and in accordance with the provisions of the Burial Acts.

(3.) The accounts of the school board for the district of Christchurch up to the time of the commencement of this Act shall be audited by the proper officer subject to and in accordance with the provisions in that behalf of the Elementary Education Act 1870 as amended by the Elementary Education Act 1873 and the District Auditors Act 1879 as if this Act had not been passed.

(4.) The Local Government Board may (unless otherwise agreed on between the Corporation and any sanitary authority or highway authority part of whose district is included in the added area) determine whether any and if any what compensation shall be paid by the Corporation to such authority by reason of the extension of the borough and may from time to time or at any time direct the persons to whom and the form in which any such compensation shall be paid (whether by a gross sum or by annual payments) and the manner in which it shall be managed invested and applied.

A.D. 1889.

PART III.—IMPROVEMENT WORKS AND LANDS.

Power to  
make works.

**36.** Subject to the provisions of this Act the Corporation may in the lines and situations and according to the levels shown on the deposited plans and sections respectively relating thereto make and maintain the passenger subway and roads described in this section and may enter upon take and use all or any part of the lands shown on the deposited plans and described in the deposited book of reference in connexion with those works respectively.

The works above referred to and authorised by this Act will be wholly situate in the county of Monmouth and are :—

SUBWAY.

A subway under the River Usk commencing in the parish of Saint Woollos at a point two and a half chains or thereabouts measured in a westerly direction from the south-eastern corner of the public-house in Mill Parade known as the West of England tavern and terminating in the parish of Christchurch on the property known as the Great Wharf and numbered 1165 on the Ordnance map of the said parish  $\frac{1}{2500}$  scale.

NEW MAIN ROAD.

A Road No. 1 wholly in the parish of Christchurch commencing on the south side of Chepstow Road in the borough of Newport and terminating at the south-eastern boundary of the field numbered 810 on the aforesaid Ordnance map of that parish.

A Road No. 2 wholly in the parish of Christchurch commencing at the termination of the Road No. 1 by this Act authorised and terminating in the field numbered 1135 on the aforesaid Ordnance map of the said parish.

SUBSIDIARY ROAD.

A road referred to on the deposited plans as Road No. 5 wholly in the parish of Christchurch commencing at the termination of the subway by this Act authorised and terminating in the field numbered 1200 on the aforesaid Ordnance map of the said parish.

Power to  
deviate from  
levels &c.

**37.** In making any of the works by this Act authorised the Corporation may deviate laterally from the lines thereof to any extent within the limits of deviation defined on the deposited plans and in constructing the subway by this Act authorised they may deviate from the levels thereof as marked on the deposited sections

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to such an extent as may be found necessary or convenient And in the construction of the roads by this Act authorised the Corporation may deviate from the levels thereof as marked on the deposited sections to any extent not exceeding four feet Provided that the Corporation shall not in making such deviation of the levels of the said subway interfere with the existing bed of the River Usk or without the consent in writing of the harbour board bring any portion of the works of the said subway within twenty feet of the said existing bed of the river. A.D. 1889.

**38.** The Corporation shall construct the portion of the subway by this Act authorised which will be situate under the River Usk and all temporary or permanent works incidental to such portion of the subway in accordance with the provisions of this Act and according to plans sections and specifications to be previously submitted to the engineer of the harbour board and approved by him in writing Provided that if the said engineer shall for a period of one month neglect or refuse to approve such plans sections or specifications or shall disapprove of the same then such portion of the subway and works incidental thereto shall be constructed according to plans sections and specifications to be settled by an engineer to be agreed upon by the Corporation and the harbour board or in default of agreement to be appointed by the Board of Trade at the request of either party and the costs of such reference shall be in the discretion of the referee The Corporation shall not commence the construction of any such part of the subway as aforesaid or any works incidental thereto until such plans sections and specifications have been so submitted and approved by the engineer of the harbour board or such referee as the case may be. Subway to be constructed according to plans &c.

All the works and operations of the Corporation in constructing the said subway or incidental thereto shall be subject to the inspection of the engineer of the harbour board and shall be carried on (unless with the previous consent in writing of the harbour board and subject to the conditions of the harbour board) so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the navigation of the River Usk or with the traffic thereon All the said works of the Corporation shall be executed in a substantial and workmanlike manner and shall be maintained in a good and substantial condition by and in all things at the expense of the Corporation.

**39.** The Corporation shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be Works below high-water mark not to be constructed without

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consent of  
Board of  
Trade.

signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

Survey of  
works by  
Board of  
Trade.

40. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Abatement  
of works  
abandoned  
or decayed.

41. If a work constructed by the Corporation on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

For the pro-  
tection of  
the com-  
missioners  
of sewers  
for the  
levels of  
Caldicot and  
Wentlooge.

42. In the construction and maintenance by the Corporation of the roadways and other works by this Act authorised or any of them the following provisions for the protection of the commissioners of sewers for the levels of Caldicot and Wentlooge (in this section called "the commissioners") shall take effect (that is to say) :—

1. If the Corporation shall destroy cut through pull down or in any way weaken injure or interfere with any earth-bank sea-wall or other sea defence under the jurisdiction of the commissioners the Corporation shall at their own cost and

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expense in all things restore and reconstruct such earth-bank sea-wall or other sea defence to the satisfaction of the commissioners. A.D. 1889.

2. The commissioners shall have power at the cost of the Corporation to join and tie in any earth-bank sea-wall or other sea defence which it may be necessary so to join and tie in to any permanent earth-work or banks constructed by the Corporation.
3. The Corporation shall in the construction of the works to be made under this Act make due and proper provision for preventing the influx of the sea or tidal waters of the rivers Usk and Severn in or upon any of the lands within the level of Caldicot and in case of the influx of the sea or tidal waters of the rivers Usk and Severn in or upon any of the lands within the said level owing to any failure of any of the works to be made by the Corporation under this Act the Corporation shall be liable in the same manner and to the same extent as the said commissioners are now liable to make good to the owners and occupiers of the said lands the damage that may be occasioned thereby.
4. In constructing and maintaining the said intended roadways and other works or any of them across any streams sewers reens or watercourses under the jurisdiction of the commissioners the Corporation shall not without the consent of the commissioners contract or diminish the area of the waterways thereof or any of them or do any act by which the passage of the waters along the said streams sewers reens or watercourses or any of them or between the banks thereof respectively shall during land floods or at any other times be impeded or obstructed but the Corporation shall at every such crossing construct to the satisfaction of the commissioners such culverts arches and other works as may be necessary or expedient for permitting the free passage of such waters under the said roadways and works respectively and the Corporation shall at all times thereafter at their own expense maintain and keep the same in sufficient repair.
5. If any difference shall arise between the Corporation and the commissioners in relation to any of the works to be executed or to any matters or things to be observed or done by the Corporation under this section to the satisfaction of the said commissioners the question in dispute shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator

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shall be final and binding and the costs of such arbitration shall be in his discretion.

6. Nothing in this part of this Act contained shall prejudice or interfere with or be construed to extend to prevent the said commissioners from exercising all the powers and provisions contained in Part III. of the Caldicot and Wentlooge Level Act 1884.

For the protection of  
Lord  
Tredegar.

**43.** Notwithstanding anything in this Act or shown on the deposited plans of Road No. 1 the Corporation shall not without the consent of Godfrey Charles Lord Tredegar or his sequels in estate enter upon take or use under the powers of this Act any of the lands shown on the deposited plans of the said Road No. 1 and forming part of the settled estates of the said Lord Tredegar.

If the Corporation at any time within three years from the passing of this Act give notice in writing to the said Lord Tredegar or his sequels in estate requiring him or them to construct the said Road No. 1 and at the same time pay to him or them the sum of two thousand six hundred and forty pounds towards the cost of such construction the said Lord Tredegar or his sequels in estate shall forthwith at his or their own expense in all things proceed to construct and complete the said Road No. 1 within the limits of deviation shown upon the deposited plans and sections and in accordance with the said deposited plans and sections and so far as may be required by the Corporation in accordance with the estimate of the borough surveyor or in such other manner or direction within the said limits as may hereafter be agreed upon between him or them and the Corporation.

If any difference shall arise between the Corporation and the said Lord Tredegar or his sequels in estate under this section the same shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be final and binding and the cost of such arbitration shall be in his discretion.

For protection of  
Lieutenant-  
Colonel  
Lockwood.

**44.** For the protection of Lieutenant-Colonel Amelius Richard Mark Lockwood and his sequels in estate (in this section referred to as and included in the expression "the owner") the following provisions shall unless otherwise agreed between the Corporation and the owner have effect (that is to say):—

(1.) The Corporation shall in forming Road No. 2 by this Act authorised arch over the reen forming the boundary of the owner's property at the end of that road and secure to the owner and the lessees and tenants of the owner the right to the use of the Roads No. 1 and No. 2 by this Act authorised

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for all purposes and the right to connect such roads with any road the owner may decide to make over the property of the owner.

- (2.) The owner shall within twelve months after the completion and opening for traffic of the East Usk Railway commence proceed with and complete a road on the said property not less than 60 feet wide in the place of Road No. 3 shown on the deposited plans but in such line and on such side of the said railway as the owner shall determine and as suitable as may be as the said Road No. 3 would have been for affording access to the Road No. 5 and the subway by this Act authorised and the Corporation shall within twelve months after the completion and opening for traffic of the said railway or at such earlier period as the owner shall require after the owner shall have actually commenced to make such road pay to the owner two thousand five hundred pounds for road making purposes through the said property in lieu of the said Road No. 3.
- (3.) The Corporation as the water authority in the district in which the property of the owner is situate shall use their best endeavours to agree with the Great Western Railway Company for a supply of water as provided for by this Act and shall if and when required by the owner supply the same when obtained for commercial purposes to the owner and his or their tenants at a rate compatible with securing to the Corporation seven per cent. in addition to the total cost of the water and of the expenses incurred in supplying the same.
- (4.) Notwithstanding anything in this Act as shown on the deposited plans and sections relating to the subway and Road No. 5 or the frontages thereto respectively :—
- (a.) The Corporation shall not purchase or acquire any land part of the estate of the owner for the purposes of the said subway except so much thereof not exceeding eighty yards long by eighty yards wide as may be required for the subway terminus but shall (except as aforesaid) purchase and acquire only an easement or right of constructing such subway through or under such land as provided for by the section of this Act whereof the marginal note is "As to easements under property" and so that the ownership of the land over and under the subway shall remain in the owner as part of the settled

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estate of the owner and the owner shall when required so to do grant to the Corporation such right or easement.

(b.) The Corporation shall not without the consent of the owner enter upon take or use under the powers of this Act (except as aforesaid) any of the lands shown on the deposited plans of the Road No. 5 or the frontages thereto and forming part of the estate of the owner but if the Corporation at any time within three years from the passing of this Act give notice in writing to the owner requiring the owner to construct the said Road No. 5 and at the same time pay to the owner the sum of nine hundred and sixty pounds towards the cost of such construction the owner shall forthwith at the owner's expense in all things proceed to construct and complete the said Road No. 5 within the limits of deviation shown upon the deposited plans and sections and in accordance with the said deposited plans and sections and so far as may be required by the Corporation including sewerage kerbing and channelling or in such other manner or direction within the said limits as may hereafter be agreed upon between the owner and the Corporation.

(5.) The Corporation shall pay the costs and expenses incurred by the said Lieutenant-Colonel Lockwood in opposing the Bill for this Act in the House of Commons and in the House of Lords and of and incident to the negotiations for withdrawing his opposition in each of those Houses and carrying into effect the proposed arrangements such costs to include the fees and charges of his counsel solicitors engineers and parliamentary agents.

(6.) If any difference shall arise between the Corporation and the owner under this section the same shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be final and binding and the cost of such arbitration shall be in his discretion.

As to alteration of position of pipes &c.

**45.** The Corporation may for any purpose in connexion with the subway 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 gas pipe or hydraulic pipe belonging to or connected with any house or building in such street and also any main or other pipe



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laid down or used by any company for carrying a supply of gas or for hydraulic purposes 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 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 and provided further that before interrupting the flow of sewage in any such drain or sewer the Corporation shall provide a proper substitute therefor.

**46.** The Corporation may in connexion with and for the purposes of the subway by this Act authorised from time to time make and maintain all such hydraulic and other lifts stairs stairways inclined planes and other means of ingress and egress to and from the subway and all such shafts and openings for ventilating the same and all such turnstiles or other similar erections and all tunnels tubes piers abutments walls stages fences paths lamp-posts lamps approaches and other works machinery apparatus and conveniences as may be necessary and proper for the construction maintenance repair and user of such subway and the accommodation and convenience of passengers using the same but nothing in this section shall authorise the creation of any nuisance.

Incidental works.

**47.** All expenses incurred by the Corporation in maintaining repairing lighting and working the subway by this Act authorised shall be charged upon and payable out of the district fund and general district rates.

Expenses of maintenance of subway.

**48.** And whereas in order to avoid in the execution and maintenance of the subway authorised by this Act injury to the houses and buildings within one hundred feet of the subway by this Act authorised it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or other-

Corporation empowered or may be required to underpin or otherwise strengthen houses near subway.

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wise strengthen the same and the following provisions shall have effect (that is to say):—

- (1.) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened ;
- (2.) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the town clerk ;
- (3.) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade ;
- (4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building ;
- (5.) The cost of the reference shall be in the discretion of the referee ;
- (6.) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment ;
- (7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the construction or use of the subway then and in every such case unless such underpinning or strengthening shall have been done in pur-

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suance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof;

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(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act;

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845;

(10.) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

**49.** Unless the Corporation otherwise by resolution at any time determine and except when closed for repairs the subway by this Act authorised shall subject to the provisions of this Act from and after its completion be open for use by the public for foot traffic only between such hours as the council may by resolution from time to time prescribe and the Corporation may from time to time make vary and rescind byelaws for and with respect to—

As to user  
of subway.

The preservation of order and good conduct among persons using the subway; and

The prevention of damage to the subway and any works connected therewith.

**50.** Whereas the subway by this Act authorised is intended to be constructed through or under the lands described in the Second Schedule to this Act annexed at a depth of sixty feet or thereabouts below the surface of the ground Therefore notwithstanding any rule of law to the contrary or anything contained in the ninety-second or any other sections of the Lands Clauses Consolidation Act 1845 or any Act amending the same the Corporation may purchase and acquire the easement or right of constructing the said subway through or under such lands and under the River Usk and the foreshores thereof and may appropriate and use the subsoil of such lands river and foreshore without being required wholly to take any such lands or any part of the surface thereof or of the bed or foreshores of the River Usk or any or any part of a house building or manufactory on or held in connexion with such lands Provided always that nothing in this section contained nor any dealing with

As to ease-  
ments under  
property.

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Provided also that this section shall not apply in the case of any lands under which the subway may be constructed at such a level as to leave a less height than fifty feet between the crown of the said subway and the present surface of the ground.

Period for compulsory purchase of lands.

51. The powers conferred upon the Corporation by this Act for the compulsory purchase of land shall cease after the expiration of three years from the commencement of this Act.

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

52. If there be any omission mis-statement 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 book of reference the Corporation may after ten days notice to the owners lessees and occupiers of the lands affected apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission mis-statement 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 mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Monmouth and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon the deposited plans and book 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.

53. The Corporation shall not under the powers of this Act or of the provisional order of the 24th of May 1886 herein-after referred to without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working

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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 of such persons who may be residing with them. A.D. 1889.

**54.** The Corporation may for any of the purposes of this Act (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time, by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole ten acres (but only lands acquired under this Act shall be given in such exchange) and any easement power or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) which shall be deemed necessary by the Corporation but 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 by them upon any lands acquired under the powers of this section. Power to acquire additional lands 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 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements &c. by agreement &c.

**56.** Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease (on building or other leases) 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 lands or any interest in any lands acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition. Power to retain sell &c. lands.

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Proceeds of  
sale of  
surplus  
lands.

**57.** So long as any properties remain to be acquired or works to be constructed by the Corporation for the purposes of or in connexion with any of the works authorised by this Act the Corporation may so far as they consider necessary apply moneys received by them on resale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired or in the construction of such works. But as to moneys so received and not so required the Corporation shall apply the same to extinguishing or making provision for the extinguishment of any loan raised by them under the powers of this Act in any one of the modes of extinguishment by this Act provided. Provided that no such moneys shall be applied to the payment of instalments or payments into a sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Extending  
period for  
compulsory  
purchase of  
lands for  
Newport  
Bridge  
approach.

**58.** The powers of the Corporation for the compulsory purchase and taking of the lands described in the schedule annexed to the provisional order enabling the Corporation to put in force the compulsory clauses of the Lands Clauses Consolidation Act 1845 for the purposes of raising widening and improving the approach to Newport Bridge from the High Street in the borough issued by the Local Government Board on the 24th day of May 1886 are hereby revived and extended and may be exercised at any time within but shall not be exercised after the expiration of one year and six months from the commencement of this Act.

Part II. (extension of time) of the Railways Clauses Act 1863 is hereby incorporated with this Act and shall for the purposes of this Act be read and have effect as if the expressions "railway" and "railway and works" comprised the said bridge approach and the expression "company" meant the Corporation and the expression "special Act" included provisional order.

PART IV.—AGREEMENTS &c.

Agreements  
with Great  
Western  
Railway  
Company.

**59.** The Corporation on the one hand and the Great Western Railway Company (herein-after referred to as "the railway company") on the other hand may from time to time enter into and carry into effect vary suspend or rescind contracts agreements or arrangements for and with respect to all or any of the following matters (that is to say) :—

1. The contribution by the Corporation and the railway company towards the expenses of constructing—

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- (a.) Foot-bridges or subways for foot passengers at the level crossings of the railway of the railway company over Commercial Road and the road connecting that road with Alexandra Road and known respectively as the Frederick Street and Pillgwenlly crossings; and
- (b.) An under bridge at the level crossings of the railways of the railway company over the Mendelgief Road known as the Belle Vue or Court-y-bella level crossing;

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2. The apportionment of such expenses and the purchase and appropriation of property required for the purposes of such works;
3. The terms and conditions on which and the period at which the said foot-bridges or subways and bridge or any of them or any part thereof respectively shall be (if at all) dedicated to the public and adopted by and vested in the Corporation;
4. The supply of water in bulk or otherwise by the railway company to the Corporation from any pumping station springs reservoir shafts pipes or other work connected or communicating with the Severn Tunnel:

The said railway company may apply for the purposes of any contract agreement or arrangement for or with respect to any of the matters mentioned in sub-section (4) of this section any funds or moneys which they have raised or may have power to raise under any Act of Parliament or otherwise.

**60.** It shall be lawful for the Corporation to enter into and carry into effect contracts agreements and arrangements with any owner (including in such expression any limited owner empowered under the 7th section of the Lands Clauses Consolidation Act 1845 to sell and convey or release lands or any estate or interest therein to the promoters of the undertaking) of land which would or might be benefited or improved in value by or would derive facilities or accommodation from the construction of the roads by this Act authorised or any of them or any part thereof with respect to—

Agreements  
with and  
contribu-  
tions by  
landowners.

1. The construction of the roads by this Act authorised or any part thereof or any works in connexion therewith;
2. Any contribution to be made by the Corporation or any such owner towards the cost of making such roads or any part thereof;
3. Allowances to be made by any such owner in respect of the benefit to arise to the lands or property of such owner by the construction of the said roads or any part thereof and the conveyance to the Corporation in consideration of such

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benefit of any lands of such owner required for the purposes of or in connexion with the construction of such roads :

Provided that all moneys received by the Corporation under this section as contributions towards the cost of making such roads shall be applied for capital purposes only :

And any such limited owner whose name is set forth in Part I. of the Fifth Schedule to this Act may in accordance with the terms of any such agreement undertake the construction of any portion of the said roads and may contribute towards the cost of any such roads and may raise the moneys necessary for that purpose by mortgage of and charge the same upon such lands and the fee simple and inheritance thereof and may grant and convey to the Corporation any lands required for the construction of the said roads or any of them or any part thereof either without payment or other consideration or for such consideration pecuniary or otherwise and upon such terms and conditions as may be agreed between them and the Corporation :

Provided that all moneys so raised by any such limited owner by mortgage or charge of such lands by virtue of the powers by this section conferred shall be repaid by equal annual instalments within a period not exceeding thirty years from the date of borrowing the same but nothing in this proviso shall limit or affect any power of mortgaging or charging such lands vested in any such owner otherwise than by virtue of this section.

Confirming  
agreement  
with Mr.  
Price.

**61.** The agreement between the Corporation and Thomas Phillips Price as set forth in Part II. of the Fifth Schedule to this Act annexed is hereby confirmed and made binding upon the Corporation and the said Thomas Phillips Price and their respective successors and assigns and full effect shall be given thereto.

PART V.—RECONSTITUTION OF HARBOUR COMMISSIONERS.

Retirement  
of commis-  
sioners.

**62.** On the second day of September one thousand eight hundred and eighty-nine the receiver at that date of the land revenues of the Crown for the county of Monmouth or other the harbour commissioner nominated in his stead by the Commissioners of Her Majesty's Woods Forests and Land Revenues on behalf of Her Majesty as conservator in right of Her Crown of the navigable River Usk shall retire and cease to be a harbour commissioner and as from that date all right of the receiver of the land revenues of the Crown for the county of Monmouth to be or of the Commissioners of Her Majesty's Woods Forests and Land Revenues to nominate



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a harbour commissioner in his stead under the provisions of the Act of 1836 shall cease and determine and so much of the Act of 1836 as relates thereto shall be and is hereby repealed. A.D. 1889.

**63.** On and as from the second day of September one thousand eight hundred and eighty-nine the persons engaged in the smelting of iron shipped at the port of Newport (in this part of this Act called "the iron smelters") shall be entitled to be represented on the harbour board by five persons only instead of eight as provided by the Act of 1836 and the provisions of the Act of 1836 shall be read and have effect as if five persons instead of eight persons had been mentioned in sections 15 and 6 of that Act as the number of persons to be elected to be harbour commissioners by the iron smelters. Amendment of Act of 1836 as to commissioners elected by iron smelters.

**64.** On the second day of September one thousand eight hundred and eighty-nine the persons entitled to vote in the election of harbour commissioners by the registered shipowners of the port of Newport at the election of harbour commissioners by such shipowners held on the first Monday in June one thousand eight hundred and eighty-seven shall elect four persons to be harbour commissioners in addition to the six existing harbour commissioners elected by them and all the provisions of the Act of 1836 as to the qualification of voters and harbour commissioners appointment of time and place of election voting and otherwise with respect to the election of harbour commissioners by such shipowners shall extend and apply to such election as if the same were an election of such commissioners duly held under the Act of 1836 to fill an extraordinary vacancy Provided that notwithstanding anything in section 14 of the Act of 1836 fourteen days notice only of the time and place of such election shall be necessary. Election of additional commissioners by shipowners.

The additional harbour commissioners so elected if they shall respectively so long live and not refuse to act retire or be disqualified shall continue in office until the first Monday in June one thousand eight hundred and ninety and shall then unless re-elected retire in all respects as if they had been elected on the said first Monday in June one thousand eight hundred and eighty-seven with the existing harbour commissioners representing the said shipowners and the provisions of the Act of 1836 shall be read and have effect as if ten instead of six persons had been mentioned in sections 13 and 4 of that Act as the number of persons to be elected to be harbour commissioners by such shipowners Provided that for the purpose of regulating the retirement of the said existing harbour

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A.D. 1889. — commissioners as provided by section 3 of the Act of 1836 the election held on the first Monday in June one thousand eight hundred and eighty-seven (and not such election of additional harbour commissioners) shall be deemed to be the election next preceding the first Monday in June one thousand eight hundred and ninety.

Appointment  
of new com-  
missioners  
by council.

**65.** On the second day of September one thousand eight hundred and eighty-nine the council shall elect or choose nine persons to be harbour commissioners in addition to the mayor and three persons already appointed harbour commissioners by the Corporation and such persons if they shall respectively so long live and not be disqualified or resign or refuse to act shall continue in office until the first Monday in June one thousand eight hundred and ninety and shall then retire with the existing harbour commissioners nominated by the Corporation in all respects as if they had been elected or chosen on the first Monday in June one thousand eight hundred and eighty-seven with such existing harbour commissioners and the provisions of the Act of 1836 shall be read and have effect as if twelve persons instead of three persons had been mentioned in sections 1 and 17 of that Act as the number of persons to be nominated by the Corporation. Provided that for the purpose of regulating the retirement of the existing harbour commissioners elected or chosen by the Corporation as provided by section 17 of the Act of 1836 the election held on the said first Monday in June one thousand eight hundred and eighty-seven (and not such election of additional harbour commissioners) shall be deemed to be the election next preceding the first Monday in June one thousand eight hundred and ninety.

Appointment  
of commis-  
sioners by  
chamber of  
commerce.

**66.** On the second day of September one thousand eight hundred and eighty-nine the Newport (Monmouthshire) Chamber of Commerce Incorporated shall elect some duly qualified person to be a harbour commissioner and such person shall if he shall so long live and not refuse to act retire or be disqualified continue in office until the first Monday in the month of June one thousand eight hundred and ninety and on that day and on the first Monday of June in every succeeding year a person shall be elected and chosen by the said chamber of commerce to supply the place of the person chosen by them at the election then next preceding and upon every such election the person chosen to be a harbour commissioner by the chamber of commerce at the election then next preceding shall go out of office. Provided always that any such commissioner so going out of office may be then or afterwards re-elected.

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**67.** From and after the second day of September one thousand eight hundred and eighty-nine the commissioners constituted by the Act of 1836 under the name of the commissioners of the port or harbour of Newport in the county of Monmouth shall consist of—

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Constitution  
of commis-  
sioners.

One person from time to time nominated by the lord for the time being of the manors of Liswerry and Libeneth in the said county ;

One person from time to time nominated by the lord for the time being of the manor of Newport in the said county ;

One person from time to time nominated by the lord for the time being of the manor of Wentlooge in the said county ;

One person from time to time nominated by the lord for the time being of the manor of Rogerstone in the said county ;

One person from time to time nominated by the lord for the time being of the manors of Preston Traston Milton and Llangorey in the said county ;

One person from time to time nominated by the Tredegar Wharf Company ;

Two persons from time to time nominated by the Great Western Railway Company ;

Two persons from time to time nominated by the Alexandra (Newport and South Wales) Docks and Railway Company ;

One person from time to time nominated by the Newport (Monmouthshire) Chamber of Commerce Incorporated ;

Twelve persons from time to time nominated by the Corporation ;

The mayor ;

Ten persons elected in accordance with the provisions of the Act of 1836 as amended by this Act by the registered shipowners of the port of Newport ;

Five persons elected in accordance with the provisions of the Act of 1836 as amended by this Act by the persons engaged in the smelting of iron shipped at the port of Newport ; and

Eight persons elected in accordance with the provisions of the Act of 1836 by the persons engaged in the mining and working of coals shipped at the port of Newport.

**68.** All the property real and personal and all the rights privileges jurisdictions functions powers authorities and liabilities of the harbour board under the Act of 1836 and the Newport (Monmouthshire) Harbour Act 1869 respectively shall (except as by this Act otherwise provided) remain unaffected by the said alteration in the number and constitution of the harbour board and shall from and

Vesting  
property  
&c. in  
reconstituted  
commis-  
sioners.

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A.D. 1889. — after the second day of September one thousand eight hundred and eighty-nine respectively vest in be enjoyable and exerciseable by affect and enure to the benefit of or against the harbour board as altered by this Act in like manner in every respect as if they were the commissioners under the aforesaid Acts and the provisions of such Acts except where expressly altered by this Act shall extend and apply to the harbour commissioners and harbour board as so reconstituted.

As to extraordinary vacancies in office of commissioner nominated by chamber of commerce.

**69.** If any extraordinary vacancy shall be occasioned in the office of harbour commissioner by the death disqualification refusal to act or resignation of the commissioner nominated by the said chamber of commerce such chamber of commerce shall and may at any meeting to be by them holden for the purpose on a day to be fixed by the chamber of commerce nominate another person to supply such vacancy and every person so nominated a harbour commissioner shall hold such office until the time at which the person in the room of whom he was chosen would regularly have gone out of office and he shall then go out of office but be capable of immediate re-election. Provided always that ten clear days notice of any such meeting of the chamber of commerce to be holden for the purpose of supplying an extraordinary vacancy in the office of harbour commissioner shall be given by affixing on or near the door of the offices or other place where the chamber of commerce may meet a notice of such meeting specifying the purpose thereof signed by the secretary of the chamber of commerce and by leaving a copy of such notice at the usual place of abode of every member of the chamber of commerce.

As to expenses of commissioners.

**70.** All expenses of and incidental to the alteration and reconstitution of the harbour board as by this Act provided (other than the costs of obtaining this Act) and all expenses of such board in connexion with the agreement set forth in the Eighth Schedule to this Act and of and incidental to the carrying the provisions of such agreement into effect (so far as the same are under the said agreement to be carried into effect by such board) shall be paid out of the moneys from time to time received by that board for rates or duties under the Act of 1836 and shall be deemed to be necessary expenses incidental to the execution of that Act.

Confirming scheduled agreement.

**71.** The agreement made between the Corporation of the one part and the commissioners of the port or harbour of Newport of the other part as set forth in the Eighth Schedule to this Act annexed is hereby (but subject as regards the reconstitution of the harbour board thereby provided for to the foregoing provisions

of this Act) confirmed and made binding upon the parties thereto and their respective successors and assigns who are hereby authorised and empowered to do all such things and exercise all such powers as may be necessary for giving full effect to the provisions thereof.

A.D. 1889.

#### PART VI.—NEWPORT MARSHES.

**72.** The leasing powers conferred upon the Corporation by section 3 of the Act of 1855 as amended by the Act of 1876 shall be construed to extend to authorise the granting by the Corporation of leases for terms not exceeding nine hundred and ninety-nine years and for such purpose sub-section 2 (b) of section 108 of the Municipal Corporations Act 1882 shall be construed as if the term for which leases are thereby authorised to be made had been a term not exceeding nine hundred and ninety-nine years instead of seventy-five years :

Extension of powers of leasing marsh lands.

Provided that this section shall not be taken to dispense with the consent of the Local Government Board to any sale lease or other disposition in any case where the consent of the Board would have been required if this Act had not been passed.

#### PART VII.—STREETS AND BUILDINGS.

**73.** The Corporation may by order from time to time declare the points or limits at or within which any intended new street is for the purposes of this Act to be taken as beginning or ending.

Power to define streets.

**74.** The Corporation may by order vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto In cases where the Corporation put in force this enactment they shall be liable to pay to any person prejudicially affected thereby compensation recoverable as compensation is recoverable under the Public Health Act 1875.

Power to vary line of new streets.

**75.** No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

No buildings allowed until street formed &c.

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Recovery  
of damage  
caused to  
footways  
by excava-  
tions.

**76.** If the footway or kerbs of any street belonging to or under the management of the Corporation shall be injured by or in consequence of any excavation or other work on lands adjoining to such footway or kerbs the Corporation may replace or repair the footway or kerbs injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the occupier or the owner of the lands on which such excavation or other work shall have been made who shall have caused the damage and shall be recoverable as penalties under this Act are recoverable.

Height of  
rooms.

**77.** Every person who shall erect a new building shall cause the level of the lowest floor of every building of which there shall be no basement floor or cellar or underground room to be at least six inches above the level of the kerbstone immediately in front of such building and shall cause the habitable rooms and attics of every new building to be of the following height:—

Every habitable room (not being an attic) shall be not less than nine feet in height at least from the floor to the ceiling thereof;

Every attic shall be eight feet in height at least above one fourth of the area of the floor and shall have vertical walls at least five feet in height.

Every person who shall offend against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Power to  
prohibit  
cellars in  
parts of  
district  
liable to  
floods.

**78.** The Corporation may from time to time prohibit in any part of the borough liable to be flooded from any stream watercourse or sewer or abutting upon any stream or watercourse the construction of any cellar or basement storey in any new building being a dwelling-house and may regulate the level of the ground floor of any new building in such part of the borough.

Gardens  
forecourts  
&c. to be  
fenced off  
from streets.

**79.** Whenever any opening is left or any steps or other projections are placed in any garden forecourt area or space left in front of any building whether erected before or after the commencement of this Act the owner of such garden forecourt area or space shall well and sufficiently fence the same off from the footpath or street by a railing or parapet or dwarf wall and palisades or otherwise to the satisfaction of the Corporation but whenever any garden forecourt area or space left in front of any building is free from any opening or steps or other projections the owner may without constructing any fence define if he desire so to do the extent of such garden forecourt area or space or such portion thereof as he may not wish to give to the street by a line of stone or other suitable material three inches

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or thereabouts wide by twelve inches or thereabouts deep laid flush with the surface of the footpath the object of this enactment being that at the same time footpaths shall be freed from objectionable obstructions and inconvenient differences of level and owners of buildings secured in their full rights over any lands they may wish to retain in front of their buildings. A.D. 1889.

**80.** If at any time it shall appear to the Corporation on the report of the surveyor that any vault arch cellar or other excavation is ruinous decayed or dangerous the Corporation may give notice in writing to the owner thereof requiring him forthwith sufficiently to fence stay shore or protect the same and also within a time to be specified in such notice to reconstruct or sufficiently repair the same And if such owner shall make default in complying with such requirements to the satisfaction of the Corporation within the time specified in such notice such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Buildings  
under  
streets.

**81.** No coal-shoot area or cellar grating or opening shall after the commencement of this Act be placed in the footway or carriage-way of any street without the consent in writing of the Corporation and then only if formed of the materials and size in the manner in such position and with such protection as may be specified by the Corporation in each particular case and such coal-shoot area or cellar grating or opening shall afterwards be kept in repair by the owner. Coal-shoots  
&c.

**82.** With respect to the height of chimneys the following provisions shall have effect (that is to say) :— Height of  
chimneys.

- (1.) In every case except with the consent of the Corporation signed by the town clerk every new chimney of whatever material intended to be used in connexion with the furnace of a fixed steam-engine or boiler or bakehouse or in connexion with any trade or business (save as herein-after excepted) shall not be less than thirty feet high ;
- (2.) No portable steam-engine shall after the commencement of this Act be erected or used within ninety feet of any occupied dwelling-house unless connected with a chimney of such height not less than thirty feet as the Corporation may in each case prescribe but it shall not be permissible for the Corporation in any such case to prescribe a greater height than one hundred feet ;
- (3.) All steam ejected from any fixed steam-engine or the boiler thereof and all spent or ejected steam arising or produced in

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any trade or business shall be discharged in such manner as not to be an annoyance to the public.

The foregoing provisions of this section shall not apply to locomotives used upon any railway or tramway or to portable steam-engines in use for agricultural purposes or to traction engines steam rollers or fire-engines or to steam-engines driving mortar mills in cases where the Corporation see fit to allow mortar mills to be so driven for periods of time limited by them.

Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

Undertakings &c. to bind successive owners.

**83.** Every undertaking or agreement in writing given by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement.

Exemption of buildings of railway companies.

**84.** There shall be exempted from so much of the provisions of this part of this Act as relates to height of rooms and chimneys every building (except as far as the same is used as a dwelling-house) chimney or work in the possession of and used for the purpose of any railway company under the provisions of any Act of Parliament.

Exemption of public buildings.

**85.** There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

PART VIII.—PRIVATE STREET WORKS.

Interpretation of "paving metalling and flagging".

**86.** In this part of this Act and in the one hundred and fiftieth and one hundred and fifty-second sections of the Public Health Act 1875 the expression "paving metalling and flagging" shall include macadamising asphaltting gravelling kerbing and every method of making a carriageway or footway and words referring to paving metalling and flagging shall be construed accordingly.



**87.**—(1.) Where any street (not being a highway wholly repairable by the inhabitants at large or a street belonging to or repairable by a railway company) or the carriageway or footway or any other part of such street is not sewered levelled paved metalled flagged kerbed channelled made good and lighted to the satisfaction of the Corporation the Corporation may from time to time resolve with respect to such street or part of a street to do any one or more of the following works (in this part of this Act called “private street works”) (that is to say) To sewer level pave metal flag kerb channel or to make good or to provide proper means for lighting such street or part of a street and the expenses incurred by the Corporation in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting adjoining or abutting on such street or part of a street Any such resolution may include several streets or parts of streets or may be limited to any part or parts of a street.

A.D. 1889.  
Private  
street works.

(2.) The surveyor shall prepare as respects each street or part of a street—

- (A.) A specification of the private street works referred to in the resolution with plans and sections (if applicable);
- (B.) An estimate of the probable expense of the works;
- (C.) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this part of this Act.

Such specifications plans and sections estimates and provisional apportionments shall comprise the particulars prescribed in the first part of the Third Schedule to this Act and shall be submitted to the Corporation who may by resolution approve the same respectively with or without modification or addition as they may think fit.

(3.) The resolution approving the specifications plans and sections (if any) estimates and provisional apportionments shall be published in the manner prescribed in the second part of the Third Schedule to this Act and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionment During one month from the date of the first publication the approved specifications plans and sections (if any) estimates and provisional apportionments (or copies thereof certified by the surveyor) shall be kept deposited at the office of the Corporation and shall be open to inspection at all reasonable times.

**88.** During the said month any owner of any premises shown in a provisional apportionment as liable to be charged with any

Objections  
to proposed  
works.

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part of the expenses of executing the works may by written notice served on the Corporation object to the proposals of the Corporation on any of the following grounds (that is to say):—

- (A.) That an alleged street or part of a street is not or does not form part of a street within the meaning of this Act;
- (B.) That a street or part of a street is (in whole or in part) a highway repairable by the inhabitants at large;
- (C.) That there has been some material informality defect or error in or in respect of the resolution notice plans sections or estimate;
- (D.) That the proposed works are insufficient or unreasonable or that the estimated expenses are excessive;
- (E.) That any premises ought to be excluded from or inserted in the provisional apportionment;
- (F.) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage) in respect of the degree of benefit to be derived by any persons or the amount or value of any work already done by the owner or occupier of any premises.

For the purposes of this part of this Act joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common.

Hearing and  
determina-  
tion of  
objections.

**89.**—(1.) The Corporation at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this part of this Act mentioned and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject to the same provisions with respect to stating a case as if the Corporation were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable. The court may quash in whole or in part or may amend the resolution plans sections estimates and provisional apportionments or any of them on the application either of any objector or of the Corporation. The court may also if it thinks fit adjourn the hearing and direct any further notices to be given.

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(2.) No objection which could be made under this part of this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

A.D. 1889.

(3.) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this part of this Act shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the Corporation and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

**90.**—(1.) The Corporation may include in any works to be done under this part of this Act with respect to any street or part of a street (not being a street belonging to or repairable by a railway company) any works which they think necessary for bringing the street or part of a street as regards sewerage drainage level or other matters into conformity with any other streets (whether repairable or not by the inhabitants at large) including the provision of sewers for the reception of sewage or polluted water and of surface or unpolluted water respectively.

Incidental works.

(2.) The Corporation in any estimate of the expenses of private street works may include a commission not exceeding five per centum (in addition to the estimated actual cost) in respect of surveys and superintendence.

**91.** In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting adjoining or abutting on the street or part of a street in respect of which the expenses are to be incurred shall unless the Corporation otherwise resolve be apportioned according to the frontage of the respective premises but the Corporation may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (namely):—

Apportionment of expenses.

(A.) The greater or less degree of benefit to be derived by any premises from such works ;

(B.) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also if they think just include any premises having an access to the street but which do not front adjoin or abut on the street or part of a street and which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly.

[Ch. clii.] *Newport (Monmouthshire) Corporation* [52 & 53 VICT.]  
*Act, 1889.*

A.D. 1889.  
Amendment  
of plans.

**92.** The Corporation may from time to time amend the specifications plans and sections (if any) estimates and provisional apportionments for any private street works but if the total amount of the estimate in respect of any street or part of a street is increased such estimate and the provisional apportionment shall be published in manner prescribed in the second part of the Third Schedule to this Act and shall be open to inspection at the office of the Corporation at all reasonable times and copies thereof shall be served on the owners of the premises affected thereby and objections may be made to the increase and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

Final ap-  
portionment  
and recovery  
of expenses.

**93.**—(1.) When any private street works have been completed and the actual expenses thereof ascertained the surveyor shall make a final apportionment by dividing the actual expenses and the commission aforesaid in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment as the case may be and such final apportionment shall be conclusive for all purposes and copies of such final apportionment shall be served on the owners of the premises shown as liable to be charged in the final apportionment and the sums apportioned thereby shall be recoverable in manner provided by this part of this Act or in the same manner as private improvement expenses are recoverable under the Public Health Act 1875 including the power to declare any such expenses to be payable by instalments.

(2.) Within one month after such notice the owner of any premises charged with any expenses under such apportionment may by a written notice to the Corporation object to such final apportionment on the following grounds or any of them:—

(A.) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per centum ;

(B.) That the final apportionment has not been made in accordance with this section ;

(C.) That there has been an unreasonable departure from the specification plans and sections ;

(D.) That the interest has been increased by unreasonable delay in ascertaining the expenses or making the apportionment.

(3.) Objections under this section shall be determined in the same manner as objections to the original apportionment.

Charge on  
premises.

**94.**—(1.) Any premises included in the final apportionment and all estates and interests from time to time therein shall stand

[52 & 53 VICT.] *Newport (Monmouthshire) Corporation* [Ch. clii.]  
*Act, 1889.*

and remain charged (to the like extent and effect as under the two hundred and fifty-seventh section of the Public Health Act 1875) with the sum finally apportioned on them or if objection has been made against the final apportionment with the sum determined to be due as from the date of the final apportionment with interest at the rate of five per centum per annum and the Corporation shall for the recovery of such sum and interest have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

A.D. 1889.

(2.) The Corporation shall keep a register of charges under this part of this Act and of the payments made in satisfaction thereof and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation.

**95.** The Corporation may if they think fit from time to time (in addition and without prejudice to any other remedy) recover summarily in a court of summary jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum together with interest at a rate not exceeding five per centum per annum from the date of the final apportionment till payment thereof. Provided that any proceeding in a court of summary jurisdiction or county court under this section may be commenced at any time within twelve months and not afterwards of the time when the matter of such proceedings arose.

Recovery  
of expenses  
summarily  
or by action.

**96.** The Corporation if they think fit may at any time resolve to contribute the whole or a portion of the expenses of any private street works and may pay the same out of the district fund or general district rate.

Contribution  
by Corpora-  
tion to ex-  
penses.

**97.** Whenever all or any of the private street works in this part of this Act mentioned have been executed in a street or part of a street by the Corporation and the Corporation are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large and

Adoption  
of private  
streets.

[Ch. clii.] *Newport (Monmouthshire) Corporation* [52 & 53 VICT.]  
*Act, 1889.*

A.D. 1889. thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large :

Provided that no such street or part of a street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street or part of a street by notice in writing to the Corporation object thereto and in ascertaining such majority owners being joint tenants or tenants in common shall be reckoned as one owner.

On street  
being paved  
&c. Copora-  
tion to  
declare  
same public  
highway.

**98.** If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good (all such works being done to the satisfaction of the Corporation) then on the application in writing of the greater part in value of the owners of the houses and land in such street the Corporation shall within three months from the time of such application declare in writing under their common seal the same to be a highway repairable by the inhabitants at large and thereupon the said street shall become a highway repairable by the inhabitants at large.

Separate  
accounts of  
expenses of  
works.

**99.** The Corporation shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this part of this Act relating to private street works :

And all moneys so recovered by the Corporation shall subject to payment thereof of any costs and expenses of or incidental to the recovery thereof incurred by the Corporation be applied only in the execution of private street works or in repayment of money borrowed for that purpose.

Power for  
limited  
owners to  
borrow for  
expenses.

**100.** All owners of buildings or lands being persons who under the Lands Clauses Consolidation Act 1845 are empowered to sell and convey or release lands may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this part of this Act and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within thirty years.

Power to  
apply district  
fund in exe-  
cuting works  
for private  
owners.

**101.** Whenever the Corporation are by any Act or byelaw for the time being in force authorised to execute re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same or authorised or empowered to

[52 & 53 VICT.] *Newport (Monmouthshire) Corporation* [Ch. clii.]  
*Act, 1889.*

execute any works upon the application of or by agreement with the owner of the lands houses or other property for or in respect of which the same are to be executed the Corporation may apply the district fund in or towards the executing re-executing or altering of such work act or thing but this section shall not affect the liability of any such owner occupier or other person to repay the moneys expended by the Corporation.

A.D. 1889.

**102.** No incumbent minister or trustee of any church chapel or place appropriated to public religious worship which is for the time being by law exempt from rates for the relief of the poor shall be liable to any expenses under this part of this Act of sewerage levelling paving metalling flagging kerbing channelling or making good any street as the owner or occupier of such church chapel or place or of any churchyard or burial ground attached thereto situate within any street nor shall any such expenses be deemed to be a charge on such church chapel or other place or on such churchyard or burial ground or to subject the same to distress execution or other legal process and the Corporation shall undertake any works from the expenses of which any such incumbent minister or trustee is hereby exempted and shall defray the expenses thereof out of the general district rates.

No incumbent of any church &c. liable to expenses for draining and paving.

**103.** No railway or canal company shall be deemed to be an owner or occupier for the purposes of this part of this Act in respect of any land of such company upon which any such street as is in this part of this Act mentioned shall wholly or partially front or abut and which shall at the time of the laying out of such street be used by such company solely as a part of their line of railway or canal or railway or canal sidings or dock and shall have no direct communication with such street and the expenses incurred by the Corporation under the powers of this part of this Act which but for this provision such company would be liable to pay shall be repaid to the Corporation by the other owners having frontages abutting on such street and in such proportion as shall be settled by the surveyor And in the event of such company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the Corporation the expenses which but for the foregoing provision such company would in the first instance have been liable to pay and the Corporation shall divide among the other owners for the time being having frontages abutting on such street the amount so paid by such company to the Corporation less the costs and expenses attendant upon such division in such proportion as shall be settled by the surveyor whose decision shall be final and conclusive

Railways &c. abutting on but not communicating with streets not to be chargeable with expenses under this part of this Act.

A.D. 1889. But this section shall not apply to any street existing at the date of the commencement of this Act.

PART IX.—SANITARY.

NOTIFICATION OF INFECTIOUS DISEASE.

Notice to be given of persons suffering from infectious disease.

104. The following provisions shall apply to and be in force in the borough (that is to say) :—

- (1.) If any inmate of any building used for human habitation be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of illness or other unavoidable cause then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at the town hall.
- (2.) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness or other unavoidable cause then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person.
- (3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Fourth Schedule to this Act.
- (4.) Every registered medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up and sign and deliver or send to the medical officer of health at the town hall a certificate or declaration stating according to the form set forth in the Fourth Schedule to this Act the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering.



A.D. 1889.

(5.) The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution.

(6.) Every person who shall wilfully offend against any of the enactments contained in this section shall for every such offence be liable to a penalty not exceeding forty shillings.

**105.** The Local Government Board may from time to time on the application of the Corporation by order declare that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act :

Infectious diseases other than those specified may be declared to be infectious diseases to which this Act applies.

(1.) Any such order may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in one or more of the local newspapers circulating in the borough, and after such public notice has been given the provisions of the section of this Act whereof the marginal note is "Notice to be given of persons suffering from infectious disease" shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act :

(2.) The production of the newspaper containing a copy of the order shall be conclusive evidence that public notice of the order has been so given :

(3.) The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the borough but the omission to send any such copy shall not affect the validity of such order.

#### PROVISIONS AS TO DEALING WITH INFECTIOUS DISEASE.

**106.** Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may

Persons engaged in washing or mangling clothes to furnish lists of owners

[Ch. clii.] *Newport (Monmouthshire) Corporation* [52 & 53 VICT.]  
*Act, 1889.*

A.D. 1889.  
of clothes  
in certain  
cases.

require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him or her for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Cowkeepers  
and others to  
furnish lists  
of customers  
in certain  
cases ;

**107.--(1.)** Whenever it shall be certified to the Corporation by the medical officer of health or by any other registered medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk-store or milk-shop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein, but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Medical  
officer of  
health may  
inspect dairy  
&c. beyond  
borough in  
certain cases ;

**(2.)** In case the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough from any farmhouse dairy cowshed milk-store milk-shop or place situate beyond the borough or that the consumption of milk from any such farmhouse dairy cowshed milk-store milk-shop or place is likely to cause infectious disease to any person residing in the borough the medical officer of health shall if authorised in that behalf by an order of a justice having jurisdiction where such farmhouse dairy cowshed milk-store milk-shop or place is situate have power to inspect such farmhouse dairy cowshed milk-store milk-shop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Corporation who may thereupon give notice to the occupier of such

farmhouse dairy cowshed milk-store milk-shop or place not to supply any milk therefrom within the borough until such notice has been withdrawn by the Corporation and the Corporation shall forthwith give notice of the facts to the sanitary authority acting in execution of the Contagious Diseases (Animals) Acts 1878 to 1886 of the district in which such farmhouse dairy cowshed milk-store milk-shop or place is situate in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the province of such last-mentioned authority Any person refusing to permit the medical officer of health on the production of such order as aforesaid to inspect any such farmhouse dairy cowshed milk-store milk-shop or place or after such notice not to supply milk as aforesaid has been given supplying any milk therefrom in contravention of such notice or selling it for consumption in the borough until such notice has been withdrawn as aforesaid shall on summary conviction be liable to a penalty not exceeding five pounds for such offence and to a daily penalty not exceeding forty shillings :

A.D. 1889.

Provided always that proceedings for recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milk-store milk-shop or place is situate.

(3.) Nothing in or done under sub-sections (1) and (2) of this section shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any order license or act of Her Majesty's Privy Council or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or the Local Government Board or exempt dairies milk-stores or milk-shops or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

Saving for Acts relating to dairies animals &c.

**108.** Where the Corporation are of opinion on the certificate of their medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection could more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing

Further powers in relation to disinfection of premises.

[Ch. clii.] *Newport (Monmouthshire) Corporation* [52 & 53 VICT.]  
*Act, 1889.*

A.D. 1889.

and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section Any person who shall obstruct any duly authorised officer of the Corporation in carrying out this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

**109.** Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who to any question by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

**110.** No person shall without the sanction in writing of the medical officer of health or other registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died from any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings No cemetery regulation made by the Corporation with respect to notice of interment shall operate to prevent the carrying into effect of this section.

Bodies of persons dying in hospitals &c. of infectious diseases to be removed only for burial.

**111.** If any person shall die from any infectious disease in any hospital or place of temporary accommodation and the medical officer of health or any other registered medical practitioner certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or of spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned

[52 & 53 VICT.] *Newport (Monmouthshire) Corporation* [Ch. clii.]  
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purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this enactment shall be liable to a penalty not exceeding fifty pounds. Nothing in this enactment shall prevent the removal of any dead body from any such hospital or place of temporary accommodation to any mortuary and such mortuary shall for the purposes of this section be deemed to be part of such hospital or place of temporary accommodation.

A.D. 1889.

**112.** Where the body of any person who has died from any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or other registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of inmates of such house or building or of any adjoining or neighbouring house or building any justice may on the application of the medical officer of health order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and may direct the same to be buried within a time to be limited in the order or such justice may in the case of the body of any person who has died from any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this enactment shall be liable to a penalty not exceeding five pounds.

Justices may in certain cases order dead bodies to be buried.

**113.** Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately

Corpses not to be carried in public conveyances without notice.

[Ch. clii.] *Newport (Monmouthshire) Corporation* [52 & 53 VICT.]  
*Act, 1889.*

A.D. 1889. afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Detention of infected person without proper lodging in hospital by order of justice.

**114.** The provisions of the Public Health Act 1875 respecting infectious diseases and hospitals shall be and are hereby extended so as to authorise any justice of the peace acting in and for the borough upon proper cause shown to him to make an order directing the detention in any hospital for the time being belonging to the Corporation for urban sanitary purposes at the cost of the sanitary authority of any person in the borough suffering from any infectious disease and not provided with lodging or accommodation in which proper precautions can be taken to prevent the spreading of the disorder by such person. Any order so to be made by any such justice shall be limited to some specific time but with full power to any justice to enlarge such time as often as may be necessary. It shall be lawful for any sanitary officer or inspector of police of the borough on any such order being made to take all necessary measures and do all necessary acts for enforcing the execution thereof.

Penalty for offences under Public Health Act.

**115.** Any keeper of a common lodging-house in the borough who fails to give the notice required by section 84 of the Public Health Act 1875 shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

Temporary shelter nursing &c.

**116.** The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and the Corporation shall also provide or contract with some person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the borough or upon children who may have been compelled to leave their dwellings as aforesaid and shall be enabled to charge a reasonable sum for the service of any nurse provided by them.

MISCELLANEOUS.

Powers of entry for purposes of secs. 120 and 121 of Public Health Act 1875.

**117.** For the purpose of carrying into effect the provisions of sections 120 and 121 of the Public Health Act 1875 or either of those sections the Corporation may by any officer appointed in that behalf enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

For preventing infectious rubbish being thrown into ash-pits &c.

**118.** Any person who shall knowingly cast or cause or permit to be cast into any ash-pit ash-tub or other receptacle for the

[52 & 53 VICT.] *Newport (Monmouthshire) Corporation* [Ch. clii.]  
*Act, 1889.*

deposit of refuse matter any infectious rubbish without previous disinfection shall be liable to a penalty not exceeding forty shillings. A.D. 1889.

**119.** The Corporation may if they think fit require the use of an ash-pail or other proper receptacle for dust and ashes in any case in which they are authorised to require the use of an ash-pit (whether the property in question is already provided with an ash-pit or not) and the provisions of the Public Health Act 1875 with respect to the providing of ash-pits shall apply mutatis mutandis in the case of ash-pails or other receptacles the use of which may be so required by the Corporation. As to ash-pails.

**120.** It shall not be lawful to raise fill or embank any ground with any offensive or unwholesome matter and every person who shall do or cause to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Ground not to be filled up or embanked with offensive matter.

**121.** It shall not be lawful for any person to throw or suffer or permit to be thrown or to pass into any drain or sewer any matter or substance which would interfere with the free flow of the sewage or surface or storm water or which would be injurious to the drains or sewers and every person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds. Placing matters in sewers so as to affect run of water.

**122.** It shall not be lawful for any person to turn or knowingly permit to enter into any sewer of the Corporation or into any drain communicating with any such sewer any waste steam or condensing water or heated water from any boiler or other receptacle used with any steam-engine or for any manufacturing or trade purposes (such water being of a higher temperature than one hundred and ten degrees of Fahrenheit) and every person who having had notice in writing of the provisions of this section given to him by the Corporation shall at any time after the expiration of seven days from the service upon him of such notice turn or knowingly permit to enter into any such sewer or drain any such waste steam condensing water or heated water shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Any officer of the Corporation authorised in writing under the hand of the town clerk shall at any time if he so desire be admitted into or upon any premises for the purpose of ascertaining whether the provisions of this section are being contravened If such admission shall be refused any justice on complaint thereof on oath by any such officer of the Corporation (made after reasonable notice in

Steam not to be turned into sewers.

[Ch. clii.] *Newport (Monmouthshire) Corporation* [52 & 53 VICT.]  
*Act, 1889.*

A.D. 1889. writing of such intended complaint shall have been given by the Corporation to the person having custody of such premises) may by order under his hand require such person to admit any such officer of the Corporation into or upon such premises and such order shall continue in force until the offence shall have ceased or any works necessary to prevent the recurrence thereof shall have been executed. Every person who shall obstruct any officer of the Corporation in the execution of any such order shall for every offence be liable to a penalty not exceeding five pounds.

Power to require privies &c. to be filled up.

**123.** When any building whether built before or after the commencement of this Act shall be provided with sufficient and suitable pan-closet or watercloset or earth-closet or ash-tub or other like accommodation to the satisfaction of the Corporation they may give notice in writing to the owner or occupier of such building requiring him within a reasonable time to be specified in such notice to fill up any existing privy or ash-pit and if such owner or occupier shall make default in complying with such requirement to the satisfaction of the Corporation within the time specified in such notice the Corporation may if they think fit execute the works necessary for carrying out such requirement and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier and shall be recoverable as a penalty under this Act is recoverable.

Penalty for not cleansing closet &c.

**124.** If any privy pan-closet watercloset earth-closet ash-pit ash-tub or urinal used in common by the occupiers of two or more buildings or of separate parts of the same building or the approaches to or the walls floors seats or fittings of any such privy pan-closet watercloset earth-closet ash-pit ash-tub or urinal or any of them shall be in such a state or condition as to be a nuisance for want of the proper cleansing thereof then any one of the persons who shall have the use thereof in common as aforesaid who shall be in default or in the absence of proof satisfactory to the justices as to which of them shall be in default each of the persons who shall have the use thereof in common as aforesaid shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding five shillings.

Penalty for injuring a privy.

**125.** If any person shall injure or improperly foul any privy pan-closet watercloset earth-closet ash-pit ash-tub or urinal which shall be used in common by the occupiers of two or more buildings or of separate parts of the same building he shall for every such offence be liable to a penalty not exceeding ten shillings.

Water supply to closets.

**126.** Every watercloset shall have a good supply of water laid on and an efficient flushing apparatus attached thereto and shall



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have an opening as near to the top as practicable communicating directly with the external air and the pipes immediately supplying water to a watercloset and to the flushing apparatus attached thereto shall be so arranged that water for any other purpose than flushing the closet cannot be drawn therefrom. Any owner of any building who when required by the Corporation fails to provide sufficient flushing apparatus or means of ventilation for any water-closet in or connected with such building in accordance with the provisions of this section and any occupier of any such building who fails to keep a good supply of water to any such watercloset in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1889.

**127.—**(1.) Where on the plan of any building whether built before or after the commencement of this Act as deposited with and approved by the Corporation a part of such building is described or shown as or appears to be intended to be separated from the remainder of such building for the purpose of being used as a lock-up shop workshop shed or place of business and not a dwelling-house the use of such part of such building for the purposes of human habitation shall be an offence and every person who shall wilfully so use or knowingly suffer to be so used such part of such building shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Prevention of lock-up shops and other places of business being improperly used for purposes of habitation.

(2.) Provided that if such part of such building has in the rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act or byelaw for the time being in force with respect to buildings intended to be used as dwelling-houses and if such part of such building has undergone the structural alterations (if any) necessary in the opinion of the Corporation for converting the same into a dwelling-house the Corporation may on the application of the owner thereof authorise the same to be used as a dwelling-house.

(3.) Any justice of the peace by warrant under his hand may authorise any officer of the Corporation at any time to enter upon and examine any building suspected of being used in contravention of this section.

(4.) Every person who shall prevent or obstruct any such officer so authorised from or in making such inspection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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Urinals for  
inns public-  
houses &c.

**128.** The Corporation may from time to time give notice in writing to the owner or occupier of any inn public-house or beer-shop whether built before or after the passing of this Act requiring him within a reasonable time to be specified in such notice to provide and maintain upon or adjoining such premises an urinal or urinals and if such owner or occupier shall make default in complying with such requirement to the satisfaction of the Corporation within the time specified in such notice he shall be liable to a penalty not exceeding forty shillings and a daily penalty not exceeding twenty shillings.

Corporation  
may make  
communication  
between private  
drains and  
their sewers on  
payment &c.

**129.** If the owner or occupier of any premises shall desire that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such a communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Corporation  
may agree  
to make  
drains at  
expense of  
owner.

**130.** The Corporation may agree with the owner or occupier of any premises that any sewer or drain required to be made altered or enlarged by such owner or occupier or any part of such sewer or drain shall as to so much thereof as shall be in a street be constructed made altered and enlarged by the Corporation and the cost price of making altering or enlarging such sewer or drain and also the cost of preparing the requisite plans and sections for and superintending the execution of the works as estimated or certified by the surveyor shall be paid in advance to the Corporation by the owner or occupier so agreeing.

Extension  
of sec. 41  
of Public  
Health Act  
1875.

**131.** In cases where two or more houses are connected with a single private drain which conveys their drainage into a public sewer the Corporation shall have all powers conferred by the forty-first section of the Public Health Act 1875 and any expense incurred by them under this section shall be repaid to them by the owners in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 and shall be recoverable as penalties under this Act are recoverable or shall be deemed private improvement expenses and be recoverable accordingly.

Pipes from  
slopstones  
to be dis-  
connected  
from sewer.

**132.** Every pipe from any slopstone in a building whether built before or after the commencement of this Act shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such

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building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped. Provided always that with respect to a building built before the commencement of this Act any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with a notice in writing given by the Corporation or the surveyor or the inspector of nuisances requiring the owner or occupier of such building to comply with the provisions of this section.

A.D. 1889.

**133.** In addition to all other powers vested in the Corporation the Corporation if it shall appear to them on the report of the surveyor or inspector of nuisances that any building whether built before or after the commencement of this Act is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such building may give notice in writing to the owner or occupier of such building requiring him in the manner and within the time to be specified in such notice to provide such sink drain or other appliances and if such owner or occupier shall make default in complying with such requirement to the satisfaction of the Corporation within the time specified in such notice he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and in case of default the Corporation may if they think fit themselves provide such sink drain or other appliances and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier and shall be recoverable as a penalty under this Act is recoverable.

Summary power to provide sinks and drains for dwelling-houses.

**134.** The provisions contained in the one hundred and sixteenth to the one hundred and nineteenth sections (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough.

Extensions of sections 116 to 119 inclusive of Public Health Act 1875.

**135.** The one hundred and seventeenth section of the Public Health Act 1875 shall extend and apply to every diseased unsound or unwholesome article intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale whether such article be or be not seized and carried away to be dealt with by any justice or ordered by any justice to be destroyed or disposed of as mentioned in such section. Provided that the justice before whom any complaint with respect to such article of food is made be satisfied on the evidence laid before him that such article of food was diseased or unsound or unwholesome or unfit for the food of man.

Extending powers as to unwholesome food.

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PART X.—POLICE AND LOCAL GOVERNMENT.

Street musicians to depart when required to do so.

**136.** Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Prohibition of persons assembling in streets for the purpose of betting.

**137.** Any three or more persons assembled in any part of any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Public drinking fountains.

**138.** The Corporation may from time to time when and as they think it expedient put up and continue and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of the water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Corporation may think fit but not against or in the immediate proximity of any private dwelling-house warehouse counting-house shop or other building or the fence or wall of any garden or pleasure ground except with the consent of the owner and occupier thereof and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as hereinbefore mentioned shall forfeit to the Corporation for every such offence a sum not exceeding five pounds.

Places for dancing music and other entertainments to be licensed.

**139.** For the regulation of places for public dancing or music or other public entertainment of the like kind the following provisions shall have effect (namely):—

- (1.) After the expiration of six months from the commencement of this Act a house room garden or other place whether or not licensed for the sale of wine spirits beer or other fermented or distilled liquors shall not be kept or used for public dancing singing music or other public entertainment of the like kind without a license for the purpose or purposes for which the same respectively is to be used first obtained from the justices acting for the borough for which license and for the registration thereof a fee of five shillings shall be paid by the person applying therefor.
- (2.) Such justices may under the hands of a majority of them assembled at any annual licensing meeting or at any adjourn-

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ment thereof or at any special session convened with fourteen days previous notice grant licenses to such persons as they think fit to keep or use houses rooms gardens or places for all or any of the purposes aforesaid upon such terms and conditions and subject to such restrictions as they by the respective licenses determine and every license shall be in force for one year or for such shorter period as the said justices on the grant of the license shall determine unless the same shall have been previously revoked as herein-after provided. A.D. 1889.

- (3.) Such justices may from time to time at any such special session aforesaid transfer any such license to any person as they think fit.
- (4.) Each person shall in each case give fourteen days notice to the clerk to the said justices and to the head constable of the borough of his intention to apply for any such license or for the transfer of any such license.
- (5.) Any house room garden or place kept or used for any of the purposes aforesaid without such license first obtained shall be deemed a disorderly house and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept or used for any of the purposes last aforesaid.
- (6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house room garden or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following "Licensed in pursuance of Act of Parliament for \_\_\_\_\_" with the addition of words showing the purpose or purposes for which the same is licensed.
- (7.) Any house room garden or place so kept or used although so licensed as aforesaid shall not be opened for any of the said purposes except on the days and between the hours stated in the license.
- (8.) The affixing and keeping up of such inscription as aforesaid and the observance of the days and hours of opening and closing shall be made conditions of every such license and notice of such conditions shall be inserted in or indorsed upon every such license.
- (9.) In case of any breach or disregard of any of the terms or conditions upon or subject to which the license was granted the holder thereof shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five

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pounds and such license shall be liable to be revoked by the order of any two justices.

(10.) No notice need be given under sub-section 4 of this section when the application is for a renewal of any existing license held by the applicant for the same premises.

(11.) The justices in any petty sessions may if and as they think fit grant to any person applying for the same a license to keep or use any house room garden or place for any purpose within the meaning of this section for any period less than one year which they shall specify in such license notwithstanding that no notices shall have been given under sub-section 4 of this section.

Provisions as  
to traction  
engines.

**140.** The following provisions with respect to the use of traction engines in the borough shall have effect (that is to say) :—

(1.) The Corporation may from time to time prescribe the time at which and the streets along or across which alone traction engines shall pass and the owner or the person in charge of any such engine who shall knowingly and without reasonable cause pass therewith at any time not prescribed or along or across any street not prescribed shall be liable for such offence to a penalty not exceeding ten pounds in addition to the cost of repairing any damage to such street which may arise by reason of such offence ;

(2.) No person using or conducting any such engine shall supply the same with water from any public fountain trough well or receptacle for water situate in any street within the borough except with the license of the Corporation and upon such terms as to payment and otherwise as shall be stated therein ;

(3.) The term traction engine shall not for the purposes of this Act be deemed to include a steam or other locomotive engine used on a tramway.

Restriction  
on advertis-  
ing vehicles  
&c.

**141.** It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds.

Regulation  
of traffic.

**142.** The power of the council to make byelaws under the 23rd section of the Municipal Corporations Act 1882 for the good rule and government of the borough shall be deemed to include

a power of making byelaws for the following purposes (that is to say) :— A.D. 1889.

- (1.) Regulating the traffic or any particular traffic in streets within the borough :
- (2.) Diverting temporarily out of any street or streets traffic of every kind or such particular kind of traffic as may be specified in any order or notice issued under such byelaw :
- (3.) Prescribing the streets in or through which particular kinds of traffic shall not be permitted or where permitted the hours within which they are permitted :

And the council may from time to time issue notices or orders under such byelaws and appoint by such byelaws such fines as they deem necessary for the prevention and suppression of offences against such byelaws notices or orders provided that no fine for the prevention or suppression of offences against any such byelaw notice or order appointed by any such byelaw shall exceed forty shillings :

Provided always that the free access of traffic from or to any railway station shall not under the provisions of this section be obstructed or interfered with.

#### PART XI.—FINANCE.

**143.**—(1.) In this part of this Act—

“ Rates ” includes water rents and charges for supply of water or the hire of meters or fittings connected therewith ;

“ Bank ” includes the Governor and Company of the Bank of England and any banking company or banker ;

“ Statutory declaration ” means declaration under the Statutory Declarations Act 1835 ;

“ Schedule ” means the Sixth Schedule to this Act relating to this part of this Act.

(2.) Any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under this Act or under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed is for purposes of this part of this Act a statutory borrowing power.

Interpretation.

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(3.) 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 and any mortgage bond debenture debenture stock Corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed 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 is for purposes of this part of this Act a statutory security.

(4.) The provisions of this part of this Act referring to interest apply to and include instalments of any annuity and half-yearly or other payments of or in respect of a rentcharge rent or other statutory security.

Power to  
borrow.

**144.** The Corporation may from time to time borrow at interest on the following securities and for the following purposes such sums as they see fit not exceeding the following (that is to say) :—

(1.) On the security of the borough fund and borough rate for payment of the costs charges and expenses of this Act as hereafter defined (including the costs of opponents agreed to be paid by the Corporation) the sum requisite for the purpose :

(2.) On the security of the district fund and general district rates for the purposes of the roads (including the contributions or sums payable by the Corporation under this Act or under the agreement set forth in the Fifth Schedule to this Act and contributions towards the expenses of the construction of such roads payable under any other agreements entered into or to be entered into under section 60 of this Act) fifteen thousand five hundred pounds :

(3.) On the security of the borough fund and borough rate or of the district fund and general district rate or partly on the one and partly on the other at the discretion of the Corporation :—

(a.) For the purposes of the subway twenty thousand pounds :

(b.) For the purposes of any agreement entered into with the Great Western Railway Company under Part IV. of this Act 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



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the Corporation authorise them to borrow such further sums for all or any of the purposes of this Act as the Local Government Board may from time to time think fit and the provisions of this Act shall apply mutatis mutandis to the further sums so borrowed And in calculating the amount which the Corporation may borrow under the Public Health Acts the amount which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the powers 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.

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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.

**145.** 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.

**146.** All moneys borrowed by the Corporation under the authority of this Act without the sanction of the Local Government Board may be borrowed and re-borrowed for any terms not exceeding the terms herein-after 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 purposes of the passenger subway and roads forty years ; and

As regards moneys borrowed for the purpose of paying the costs of this Act ten 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.

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As to moneys  
borrowed  
under Act  
of 1855.

**147.** Any moneys which may be borrowed by the Corporation under the provisions of section 12 of the Act of 1855 shall be repaid by yearly or half-yearly instalments or by means of a sinking fund within such period from the date of borrowing the same as the Local Government Board prescribe and the provisions of this Act with respect to sinking funds shall apply to any sinking fund which may be formed for the repayment of such moneys as if they had been authorised to be borrowed under this Act.

Sinking fund  
for payment  
of money  
borrowed on  
mortgage.

**148.** The Corporation in case they borrow any moneys on mortgage under this Act repayable by means of a sinking fund shall within twelve months after borrowing the same 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 fund or rate or funds or rates on the security of which such moneys shall have been borrowed such equal annual or half-yearly sum or sums as will with accumulations by way of compound interest after a rate not exceeding three and a quarter per cent. 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 statutory securities.

The Corporation may at any time apply the whole or any part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per cent. on which the payments to the sinking fund are based Provided also that whenever and so long as the securities constituting such sinking fund shall be equal in value at the market price of the day to 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.

Sinking  
funds may  
be adjusted  
in certain  
events.

**149.** If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account under the powers of this Act other than borrowed moneys repay any prin-

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cipal money borrowed under the powers of this Act repayable by means of a sinking fund the payments to such sinking fund may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board. A.D. 1889.

**150.** 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 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.

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

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 of Justice 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.

**151.** The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under this Act on the same becoming

Power to re-borrow.

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A.D. 1889. 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:—

- (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 out of the proceeds of the sale of surplus lands or out of premiums or fines on leases.

Power to  
borrow under  
Local Loans  
Act 1875.

**152.** 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.

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 fund and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such funds and rate 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 All moneys paid into any sinking fund formed for the purpose of such discharge may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested.

Application  
of money  
borrowed.

**153.** All money borrowed under 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.

Corporation  
not to regard  
trusts.

**154.** 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 mis-application or non-application of any such money. A.D. 1889.

#### CREATION AND CHARGE OF STOCK.

**155.**—(1.) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of this part of this Act the Corporation may from time to time by resolution of the council exercise the power by creation of redeemable stock to be from time to time issued for such amount within the limit of the power at such price to bear such half-yearly or other dividends and to be so transferable that is to say in books or by deed as the Corporation by the resolution direct Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock and bearing one and the same rate of dividend and redeemable at the option of the Corporation at one and the same time not being later than sixty years from the first creation of Corporation stock. Creation of  
Corporation  
stock.

(2.) All stock at any time and from time to time so created shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall also rank equally with all other securities of the Corporation at any time after the date of the first issue of any Corporation stock granted by the Corporation in pursuance of any statutory borrowing power.

(3.) The resolution for the first creation of Corporation stock shall provide that such stock shall be redeemable at the option of the Corporation at par that is to say at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued at such time and in such manner as the Corporation by that resolution declare.

(4.) Each resolution for creation of stock shall specify that the stock thereby created is redeemable.

(5.) Stock so created shall be designated by the Corporation as Newport Corporation Redeemable Stock.

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Borrowing  
power to be  
exercisable  
for actual  
sum raisable.

**156.** Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Corporation stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raisable by the Corporation under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Corporation as consideration on payment off or redemption by the Corporation of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Corporation.

Charge of  
Corporation  
stock.

**157.**—(1.) All Corporation stock for the time being issued and the dividends thereon shall be and the same are by virtue of this Act charged indifferently on the whole revenues of the Corporation from time to time arising from the land undertakings and other property for the time being of the Corporation and on the borough fund and borough rate and on the district fund and general district rate and on all other funds and rates established and leviable by the Corporation as a municipal body for municipal purposes or as a sanitary authority for sanitary purposes.

(2.) The dividends for the time being payable on all Corporation stock shall rank equally with the interest on all other securities of the Corporation at any time after the date of the first issue of any Corporation stock created or granted in pursuance of any statutory borrowing power and the same dividends and interest shall subject to all charges existing at that date be the first charge on the revenues and rates aforesaid and on the revenues of the funds aforesaid (all which revenues and rates are comprised in the term "the Corporation revenues" when hereafter used in this Act).

LOANS FUND.

Establish-  
ment of con-  
solidated  
loans fund.

**158.** For payment of dividends on all Corporation stock and for redemption and extinction or purchase and extinction of all Corporation stock there shall be established and formed a fund called the Newport Corporation Consolidated Loans Fund (in this part of this Act referred to as "the loans fund").

Contribu-  
tions to loans  
fund for  
dividend.

**159.**—(1.) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all dividends payable in that year on the several portions of Corporation stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

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(2.) They shall provide the sum or sums aforesaid by contributions from the several Corporation revenues if any specifically made liable to provide the same by or under any Act of Parliament or any order or sanction of any Government department or by any resolution of the Corporation having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Corporation revenues out of which interest would have been payable on money borrowed by the Corporation under that power if that money had been raised and remained secured otherwise than by Corporation stock and in default thereof or subject thereto they shall provide the same out of the borough fund and borough rate or out of the district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and to the objects for which the statutory borrowing power was exercised may consider equitable.

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(3.) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the sums ascertained to be required in that behalf by apportionment of that aggregate amount of dividends among those several Corporation revenues according to the amount of stock the dividends whereon are properly payable thereout respectively.

**160.—**(1.) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all sums payable in that year for redemption and extinction or purchase and extinction of the several portions of Corporation stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

Contributions to loans fund for extinction of stock.

(2.) They shall provide the sum or sums last aforesaid by contributions from the several Corporation revenues if any specifically made liable to provide the same by or under any Act of Parliament or any order or sanction of any Government department or by any resolution of the Corporation having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Corporation revenues out of which any yearly or other sums would have been payable towards a sinking fund for discharge or towards payment off by instalments appropriations annual repayments or otherwise of money borrowed by the Corporation under that power if that money had been raised and remained secured otherwise than by Corporation stock and in default thereof or subject thereto they shall provide the same out of the borough fund and borough rate or out of the district fund and general district rate as the Corporation

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having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3.) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the same amounts as would in the same respective cases have been payable towards a sinking fund or towards payment off as aforesaid those contributions to be subject to accumulation if and as in the same respective cases accumulation was prescribed.

(4.) The Corporation shall from time to time by investment on statutory securities of the sums paid into the loans fund in respect of those several contributions or of proper parts thereof and by like investment of the interest and annual proceeds arising from those securities make and maintain such accumulations as are in this section referred to.

(5.) But if the extinction of any portion of Corporation stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund required by this part of this Act to be applied to the making and maintenance of those accumulations then a sum or sums equal to the dividends on the stock so extinguished shall thenceforth in every year during the residue of the period expressly or by implication limited for the continuance of any loan by or under the statutory borrowing power in exercise whereof that portion of stock is issued be paid into the loans fund out of the Corporation revenues chargeable with payment of the dividends on that portion of stock.

Raising of  
contributions  
to loans  
fund.

**161.**—(1.) The Corporation shall from time to time in order to raise the amounts of the several contributions of the two kinds aforesaid out of the several Corporation revenues do all such acts exercise all such powers collect all such money and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purposes of or in relation to the respective statutory borrowing powers in exercise whereof the several portions of Corporation stock are issued.

(2.) If by reason of any limit of a rate or for any other reason there is a deficiency on any Corporation revenue in respect of any required contribution the Corporation shall advance the amount of the deficiency out of the borough fund and borough rate or district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3.) The amount so advanced shall be a debt due from the Corporation revenue on which the deficiency existed to the fund or



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rate out of which the advance is made and interest shall be payable thereon at the rate of three and a half per centum per annum until repayment and the same debt and interest shall as soon as in the judgment of the Corporation reasonably may be raised and paid out of the Corporation revenue on which the deficiency existed.

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**162.**—(1.) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation on the revenues whereof any Corporation stock is charged.

Payment of  
 sale money  
 rents &c. to  
 loans fund.

(2.) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund the rents and profits of any land and other property of the Corporation acquired by them for the purposes of any undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock and not otherwise wholly or in part appropriated or made applicable by law or by valid contract.

(3.) The Corporation before making any payment into the loans fund under this section may deduct from the money or the rents and profits to which this section applies any costs and expenses properly incurred by the Corporation in or about any sale lease or other disposition or the collection and receipt of any rents and profits.

**163.** The Corporation shall from time to time apply the loans fund first in paying the dividends on all Corporation stock and next in redeeming Corporation stock according to the terms of issue and purchasing for extinction Corporation stock.

Application  
 of loans  
 fund.

**164.** All Corporation stock redeemed by the Corporation or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Act extinguished.

Extinction  
 of stock  
 redeemed or  
 purchased.

**165.**—(1.) As parts of the general account of the loans fund the Corporation shall keep separate accounts relative to—

Accounts of  
 loans fund.

(a.) Each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock; and

(b.) Each statutory borrowing power so exercised.

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(2.) Those separate accounts shall distinguish and show—

(c.) The portions of Corporation stock for the time being unextinguished and chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers if more than one relating to that undertaking or purpose; and

(d.) The amounts of those several portions of Corporation stock redeemed or purchased by means of the loans fund and cancelled and extinguished.

(3.) Those separate accounts shall further distinguish and show in relation to each undertaking or purpose—

(e.) All money being capital or in the nature of capital arising from any sale lease or other disposition of land or other property of the Corporation paid into the loans fund and in the judgment of the Corporation properly attributable to that undertaking or purpose and the securities on which that money or any part thereof is from time to time invested; and

(f.) All money from time to time received as interest and annual proceeds of the last-mentioned money and securities; and

(g.) All money from time to time received as rents and profits of any land and other property of the Corporation so as aforesaid acquired and not otherwise appropriated or made applicable; and

(h.) All money and securities transferred to the loans fund as having formed part of a sinking fund and all money from time to time received as interest and annual proceeds of the last-mentioned money and securities or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation; and

(j.) All money paid into the loans fund as contributions from the Corporation revenues in respect of dividends on the several portions of Corporation stock chargeable to that undertaking or purpose; and

(k.) All money paid into the loans fund as contributions from the Corporation revenues in respect of redemption and extinction or purchase and extinction of those several portions of Corporation stock; and

(l.) All money being unclaimed dividends paid into the loans fund as herein-after provided.

Application  
of income in

**166.**—(1.) Where any money is standing on a separate account in the loans fund being money paid into the loans fund as rents

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and profits of the land and other property of the Corporation or being money paid into the loans fund as interest on cash balances received by the Corporation or being other money paid into the loans fund but not being capital or in the nature of capital and not being required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation may deal with the same as in this section provided.

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reduction  
of contribu-  
tions.

(2.) Where any money is standing on a separate account in the loans fund being money required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation after providing for the making and maintenance of those accumulations may if they think fit from time to time invest that money or any part thereof in statutory securities and deal with the interest and annual proceeds of those securities as in this section provided.

(3.) The Corporation may if they think fit from time to time apply the money described in paragraph (1) of this section and the last-mentioned interest and annual proceeds to either of the purposes following or to both of those purposes in such proportions as the Corporation from time to time may consider equitable and expedient (that is to say) :—

(a.) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the portions of Corporation stock comprised in the separate account on which the money or interest and annual proceeds is or are standing ;

(b.) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund for redemption and extinction or purchase and extinction of those portions of stock.

**167.** For the purposes of any contribution or account under this part of this Act the Corporation if they think fit having regard to all the circumstances of the case and subject to the terms on which any loan of the Corporation was contracted or any Corporation stock was issued may from time to time determine and declare on which of the Corporation revenues any loan of the Corporation or any portion of Corporation stock is or shall be deemed to be primarily or collaterally charged or determine and declare that any loan of the Corporation or any portion of Corporation stock shall be apportioned as regards the charge thereof between or among any of the Corporation revenues and every such determination and declaration shall be effectual to all intents.

Determina-  
tion as to  
charge of  
stock.

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CONVERSION OF OTHER SECURITIES INTO STOCK.

Payment off  
or substitu-  
tion for  
existing  
securities.

**168.**—(1.) Where any mortgage bond debenture debenture stock annuity rentcharge or other security granted or created before or after the passing of this Act by the Corporation under any statutory borrowing power or charged upon any undertaking of the Corporation is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security.

(2.) The Corporation may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or Corporation stock or partly in one and partly in the other.

(3.) The Corporation may create and issue Corporation stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created or of the Act by which the charge was effected and any money so raised shall be applied in payment off or redemption of the security.

(4.) In every such case of payment off or redemption or substitution the Corporation shall pay and transfer into the loans fund the whole or a proportionate part (as the case may require) of any money and securities forming part of the sinking fund (if any) applicable to the discharge of the security.

(5.) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(6.) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the

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money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

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EFFECT ON BORROWING POWERS.

**169.** On the issue of any portion of Corporation stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows (namely):—

Extinction  
or suspension  
of power.

(a.) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Corporation under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Act extinguished; but

(b.) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be re-borrowed by the Corporation for the residue of that term or any part thereof and so from time to time.

APPLICATION OF MONEY RAISED.

**170.** Money raised by Corporation stock shall be applied for purposes for which money raisable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied and not otherwise.

General  
application of  
money from  
Corporation  
stock.

**171.—**(1) The Corporation may from time to time invest temporarily on statutory securities (other than stock certificates to bearer) money raised by Corporation stock and not for the time being applied to or required for the undertaking or purpose for which it is raised and shall from time to time pay the interest and annual proceeds of those securities into the loans fund.

Temporary  
investment  
of money  
raised by  
stock.

(2.) The Corporation may if they think fit from time to time apply the interest and annual proceeds aforesaid or any part thereof in reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the

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REGISTRATION AND CERTIFICATES.

Appointment  
of registrar.

**172.**—(1.) The Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with any provision of this part of this Act as they think expedient appoint and keep appointed an officer of the Corporation or other person or any bank as registrar for all or any of the purposes of this part of this Act (in this part of this Act referred to as “the registrar”).

(2.) The Corporation in relation to the provisions of this part of this Act and the registrar shall respectively be deemed a banker within the Bankers Books Evidence Act 1879.

Corporation  
stock  
register.

**173.**—(1.) The Corporation or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of Corporation stock and the amounts held by them (in this part of this Act referred to as “the Corporation stock register”).

(2.) The Corporation stock register shall be *primâ facie* evidence of any matter entered thereon in accordance with this part of this Act and of the title of the persons entered thereon as holders of stock.

Certificates  
of proprie-  
torship of  
stock.

**174.**—(1.) On demand of a holder of Corporation stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof under their common seal specifying the amount of the Corporation stock to which he is entitled (in this part of this Act referred to as “a stock certificate”).

(2.) A stock certificate shall be *primâ facie* evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

(3.) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(4.) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the certificate lost or destroyed.

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(5.) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the Corporation stock register. A.D. 1889.

TRANSFER.

**175.** Subject to the provisions of this part of this Act every Corporation stockholder may transfer all or any part of his stock in books or by deed. Power for stockholder to transfer.

**176.—(1.)** If and where the resolution for creation of any portion of Corporation stock makes the same transferable in books and not by deed the provisions of this section shall apply and have effect but not otherwise. Transfer in books.

(2.) The Corporation or the registrar shall keep books wherein transfers of Corporation stock so transferable shall be entered (in this part of this Act referred to as "the Corporation stock transfer books").

(3.) Every such entry shall be conceived in proper words for the purpose of transfer and shall be signed by the party making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness.

(4.) Where any bank are the registrar such bank may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by two or more credible witnesses.

(5.) The person to whom a transfer is made may if he thinks fit underwrite his acceptance thereof.

(6.) Except as otherwise provided by some other Act of Parliament and subject to the provisions of this part of this Act respecting any portion of Corporation stock which the resolution for creation thereof makes transferable by deed and not in books no mode of transferring Corporation stock other than that prescribed in this section shall be good in law.

**177.—(1.)** If and where the resolution for creation of any portion of Corporation stock makes the same transferable by deed and not in books the provisions of this section shall apply and have effect but not otherwise. Transfer by deed.

(2.) Every transfer of Corporation stock so transferable shall be by deed.

(3.) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

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(4.) The deed of transfer when duly executed shall be delivered to and kept by the Corporation or the registrar and the Corporation or the registrar shall enter a memorial thereof in a book to be called "the register of transfers of Corporation stock" and shall endorse on the deed of transfer a notice of that entry.

(5.) The Corporation or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an endorsement of the transfer on the existing stock certificate which endorsement being signed by direction of the Corporation or by the registrar shall be equivalent to a new stock certificate.

(6.) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence on transfer.

**178.**—(1.) The Corporation or the registrar before allowing any transfer of stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(2.) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the registrar with the approval of the Corporation may require.

Closing of transfer books.

**179.**—(1.) The Corporation or the registrar with the approval of the Corporation may as regards any portion of the Corporation stock close the Corporation stock transfer books or the register of transfers of Corporation stock (as the case may be) on any day in the month next before that in which dividends on that portion of Corporation stock are payable but so that the books be not at any time kept closed for more than fifteen days.

(2.) The persons who on the day of such closing are inscribed as Corporation stockholders shall as between them and their transferees of Corporation stock be entitled to the dividend next payable thereon.

Stamp duty on transfers.

**180.** Unless the Corporation have compounded for stamp duty all stock issued by the Corporation shall notwithstanding anything in any resolution of the Corporation be transferable by deed and not in books and every deed of transfer of stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.



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TRANSMISSION.

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**181.**—(1.) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

Transmis-  
sion on death.

(2.) The Corporation or the registrar shall not be required to allow any executors or administrators to transfer any stock until the probate of the will of or the letters of administration to the deceased has or have been left with the Corporation or the registrar for registration and may require all the executors who have proved the will to join in the transfer.

**182.**—(1.) If the interest in any Corporation stock has become transmitted in consequence of the bankruptcy of a stockholder or the marriage of a female stockholder or by any lawful means other than a transfer in books or by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar require.

Transmis-  
sion on  
marriage &c.

(2.) The declaration shall state the manner in which and the party to whom the stock has been transmitted and shall be left with the Corporation or registrar.

(3.) If the transmission is in consequence of the marriage of a female stockholder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the marriage or other particulars of the celebration thereof and declare the identity of the wife with the holder of the stock.

(4.) The name of the person entitled under the transmission shall be entered in the Corporation stock register.

(5.) Until the transmission has been so authenticated the Corporation or the registrar shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(6.) In this section the term transmission includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

DIVIDENDS.

**183.** The Corporation may pay by the registrar the dividends on Corporation stock.

Payment of  
dividends.

**184.** The Corporation or the registrar shall not be required to allow any executors or administrators to receive any dividend on

Dividends to  
executors &c.

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Evidence of title.

**185.** The Corporation or the registrar before allowing the receipt of any dividend on any Corporation stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of competent persons or of such other nature as the Corporation or the registrar may require.

Dividends to joint holders.

**186.—(1.)** Where more persons than one are registered as joint holders of any Corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the Corporation or the registrar by any other of them.

(2.) Where Corporation stock is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar before acting on the letter of attorney may if they or he think fit require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Dividend warrants by post.

**187.—(1.)** Where a Corporation stockholder desires to have his dividends sent to him by post he may make a request for that purpose to the Corporation or the registrar in writing signed by him on a form approved by the Corporation and shall give to the Corporation or the registrar an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants are from time to time to be sent.

(2.) The posting by the Corporation or the registrar of a letter containing a dividend warrant addressed to a stockholder at his request at the address so given by him shall as respects the liability of the Corporation and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

(3.) Every warrant so sent by post shall be deemed a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

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STOCK CERTIFICATES WITH COUPONS TO BEARER.

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Provisions  
respecting  
stock certi-  
ficates with  
coupons to  
bearer.

188.—(1.) On demand of a Corporation stockholder the Corporation or the registrar may issue to the stockholder a Corporation stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that no such certificate or coupon shall give a title to dividends beyond the time limited for redemption of the stock.

(2.) A Corporation stock certificate to bearer shall not be issued in respect of any sum of stock other than ten pounds or a multiple of ten pounds.

(3.) Notwithstanding anything in this Act a trustee shall not apply for purchase take or hold a Corporation stock certificate to bearer unless he is in express words authorised to do so by the instrument creating his trust and any contravention of this provision by a trustee shall be deemed a breach of trust but this provision shall not impose on the Corporation or the registrar an obligation to inquire or to take notice whether a person applying for or holding a stock certificate to bearer is or is not a trustee or subject the Corporation or the registrar to any liability in case of their or his with or without notice issuing to a trustee a stock certificate to bearer or invalidate any stock certificate to bearer issued.

(4.) Where a Corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable in books or by deed under and according to the provisions of this part of this Act.

(5.) The bearer of a Corporation stock certificate to bearer may on delivery up to the Corporation or the registrar of the certificate and of all unpaid coupons belonging thereto require to be entered in the Corporation stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable in the Corporation stock transfer books or by deed as the case may require and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(6.) The coupons issued with a Corporation stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Corporation approve.

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(7.) At the end of that period fresh coupons may be issued for such further period as the Corporation approve and so for successive periods during the continuance in force of the stock certificate but the Corporation or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(8.) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(9.) Where any bank is the registrar coupons shall be payable at the chief establishment of the bank at the expiration of three clear days from the day of presentation and at any branch establishment of the bank situate more than ten miles from the chief establishment at the expiration of five clear days from the day of presentation.

(10.) If a Corporation stock certificate to bearer or coupon is worn out or damaged the Corporation or the registrar on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(11.) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(12.) All coupons issued under this Act in respect of any Corporation stock certificate to bearer shall for the purposes of the Acts relating to stamp duties be deemed to have been attached to and issued with such stock certificate.

(13.) Corporation stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the Corporation stock register as transferable in books or by deed.

GENERAL.

Nature of  
Corporation  
stock.

**189.—**(1.) Corporation stock is personal property.

(2.) Corporation stock is not liable to foreign attachment by the custom of London or otherwise.

Notice of  
trusts.

(3.) No notice of any trust express implied or constructive in respect of any Corporation stock or of any Corporation stock certifi-

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cate to bearer or coupon shall be entered in the Corporation stock register or in any other book kept by the Corporation or the registrar or be receivable by the Corporation or the registrar or affect the Corporation through the registrar or otherwise.

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**190.**—(1.) If at any time the Corporation for two months after demand in writing fail to pay any dividend due on any Corporation stock the person entitled thereto may apply to Her Majesty's High Court of Justice for a receiver and the Court may if it thinks fit appoint a receiver on such terms as it thinks fit.

Receiver.

(2.) The receiver shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this part of this Act into the loans fund and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and such duties as the Court thinks fit and shall apply all money so collected after payment of expenses and costs as the Court directs for purposes of this part of this Act.

(3.) The Court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

**191.**—(1.) Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money in Corporation stock issued under the powers of this Act (other than stock for the time being represented by a stock certificate to bearer) as they have of investing it in the mortgages debentures or debenture stock aforesaid.

Holdings of Corporation stock by trustees.

(2.) Provided that where two or more persons are or may under the instrument creating the trust become successively interested in trust money no investment thereof shall be made in Corporation stock which is liable to be redeemed within fifteen years of the date of the investment at a price exceeding the redemption value of the stock.

(3.) Any trustee or other person lawfully holding any annuity issued by the Corporation under the Newport Corporation Waterworks Act 1888 may invest in Corporation stock all or any moneys received by him in consideration of the purchase or redemption by the Corporation of his annuity.

**192.** A person taking or holding Corporation stock shall not be concerned to inquire or to take notice whether the creation or issue

Protection of holders of Corporation stock.

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A.D. 1889. — thereof was or was not within any statutory borrowing power of the Corporation or otherwise in accordance with this part of this Act or whether or not the council or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the council were legal or regular or to see to the application of any money raised by Corporation stock or be answerable for any loss or mis-application thereof.

Annual  
return to  
Local  
Government  
Board.

**193.**—(1.) Once in every year at a time appointed by the Local Government Board the Corporation shall send to that board an abstract of the accounts of the Corporation relating to Corporation stock and the loans fund in a form prescribed by that board and verified by a statutory declaration of the town clerk if required by that board.

(2.) In case of wilful default therein by the Corporation the Corporation shall on each occasion be liable to a fine not exceeding two hundred pounds and in case of wilful default therein by the town clerk the town clerk shall on each occasion be liable to a fine not exceeding twenty pounds and every fine under this section shall be recoverable summarily on the prosecution of the Local Government Board and not otherwise.

(3.) If by any such abstract or otherwise it appears to that board that the Corporation have failed to comply with any requisition of this part of this Act in relation to any payment application or investment or otherwise in relation to Corporation stock or the loans fund that board may notwithstanding any proceeding for the recovery of any fine or any other proceeding taken by that board by order require the Corporation to make good the default within a time therein limited.

Unclaimed  
dividends.

**194.**—(1.) If at any time any dividend on any Corporation stock is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

(2.) Where any dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3.) At the end of every successive period of five years from the day when the first dividend becomes payable on Corporation stock first issued after the passing of this Act the Corporation shall publish

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an advertisement in a newspaper circulating in the borough stating what (if any) dividends on Corporation stock other than those falling due at the then last half-yearly or other day of payment are then unclaimed and the names and addresses appearing in the Corporation stock register of the holders of the stock on which the dividends are unclaimed.

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(4.) At the end of every successive period of ten years from the day when the first dividend becomes payable on Corporation stock first issued after the passing of this Act the Corporation unless it has been otherwise agreed between them and the registrar may require the registrar to repay to them all dividends unclaimed during that period and then in his hands and the Corporation shall pay the same into the loans fund and may deal therewith as they are by this part of this Act empowered to deal with money paid into the loans fund as interest on cash balances received by them without prejudice nevertheless to the rights of any person to those dividends.

**195.** Nothing in this part of this Act shall affect any power of the Corporation to raise otherwise than by Corporation stock any money which they do not think fit to raise by Corporation stock but whenever from time to time after the date of the first issue of Corporation stock the Corporation raise money otherwise than by Corporation stock they shall cause to be given to each lender of money so raised notice in writing signed by the town clerk or other authorised officer of the Corporation of the equality of charge which Corporation stock has by virtue of this part of this Act.

Saving for power to borrow otherwise.

**196.** Notwithstanding anything in this part of this Act the council may revoke at any time in whole or in part any resolution for creation of Corporation stock theretofore passed by the council if and as far as the same has not been acted on by the issue of stock thereunder.

Saving for power of revocation.

**197.** Except as in this part of this Act expressly provided nothing in this part of this Act shall relieve the Corporation from any obligation imposed on them in relation to any statutory borrowing power by any Act of Parliament under or by which that power for the time being exists or is regulated.

Saving for other obligations.

**198.—(1.)** Nothing in this part of this Act shall affect any power or duty of the Corporation to sell lease or otherwise dispose of any land or property of the Corporation or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge

Saving for power to sell lands &c.

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A.D. 1889. of Corporation stock or affect any claim of any person under such first-mentioned charge.

(2.) That land or property shall in the hands of the purchaser or other person taking the same under the sale lease or other disposition be by virtue of this Act absolutely freed from the charge of Corporation stock and he shall not be concerned to see to the application of that purchase money or other money or be answerable for any loss or mis-application thereof.

Saving for existing securities.

**199.** Nothing in or done under this part of this Act shall affect any security or charge created or granted or payable by the Corporation before the date of the first issue of any Corporation stock and the Corporation shall whenever required by the holder of any security or charge aforesaid apply all such money do all such acts exercise all such powers collect all such money and make and levy all such rates as they would or ought to have applied done exercised collected made and levied for his benefit and security if this part of this Act had not been enacted.

Forgery.

**200.—(1.)** Corporation stock shall be deemed capital stock of a body corporate within the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty (chapter ninety-eight) “to consolidate and amend the statute law of England and Ireland relating to indictable offences by forgery.”

(2.) A Corporation stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870.

Orders of Local Government Board.

**201.** Any order of the Local Government Board under this part of this Act may contain such directions as the board think necessary or proper for giving effect thereto and shall be enforceable by writ of Mandamus to be obtained by the board out of Her Majesty's High Court of Justice and may be from time to time cancelled or varied by the board as the circumstances of the case may require but the board shall not make any such order without first hearing the Corporation if desirous of being heard which hearing may be in the form of a public inquiry with or without a published report or in such other form as the board having regard to the circumstances think just and expedient and sections 294 and 296 of the Public Health Act 1875 shall apply to hearings inquiries and other proceedings to which this section relates.

Regulations by bank.

**202.** Where any bank is the registrar it may with the sanction of the Corporation from time to time issue any forms that may be required for carrying into effect the provisions of this part of this



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Act and may also from time to time make any regulations that are not inconsistent with this part of this Act relative to the following things and when made may alter vary or repeal any such regulations and make other regulations instead thereof or in addition thereto and any such regulations for the time being in force shall be duly observed :

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- (a.) The period for which coupons are to be given ;
- (b.) The mode in which the bank is to act in issuing stock certificates to bearer or entering in the transfer books the bearers of stock certificates to bearer ;
- (c.) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate or stock certificate to bearer ;
- (d.) With respect to anything necessary for carrying into effect the provisions of this part of this Act which relate to or affect the bank.

**203.** The forms given in the Sixth Schedule may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes. Forms.

**204.—**(1.) Fees not exceeding those specified in the Sixth Schedule may be taken by or on behalf of the Corporation in the cases therein mentioned. Fees.

(2.) The proceeds of fees shall be paid by the Corporation into the loans fund and shall be applied in reduction of contributions out of the Corporation revenues payable into the loans fund in respect of dividends on such portions of Corporation stock as the Corporation having regard to the cases in which the fees are paid determine.

**205.—**(1.) The expenses incurred by the Corporation in or about the creation and issue of any portion of Corporation stock including any sum paid by them for composition for stamp duty thereon and any other expenses being in their judgment properly chargeable to capital shall be deemed money raiseable under the statutory borrowing power in exercise whereof that portion of stock is issued. Expenses.

(2.) Expenses of book-keeping and management and other current expenses from time to time incurred by the Corporation in the execution of this part of this Act shall be defrayed as the ordinary expenses of the Corporation as a municipal body or as a sanitary authority are or may be defrayed.

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PART XII.—MISCELLANEOUS.

Form of  
service of  
notices by  
Corporation.

**206.** Any notice order requisition consent or demand which shall be made given delivered or served under this Act or under any byelaw made in pursuance of the powers of this Act may be either in print or writing (including lithograph) or partly in print or partly in writing (including lithograph) and shall be sufficiently authenticated by the signature of the town clerk or other duly authorised officer of the Corporation being affixed thereto or stamped thereon by him and a copy thereof respectively so authenticated shall be receivable in evidence without the production of the original and it shall be sufficient in all cases where any such instrument shall be required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it shall be given or served without further name or description and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned) and any such instrument or document may be served on any owner occupier or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or in case of an occupier of such property (being a building) to any inmate of such building or if the place of abode of the person to be served shall be after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such property Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post and in proving such service it shall be sufficient to prove that the instrument or document was properly addressed and posted Provided always that in the case of any company any such instrument or document shall be delivered or sent by post addressed to the secretary to the company at their principal office or place of business.

Damages and  
charges in  
case of dis-  
pute to be

**207.** Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses

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or charges in case of dispute respecting the same may be settled and determined by the justices before whom any offender shall be convicted and may if the justices so order be levied by distress.

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settled by  
justices.

208. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Compensation how to be determined.

209. All costs incurred by the Local Government Board including such reasonable sum not exceeding three guineas a day as that board may determine for the services of any inspector in relation to the duties imposed on that board under this Act shall be paid by the Corporation.

Costs of Local Government Board to be paid by Corporation.

210.—(1.) In case the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under this Act then after notice of this provision shall have been given by the owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the first-mentioned notice to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Penalty on occupiers refusing execution of Act.

(2.) If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully mistake the same he shall (unless he shall show a cause to the satisfaction of the Court for his refusal) be liable to a penalty not exceeding five pounds.

211. All byelaws made by the Corporation under this Act shall except where otherwise expressly provided by this Act be made under and according to the provisions contained in sections 182 to 185 (both inclusive) of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority and such provisions shall be deemed to be incorporated in this Act Provided that all byelaws notices orders or regulations may be partly in print and partly in writing (including lithograph)

General provision as to byelaws.

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Offences  
against Act  
or against  
byelaws how  
to be pro-  
secuted.

**212.** All offences against this Act or any byelaws made under this Act and all penalties or forfeitures which may be imposed by this Act or any such byelaw and the costs and expenses which may be incurred by the Corporation in the prosecution of any person who shall offend against this Act or any such byelaw may respectively be prosecuted and recovered and applied in the manner provided by the two hundred and fifty-first and two hundred and fifty-fourth sections of the Public Health Act 1875 respectively as if such offences were offences against that Act.

Penalties in  
cases not  
otherwise  
provided for.

**213.** Every person who shall commit an offence against any of the foregoing provisions of this Act in respect of which offence no separate penalty is specially provided by this Act shall be liable to be dealt with in a summary manner and shall be also liable for every such offence to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty for  
obstructing  
officers.

**214.** Any person who obstructs hinders or molests any member or officer of the Corporation in the execution of his duty under this Act or any byelaw thereunder for the time being in force within the borough shall be liable to a penalty not exceeding forty shillings.

As to appeal.

**215.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of section 269 of the Public Health Act 1875 as amended by the Summary Jurisdiction Act 1884.

Several sums  
in one  
summons.

**216.** Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in a schedule thereto several sums.

Saving for  
indictments  
&c.

**217.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Saving rights  
of Crown  
under Crown  
Lands Act.

**218.** Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved

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by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors. A.D. 1889.

**219.** All powers rights and remedies given to the Corporation by this Act shall unless otherwise expressly stated be deemed to be in addition to and not in derogation from any other powers conferred upon the Corporation by charter Act of Parliament law or custom and the Corporation may exercise such other powers as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. Powers of Act to be cumulative.

**220.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained 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 and borough rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty (cap. 91) with respect to the Bill for this Act and all matters relating thereto. Expenses of Act.

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The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

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The borough shall include within its boundary the following (that is to say):—

The municipal borough as extended by the Act of 1876.

Also

(A.) So much of the parish of Saint Woollos as lies between the existing borough boundary and the following imaginary line viz :—

An imaginary line commencing at a point on the present borough boundary at which the easternmost boundary of the property numbered 122 on the Ordnance map of the parish of St. Woollos (scale  $\frac{1}{2500}$ ) would if continued in a southerly direction in a straight line meet such boundary thence along such imaginary line to the south-easternmost corner of the property numbered 122 on the said map thence in a northerly direction along the eastern boundary of the said property numbered 122 on the said map to the north-easternmost corner thereof thence in a westerly direction along the northern boundary of the said property numbered 122 on the said map to the western boundary of the property numbered 119 on the said map thence proceeding in a northerly direction along the easternmost boundaries of the properties numbered 119 118 and 98 respectively on the said map to the point at which the boundary of the last-mentioned property meets the present boundary of the municipal borough.

And

(B.) So much of the parishes of Christchurch and Nash as is comprised within the following boundaries namely :—The present easternmost boundary of the municipal borough and an imaginary line commencing at the point at which the boundaries of the parishes of Malpas Saint Woollos and Christchurch meet in the River Usk thence following the course of the boundary of the parish of Christchurch up the River Usk to a point opposite the stream which enters the River Usk near the southern end of the property numbered 84 on the Ordnance map of the parish of Christchurch (scale  $\frac{1}{2500}$ ) thence proceeding in a south-easterly direction to the southern corner of the said property numbered 84 on the said map thence proceeding in a southerly direction along the western boundary of the property numbered 86 on the said map to the

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south-westernmost corner thereof thence in an easterly direction along the northern boundary of the property numbered 83 on the said map thence along the eastern boundary of the said property numbered 83 to and across the Caerleon Road thence in a south-westerly direction along the northernmost boundaries of the properties numbered 147 and 146 on the said map thence in a south-easterly direction along the northern boundary of the property numbered 143 on the said map thence in a southerly direction along the western boundary of the property number 145 on the said map to the south-western corner thereof thence in a straight line across the property numbered 717 on the said map to the western corner of the property numbered 820 on the said map thence in a south-easterly direction along the southernmost boundaries of the properties numbered 820 823 and 825 respectively on the said map to the south-easternmost corner of the said property numbered 825 on the said map thence along the eastern boundary of the property numbered 846 on the said map to the old Christchurch Road thence along the northern boundary of such road to the south-easternmost corner of the property numbered on the said map 851 thence at right angles across the said road thence along the northern boundary of the property numbered 893 on that map to the north-easternmost corner thereof and thence along the western and southern boundaries of the property numbered 895 on that map to and along the easternmost boundary of the properties numbered respectively on that map 897 932 and 940 thence across the Chepstow Road to and along the eastern boundary of the property numbered on the said map 941 thence along the north-western boundary of the property numbered 942 on that map to the north-easternmost corner of the last-mentioned property thence along the eastern boundary of that property to and along the northern boundary of the property numbered 946 on the said map thence along the north-western boundary of the last-mentioned property to the north-eastern corner thereof thence along the eastern boundaries of the properties numbered respectively 946 and 741 on the said map thence across the road numbered on that map 496 to and along the southern boundary of the road numbered on that map 566 to the north-easternmost corner of the property numbered 563 on that map thence along the eastern boundary of the properties numbered respectively 563 606 and 607 on that map to and across the Great Western Railway at right angles thence along the southern fence of the Great Western Railway to the Liswerry Pill Reen thence in a westerly direction along that reen to the Pontfaen Arch carrying the road leading from Liswerry to Nash and Goldcliff over the said reen thence in a southerly direction along the eastern boundary of that road to the south-western corner of the field numbered 1,158 on the said map thence at right angles across that road to its western boundary thence in a southerly direction along the western boundary of the said road to the point where the boundary between the parishes of Christchurch and Nash crosses the said road near Greenfield House thence westwardly along the said parish boundary to the northernmost corner of the field numbered 55 on the Ordnance map of the parish of Nash (scale  $\frac{1}{2800}$ ) thence along the eastern

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boundary of that field thence along the northern and western boundaries of the field numbered 60 on that map to the southernmost corner of the last-mentioned field thence following the boundaries of the field numbered 85 on the said map to the southernmost corner of the field numbered 83 thereon thence in a north-westerly direction along the south-western boundary of that property to the northernmost corner of the property numbered 82 on that map thence along the eastern and southern boundaries of the property numbered 76 on that map to the north-westernmost corner of the property numbered 81 on that map thence along the south-western boundaries of the fields numbered respectively 81 116 117 and 121 to the northernmost corner of the property numbered 120 on the said map thence along the eastern boundaries of the fields numbered respectively 118 119 and 332 on that map thence along the southern boundary of the field numbered 332 on that map to the south-westernmost corner thereof thence along the eastern and southern boundaries of the property numbered 331 on that map to the south-western corner thereof thence in a southerly direction along the eastern boundary of the property numbered 343 on the said map to the south-eastern corner thereof thence continuing in a straight line to the centre of Julian's Pill thence in a westerly and northerly direction along the centre of that pill and in continuation thereof westward to the boundary of the existing borough in the low water channel of the River Usk.

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THE SECOND SCHEDULE.

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LANDS UNDER WHICH EASEMENTS ONLY MAY BE ACQUIRED.

Parish.	Number of Property on Plans of Subway and in Books of Reference relating thereto.
Saint Woollos     -     -     -	4 5 9 10 11 12 13 14 18 19 20 21 22 23 and 24.
Christchurch     -     -     -	2 and 3.



THE THIRD SCHEDULE.

A.D. 1889.

PRIVATE STREET WORKS.

PART I.

PARTICULARS TO BE STATED IN SPECIFICATIONS PLANS AND SECTIONS  
ESTIMATES AND PROVISIONAL APPORTIONMENTS.

*Specifications.*—These shall describe generally the works and things to be done and in the case of structural works shall specify as far as may be the foundation form material and dimensions thereof.

*Plans and Sections.*—These shall show the constructive character of the works and the connexion (if any) with existing streets sewers or other works and the lines and levels of the works subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

*Estimates.*—These shall show the particulars of the probable cost of the whole works including the commission provided for by the foregoing Act.

*Provisional Apportionments.*—These shall state the amounts charged on the respective premises and the names of the respective owners or reputed owners and shall also state whether the apportionment is made according to the frontage of the respective premises or not and the measurements of the frontages and the other considerations (if any) on which the apportionment is based.

PART II.

Any resolution notice or other document required by the foregoing Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the district and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

THE FOURTH SCHEDULE.

BOROUGH OF NEWPORT.

CERTIFICATE OF DISEASE, &C.

*Newport (Monmouthshire) Corporation Act 1889.*

*To the Corporation of the Borough of Newport.*

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of such Act.

Dated this

day of  
(Signed)  
G

18 .

97

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Name of person suffering from disease  
 Situation of the building wherein such }  
 person is - - - - - }  
 Name of occupier or other person }  
 having the charge management or }  
 control of the building or room - }

Nature of disease

NOTE.—This certificate must (under penalty of forty shillings in case of neglect) be forthwith sent to the Medical Officer of Health of the Corporation at the Town Hall Newport.

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THE FIFTH SCHEDULE.

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PART I.

The Right Honourable Godfrey Charles Lord Tredegar	} As trustees of Lord Tredegar's Settled Estate.
Sir George Ferdinand Radzivil Walker	
and	
Henry Salusbury Milman	} As trustees under the will of William George Cartwright.
Maria Anne Cartwright	
Frederick Fox Cartwright	
Charles Henry Lonsdale	
Amelius Richard Mark Lockwood.	

PART II.

AN AGREEMENT made the fourth day of July one thousand eight hundred and eighty-nine between the MAYOR ALDERMEN and BURGESSES of the borough of Newport in the county of Monmouth (herein-after called "the Corporation") of the one part and THOMAS PHILLIPS PRICE of Triley Court in the county of Monmouth Esquire M.P. (who and his sequels in estate are herein-after included in the expression "the owner") of the other part.

WHEREAS the Corporation are promoting a Bill in the present session of Parliament under the name or short title of "the Newport (Monmouthshire) Corporation Bill" (herein-after called "the Bill") by which they seek power (amongst other things) to construct a road therein described as Road No. 2 intersecting the lands of the owner and for that purpose to acquire compulsorily a considerable portion of such lands And whereas the owner presented a petition against the said Bill objecting to (amongst others) the powers aforesaid And whereas the owner has agreed to withdraw his opposition to the Bill on the terms herein-after set forth :

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Now it is hereby agreed as follows:—

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The Corporation shall within three months from the passing of the Bill pay to the owner the sum of five hundred pounds and the owner shall not further oppose the Bill in either House of Parliament.

If the Corporation shall within twelve months from the passing of the Bill give notice in writing to the owner requiring him to construct the portion of road herein-after mentioned and shall at the same time pay him the sum of one thousand five hundred pounds towards the cost thereof the owner shall forthwith at his own expense proceed to construct and complete so much of the said Road No. 2 as will be situate upon his lands (except so much of the said road as will be under the railway of the owner and within the slopes of the railway embankment on either side thereof) in accordance with the deposited plans and sections and the details of the estimate a copy of which is hereunto annexed subject to such variations (if any) as may be mutually agreed between the Corporation and the owner.

Concurrently with the construction by the owner of the portion of road to be constructed by him as aforesaid the bridge for carrying the said road under the railway of the owner together with so much of the road under the same and within the slopes thereof as is herein-before mentioned shall be constructed by and at the expense in all things of the Corporation and under the superintendence and to the reasonable satisfaction of the owner and so as not to interfere with the traffic upon the said railway and the occupation road adjoining the same and the easement necessary for carrying the road under the railway shall vest in the Corporation.

The Corporation shall not as the urban sanitary authority raise any objection to the making and connexion with the main sewer under such road of proper incidental drains and sewers so far as the said Road No. 2 passes through any portion of the lands of the owner Upon the completion in a proper and sufficient manner of the said portion of road to be made by the owner the same shall be taken over by and shall be for ever thereafter maintained by and at the expense of the Corporation.

Except for the purpose of carrying the road under the railway as aforesaid the Corporation shall not without the consent in writing of the owner or his duly authorised agent enter upon take or use under the powers of the Bill any land of the owner shown on the deposited plans.

The owner shall be at liberty at any time or times to make two single lines of railway (but only one on each side of his private railway) across the said road on the level at such points as he may think fit for the purpose of making connexions with his private railway or communications between the severed portions of his property.

If and whenever the owner shall make any such railway across the said road on the level he shall (if so required by the Corporation) at the same time construct a sufficient footbridge for foot passengers over such

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railway and the cost of such footbridge shall be borne in equal shares by the Corporation and the owner.

The Corporation shall concurrently with the construction of the said portion of road to be constructed by the owner take all necessary steps for and use their best endeavours to construct and complete or procure the construction and completion of Road No. 1 and so much of Road No. 2 between the termination of Road No. 1 and the south-eastern boundary of the owner's property as is not to be constructed by the owner under this agreement and if the last-mentioned road and portion of road are not completed within two years from the passing of the Bill the Corporation shall pay to the owner full compensation for all injury caused by such failure or by the construction of the said road across his said lands and the amount of such compensation shall in case of difference be determined by arbitration in manner provided by the Lands Clauses Consolidation Acts and shall be in addition to any other sums payable under this agreement.

If any difference shall arise between the Corporation and the owner touching any of the matters aforesaid the matter in difference shall (except where any other mode of arbitration is hereby provided) be referred to the arbitration of an engineer to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers and the decision of such arbitrator shall be final and the costs of such arbitration shall be borne and paid as he shall direct.

In witness whereof the Corporation have hereunto affixed their common seal and the owner hath hereunto set his hand and seal the day and year first before written.

Signed sealed and delivered by the before-named Thomas Phillips Price in the presence of—

W. PROCTER  
Furniture Salesman  
133 Sloane Street  
London

T. P. PRICE.

L. S.

The common seal of the above-named mayor aldermen and burgesses was hereunto affixed in pursuance of a resolution of the council by—

ALBERT A. NEWMAN  
Town Clerk.

L. S.

THE SIXTH SCHEDULE.

A.D. 1889.

FORMS.

(A.)

RESOLUTIONS ON CREATION OF STOCK.

Borough of Newport.

[29th September 18 .]

At a meeting of the council of the borough of Newport holden on [Wednesday the 29th September 188 ] at [eleven o'clock in the forenoon] in the [Council Chamber within the] Town Hall [as a special council].

PRESENT:

[A.B.] Mayor and a full council.

Resolved first—

That under the authority and subject to the provisions of the Newport (Monmouthshire) Corporation Act 1889 the Corporation acting by the council do hereby in exercise of their several statutory powers create stock to be called Newport Corporation Redeemable Stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding pounds (£ ) :—

A. For raising the following sums (amounting in the aggregate to the sum of pounds which has not been raised) (that is to say) :—

- (1) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the purchase money for [ ] and the cost of reconstruction of portions thereof;
- (2) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the cost of construction of [ ];
- (3) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the construction of [waterworks];
- (4) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the purposes of [sewering and paving within the borough].

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B. For raising instead of re-borrowing the sum of \_\_\_\_\_ pounds required by the Corporation for the purpose of paying off when due sums amounting to \_\_\_\_\_ pounds which will fall due before the [1st January 18\_\_] being a portion of their debts now subsisting on the security of outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to re-borrow.

C. For raising the sum of \_\_\_\_\_ pounds for repaying the amount temporarily borrowed by the Corporation from the \_\_\_\_\_ bank in order to enable the Corporation to meet sums which amount to \_\_\_\_\_ pounds being a portion of their debt secured on outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to re-borrow.

D. For raising the sum of \_\_\_\_\_ pounds for paying off or redeeming statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say):—

E. For the purpose of issuing stock in substitution for statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say):—

Resolved secondly—

That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner herein-after specified that is to say:—

A. The minimum price of issue to be [£\_\_\_\_\_] per cent. the first dividend to be payable on the (1st January 18\_\_).

B. Tenders for stock to be made to the \_\_\_\_\_ bank. A deposit of 5 per cent. on the amount of stock tendered for to be paid at \_\_\_\_\_ bank at the time of the delivery of the tender.

C. The dates for the further payments on account of the said tenders when accepted to be as follows—On [Wednesday the 20th day of October 18\_\_] so much of the amount tendered and accepted as when added to the deposit will leave £75 (sterling) to be paid for each £100 of stock. On Friday the 26th day of November 18\_\_ 25 per cent. On Tuesday the 11th day of January 18\_\_ 25 per cent. On Tuesday the 1st day of March 18\_\_ 25 per cent.] In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture.

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- D. Dividends at £            per cent. per annum payable (quarterly).
- E. Dividends on the total amount of stock (calculated from the 1st October 18    ) to be payable on the 1st of January 18    .
- F. Scrip certificates to bearer with coupons attached for the dividends payable 1st January 18    and 1st April 18    to be issued in exchange for the provisional receipt.
- G. In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price the tenders at the lowest price accepted to be subject to proportionate diminution ;
- H. Stock to be issued in sums of not less than £10.
- I. Stock to be transferable in books and not by deed.

Resolved thirdly—

That such stock shall be redeemable at the option of the Corporation as follows :—(State terms.)

Resolved fourthly—

That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition under the provisions of the Customs and Inland Revenue Act 1887 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(B.)

STOCK RECEIPT.

NEWPORT CORPORATION REDEEMABLE STOCK (£            PER  
CENT.)

	RECEIVED this            day of            , 18    ,	
	of	
Transfer days :	herein-after called the said transferee, the sum of	The proprietors to protect themselves from fraud are recommended to accept by themselves or their attorneys all transfers made to them.  £    s.    d.
Monday,	being the consideration for	
Tuesday,	interest or share in the Newport Corporation Redeemable Stock (£3 10s. per cent.), transferable at the            bank and all my property and interest in and right to the same and the dividends thereon by	
Wednesday,		
Thursday,		
Friday,		
Holidays excepted.		
	this day transferred unto the said transferee	
	Witness            hand	
	Witness	

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[*Indorsement.*]

NOTICE TO HOLDERS OF NEWPORT CORPORATION  
REDEEMABLE STOCK (£ PER CENT.)

[*Payment of Dividends.*]

Dividends are due on [the 1st January 1st April 1st July and 1st October] unless the [1st] of either of these months falls on a Sunday in which case the dividends will be payable on the following day.

Dividends will be paid in one of the following modes:—

I. To the stockholders personally or to their attorneys at the bank.

N.B.—Stockholders may arrange for the receipt of their dividends free of charge at any of the country branches on application to the agent.

II. By transmission of dividend warrants by post at the risk of the stockholder under the following regulations:—

1. Any stockholder residing within the United Kingdom or in the Channel Islands or the Isle of Man who desires to have his dividend warrant sent to his address by post must fill up a form of application to be obtained at the bank or at any of its branches.
2. In the case of joint accounts the application must be signed by all the members of the account directing the warrant to be sent to one of them at a given address.
3. Post dividend warrants will be crossed and Co. and will only be payable through a banker. They will be drawn to the order of the stockholder and must be indorsed.

☞ Stockholders whose warrants are sent by post should give notice to the bank if they are not received on the day on which they ought to be delivered but need not acknowledge those that arrive in due course.

STOCK CERTIFICATES TO BEARER.

Stock certificates to bearer of the denominations of [£10 or any multiple of £10] with coupons for the quarterly dividends attached may be obtained in exchange for inscribed stock except in the case of stock held upon any trust.

(C.)

CORPORATION STOCK CERTIFICATE.

BOROUGH OF NEWPORT.

Number

This is to certify that A.B. of [ ] is the proprietor of [ ] pounds of Newport Corporation Redeemable Stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the mayor aldermen and burgesses of the borough of Newport this [ ] day of [ ] 18 [ ].



[52 & 53 VICT.] *Newport (Monmouthshire) Corporation* [Ch. cli.]  
*Act, 1889.*

(D.)

A.D. 1889

TRANSFER IN BOOKS.

NEWPORT CORPORATION REDEEMABLE STOCK (£ PER CENT.)

this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_  
 our Lord one thousand eight hundred and \_\_\_\_\_ do  
 assign and transfer

interest or share in the Newport Corporation Redeemable Stock  
 (£ \_\_\_\_\_ per cent.) transferable at the \_\_\_\_\_ bank and  
 all my property and interest in and right to the same and the  
 dividends thereon unto

£	s.	d.

No. Entered by

Witness to the identity of

Executors administrators or assigns      Witness      hand

\_\_\_\_\_  
 Witness

do freely and voluntarily accept the above stock transferred to

Witness

(E.)

APPLICATION FOR ISSUE OF POWER OF ATTORNEY.

Bank the \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
 From A.B. and C.D. [the registered stockholders in the bank books].

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

£ \_\_\_\_\_ NEWPORT CORPORATION REDEEMABLE STOCK (£  
 per cent.) To G.H. [the intended attorney].

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Examined by

Dr. fol.  
 Posted by

Cr. fol.  
 Posted by

Transfer books.

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A.D. 1889.

(F.)

POWER OF ATTORNEY FOR SALE AND TRANSFER AND FOR  
RECEIPT OF DIVIDENDS.

Corporate }  
Account }

NEWPORT CORPORATION REDEEMABLE STOCK.

Acceptance Sale of £ \_\_\_\_\_ and Dividends.

We

our attorneys and attorney  
for us in our name and on our behalf—

First—to accept all transfers made or to be made to us of any sum of

NEWPORT CORPORATION REDEEMABLE STOCK:

Secondly—to sell and transfer all or any part of the sum of

said stock standing in our name in the books of the \_\_\_\_\_ bank:

Thirdly—to receive and give receipts for all dividends or payments due or to  
become due on any sum of the said stock from time to time standing in  
our name in the books of the \_\_\_\_\_ bank:

And also—to do whatever is necessary or proper to be done for the purposes  
aforesaid or any of them.

In witness whereof we have hereunto affixed our corporate seal this \_\_\_\_\_  
day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred

Sealed with the corporate seal and delivered in the presence of

N.B.—The execution of this letter must be attested by [two witnesses who  
are] not of the corporate body and who must be present when the corporate  
seal is affixed.

[For further instructions see other side.]

[Indorsement.]

INSTRUCTIONS FOR EXECUTING THE WITHIN LETTER OF ATTORNEY.

Corporate }  
Account }

The date must be inserted in words and not in figures.

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The execution must be attested by [two credible-witnesses who are] not of the corporate body and who must add [their addresses and their qualities professions or occupations] A witness resident in a town must give the number of the house as well as the name of the street.

If clerks or servants are witnesses they must give the names and addresses of their employers.

When a witness is a female she must state whether she is a spinster wife or widow and if a wife she must give her husband's name address and quality profession or occupation.

A wife is not a valid witness to the execution of this letter of attorney when her husband's name appears in the letter as attorney or transferee.

If any alteration interlineation or erasure be made in this letter of attorney it must be particularly stated in the attestation subscribed to by the witnesses that such alteration interlineation or erasure was made previously to the execution of the letter.

I demand to act by this letter of attorney this \_\_\_\_\_ day of \_\_\_\_\_  
18 \_\_\_\_\_

Witness

---

(G.)

**DEED OF TRANSFER.**

**BOROUGH OF NEWPORT.**

I A.B. of [ \_\_\_\_\_ ] in consideration of the sum of [ \_\_\_\_\_ ] pounds paid to me by C.D. of [ \_\_\_\_\_ ] (herein-after called the said transferee) do hereby transfer to the said transferee the sum of [ \_\_\_\_\_ ] pounds Newport Corporation Redeemable Stock standing [or part of the stock standing] in my name in the books of the mayor aldermen and burgesses of the borough of Newport to hold unto the said transferee his executors administrators and assigns [or successors and assigns] subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals the [ \_\_\_\_\_ ] day of [ \_\_\_\_\_ ].

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A.D. 1889.

(H.)

**DIVIDEND WARRANT.**

**NEWPORT CORPORATION REDEEMABLE STOCK.**

(£ PER CENT.)

To  
 Pay to bearer [the sum of \_\_\_\_\_

for one quarter of a year's dividend on the	} _____
sum of £	
Redeemable Stock (£ Newport Corporation	
18 . . . . . Less property tax	
at d. per £ . . . . .	_____

I do hereby acknowledge to have received of the \_\_\_\_\_ bank  
 the above-mentioned sum in full payment for one quarter of a year's dividend  
 due as abovesaid.

Witness

Witness my hand this

18 .

(I.)

**DIVIDEND WARRANT BY POST.**

(1.)

**NEWPORT CORPORATION REDEEMABLE STOCK.**

(£ PER CENT.)

**REQUEST FOR TRANSMISSION OF DIVIDEND WARRANTS BY POST.**

To the \_\_\_\_\_ bank.

Amount.  
 "my" or  
 "our."

A sum of £ \_\_\_\_\_ Newport Corporation Redeemable Stock (£  
 per cent.) is now standing in \_\_\_\_\_ name as follows:—

Names  
 addresses  
 and descrip-  
 tions as  
 recorded in the  
 bank books.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

"I" or "we."  
 "myself" or  
 "our  
 nominee."

As the person entitled to the dividends upon the above-mentioned amount of  
 stock \_\_\_\_\_ hereby authorise the Registrar of Newport Corporation  
 Redeemable Stock in the name of \_\_\_\_\_ to draw upon  
 bank for the amount of the quarterly dividends due and to become due

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on the said amount of stock or on the amount for the time being standing  
in name :

"my" or  
"our."  
"I" or "we."  
"my" or  
"our."

And hereby request the said Registrar to send through the  
post at risk and until further notice the warrants so drawn to—

Name \_\_\_\_\_

Present address \_\_\_\_\_

If the account  
is a sole one  
insert here  
the name and  
address of  
the stock-  
holder If  
the account is  
a joint one  
insert here  
the name and  
address of  
one of the  
stockholders  
as nominee.

SIGN HERE.

In the case of joint  
stockholders or  
of co-executors  
all must sign.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ 18 \_\_\_\_.

[On second half-sheet of same form.]

This half-sheet is to be retained by the stockholder Reference to it will  
often save unnecessary correspondence.

NOTICE TO HOLDERS OF NEWPORT CORPORATION REDEEMABLE STOCK  
(£ PER CENT.)

Transmission of dividend warrants by post.

Dividends upon the above-named stock may be transmitted through the post  
to the stockholder in sole accounts and to anyone of the stockholders in joint  
accounts at their risk upon a form of request being duly filled up and forwarded  
to the Registrar of Newport Corporation Redeemable Stock at  
(Forms are obtainable at the \_\_\_\_\_ bank and at any of its branches.)

N.B.—This arrangement does not apply to stockholders whose addresses are  
beyond the United Kingdom the Channel Islands and the Isle of Man.

Persons receiving dividends under letter of attorney cannot have the warrants  
for such dividends sent to them by post.

A separate form must be used for each separate holding of stock.

When forwarding a form of request care should be taken to state the number  
of overdue dividends if any.

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*Act, 1889.*

A.D. 1889. Dividends are payable on [1st January 1st April 1st July and 1st October].

When the [1st] happens on a Sunday the dividends are not payable until the [2nd].

Forms of request may be delivered at the \_\_\_\_\_ bank at any date either by hand or through the post but when received between the day on which the balance for a dividend is struck and the day on which the dividend is payable the warrants for such next dividend will be forwarded as soon as possible but the bank will not guarantee their being posted on the day before the dividend is payable.

For the dividend payable [1st January] the balance is struck on or about the [1st December].

For the dividend payable [1st April] the balance is struck on or about the [1st March].

For the dividend payable [1st July] the balance is struck on or about the [1st June].

For the dividend payable [1st October] the balance is struck on or about the [1st September].

Warrants for overdue dividends will be forwarded as promptly as possible but not necessarily by return of post.

Any change of address of the stockholder in sole accounts or of the nominee in joint accounts should be notified at once to the Registrar. When any such notification reaches the bank less than a fortnight before the next dividend is due there may be a delay of a few days in the delivery of the warrant for such next dividend.

In the absence of any notification to the contrary it will be taken for granted that dividend warrants have duly reached their destinations. When they are not received on the correct day notice should be given to the Registrar without delay.

As postal dividend warrants are made payable to order they must be indorsed they are crossed in blank and consequently are only payable on presentation by a banker. (The bank will not undertake to cross postal dividend warrants with the names of particular bankers.)

Instructions to transmit warrants by post remain in force although the stock may have been added to or a part sold.

Stockholders selling stock by attorney if they wish to continue to receive their dividends through the post should instruct their bankers or brokers to obtain letters of attorney for sale only.

All communications with reference to postal dividend warrants should be addressed to the Registrar of Newport Corporation Stock at \_\_\_\_\_ and the postage should be prepaid.

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(2.)

A.D. 1889.

POST DIVIDEND WARRANT.

NEWPORT CORPORATION REDEEMABLE STOCK.

(£ PER CENT.)

To the

bank.

Pay to me or my order on demand the sum of

being one quarter of a year's dividend at  
£                    per cent. per annum due on  
the 1st day of            18    on the sum  
of £                    { Newport Corporation  
                                  Stock.  
                                  (£    per cent.)

Less property tax at    per £

--	--	--	--	--	--

Accepted for the

bank

Per pro

The person to whom this warrant is payable must sign his or her name on the back of it.

(K.)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

NEWPORT CORPORATION REDEEMABLE STOCK CERTIFICATE TO BEARER.

Dividend at £            per cent. per annum.

£50

A 00000

This is to certify that the bearer of this certificate is entitled to FIFTY POUNDS NEWPORT CORPORATION REDEEMABLE STOCK with dividend thereon at the rate £            per cent. per annum transferable at the bank pursuant to the Newport (Monmouthshire) Corporation Act 1889.

Dated                    18 .

For the

bank.

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A 00000

£50

The coupons attached to this certificate are payable at the bank.

When the coupons are exhausted this certificate will be exchanged on presentation at the office of the Registrar of Newport Corporation Stock at for a new certificate with fresh coupons attached.

[COUPONS.]

<p>5 Div. <b>NEWPORT CORPORATION REDEEMABLE STOCK.</b></p> <hr style="width: 20%; margin: 0 auto;"/> <p>Coupon for Shillings and Pence, (Less Income Tax) being Three Months' Dividend at £ Per Cent. Per Annum. A 00000 Due [1st January, 18 ] on Certificate for FIFTY POUNDS NEWPORT CORPORATION STOCK. £ . Payable at the Bank.</p>	5 Div.	<p>NEWPORT CORPORATION STOCK.</p> <p style="text-align: right;">Due [1st Jan. 18 .]</p>	<p>4 Div. <b>NEWPORT CORPORATION REDEEMABLE STOCK.</b></p> <hr style="width: 20%; margin: 0 auto;"/> <p>Coupon for Shillings and Pence, (Less Income Tax) being Three Months' Dividend at £ Per Cent. Per Annum. A 00000 Due [1st October, 18 ] on Certificate for FIFTY POUNDS NEWPORT CORPORATION STOCK. £ . Payable at the Bank.</p>	4 Div.	<p>NEWPORT CORPORATION STOCK.</p> <p style="text-align: right;">Due [1st Oct. 18 .]</p>
<p>3 Div. <b>NEWPORT CORPORATION REDEEMABLE STOCK.</b></p> <hr style="width: 20%; margin: 0 auto;"/> <p>Coupon for Shillings and Pence, (Less Income Tax) being Three Months' Dividend at £ Per Cent. Per Annum. A 00000 Due [1st July, 18 ] on Certificate for FIFTY POUNDS NEWPORT CORPORATION STOCK. £ . Payable at the Bank.</p>	3 Div.	<p>NEWPORT CORPORATION STOCK.</p> <p style="text-align: right;">Due [1st July 18 .]</p>	<p>2 Div. <b>NEWPORT CORPORATION REDEEMABLE STOCK.</b></p> <hr style="width: 20%; margin: 0 auto;"/> <p>Coupon for Shillings and Pence, (Less Income Tax) being Three Months' Dividend at £ Per Cent. Per Annum. A 00000 Due [1st April, 18 ] on Certificate for FIFTY POUNDS NEWPORT CORPORATION STOCK. £ . Payable at the Bank.</p>	2 Div.	<p>NEWPORT CORPORATION STOCK.</p> <p style="text-align: right;">Due [1st April 18 .]</p>

FEES.

	£	s.	d.
On original issue of stock receipt or stock certificate	0	2	6
On any new stock certificate	0	2	6
On transfer including certificate	0	5	0
On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein	0	0	6
On re-entry in Corporation stock register of stock specified in stock certificate to bearer	0	5	0



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THE SEVENTH SCHEDULE.

A.D. 1889.

STATEMENT OF AND RELATING TO LOANS OF THE CORPORATION.

Act under which Loan is authorised.	For what purpose Money raised.	Date when Money borrowed.	Term of years for repayment.	Term of years to run.	Balance of Loan owing on 31st Dec. 1888.
Newport (Monmouthshire) Improvement Act 1876.	Costs of Act - -	1878 9th Nov.	50	40	£ 5,210 14 11
Same - -	Extension of cemetery	1878 9th Nov.	50	40	2,979 14 1
Same - -	Same - -	1879 13th May	50	41	751 11 10
Same - -	New town hall	1883 9th Nov.	50	45	19,315 14 7
Same - -	Same - -	1886 14th Sept.	50	48	9,215 3 11
Same - -	Free library - -	1883 9th Nov.	50	45	4,346 0 10
Public Health Act 1875. 21 & 22 Vict. cap. 98	Sewerage and street improvement.	1884 8th April	20	16	2,661 7 2
Same - -	Purchase of dilapidated cottage property.	1860 4th June	30	2	1,209 11 4
Public Health Act 1875.	Street improvement - -	1873 27th Nov.	30	15	3,607 10 0
Same - -	Same - -	1878 9th Nov.	30	20	4,541 11 8
Same - -	Same - -	1881 9th Aug.	50	43	9,482 13 0
Same - -	Same - -	1883 9th Nov.	50	45	5,035 12 3
Same - -	Same - -	1886 9th Feb.	20	18	2,021 6 10
Same - -	Same - -	1886 14th Sept.	30	28	3,533 12 4
Newport (Monmouthshire) Improvement Act 1876.	Same - -	1881 9th Aug.	50	43	9,482 13 0
Same - -	Same - -	1882 31st July	50	44	19,131 1 1
Same - -	Same - -	1884 8th April	20	16	596 15 0
Public Health Act 1875.	Erection of offices - -	1885 13th Jan.	30	27	4,721 14 2
Same - -	Purchase of market	1885 8th Dec.	50	47	23,509 5 5
5 & 6 William IV. cap. 76.	Town hall - -	1843 30th Aug.	—	—	1,300 0 0
	Public slaughter-houses	1864 29th Jan.	—	—	500 0 0
*Newport (Monmouthshire) Corporation Water Act 1888.	Purchase of water undertaking.	- - -	60	60	278,000 0 0
					411,153 13 5

\* N.B.—No loan has been effected for waterworks purposes but a debenture debt of the Company of 23,000*l.* was taken over and annuities redeemable at 25 years purchase for 10,200*l.* = 255,000*l.* were issued.

A.D. 1889.

THE EIGHTH SCHEDULE.

ARTICLES OF AGREEMENT made the 12th day of December 1888 between the MAYOR ALDERMEN and BURGESSES of the borough of Newport in the county of Monmouth (herein-after called "the Corporation") of the one part and the COMMISSIONERS of the PORT or HARBOUR of NEWPORT in the county of Monmouth (herein-after called "the Commissioners") of the other part.

WHEREAS the commissioners are constituted as follows:—

The receiver for the time being of the land revenues of the Crown for the county of Monmouth or such other person as shall be nominated in his stead, by the Commissioners of Her Majesty's Woods and Forests Land Revenues Works and Buildings on behalf of Her Majesty as conservator in right of Her Crown of the navigable River Usk;

One person nominated by the lord of the manors of Liswerry and Libeneth in the county of Monmouth;

One person nominated by the lord of the manor of Newport in the said county;

One person nominated by the lord of the manor of Wentlooge in the said county;

One person nominated by the lord of the manor of Rogerstone in the said county;

One person nominated by the lord of the manors of Preston Traston Milton and Llangorey in the said county;

One person nominated by the Tredegar Wharf Company;

Two persons nominated by the Great Western Railway Company;

Two persons nominated by the Alexandra (Newport and South Wales) Docks and Railway Company or by the Newport (Alexandra) Dock Company Limited;

Six persons elected by the registered shipowners of the port of Newport;

Eight persons elected by the persons engaged in the smelting of iron shipped at that port; and

Eight persons elected by the persons engaged in the mining and working of coals shipped at that port; together with

The mayor for the time being of the borough of Newport; and

Three persons nominated by the Corporation:

And whereas since the passing of the Act of the sixth year of King William IV. chapter sixty-six by which the Newport Harbour Commission was constituted the borough of Newport has greatly developed and the trade thereof and of the said port or harbour has increased and in many respects altered and it is necessary for the proper regulating preserving maintaining and improving the said port or harbour that the constitution of the Newport Harbour Commission should be altered and that their powers should be amended and extended and further powers conferred upon them and it has been agreed between the parties hereto that the constitution of the Newport Harbour Commission shall be altered as herein-after mentioned:

[52 & 53 VICT.] *Newport (Monmouthshire) Corporation* [Ch. clii.]  
*Act, 1889.*

Now therefore these presents witness that it is agreed between the parties hereto as follows:— A.D. 1889.

1. The Corporation shall be at liberty (at their own expense) to introduce into the Bill to be promoted by them in the ensuing session of Parliament provisions for giving effect to and confirming this agreement and for effecting the alteration of the constitution of the commissioners by abolishing the offices of commissioner appointed on behalf of Her Majesty as conservator of the navigable River Usk and of commissioner appointed by the lord of the manors of Liswerry and Libeneth by reducing the number of commissioners to be appointed by the persons engaged in the smelting of iron and persons engaged in the mining and working of coals shipped at the port of Newport to four and six respectively and by increasing the number of commissioners to be elected by the registered shipowners of the said port to ten and the number of commissioners to be appointed by the Corporation to twelve and by providing for the appointment of a commissioner by the Newport (Monmouthshire) Chamber of Commerce Incorporated so that the body of commissioners shall consist of—

One person nominated by the lord of the manor of Newport ;

One person nominated by the lord of the manor of Wentlooge ;

One person nominated by the lord of the manor of Rogerstone ;

One person nominated by the lord of the manors of Preston Traston Milton and Llangorey ;

One person nominated by the Tredegar Wharf Company ;

Two persons nominated by the Great Western Railway Company ;

Two persons nominated by the Alexandra (Newport and South Wales) Docks and Railway Company or by the Newport (Alexandra) Dock Company Limited ;

Ten persons elected by the registered shipowners of the port of Newport ;

Four persons elected by the persons engaged in the smelting of iron shipped at the port of Newport ;

Six persons elected by the persons engaged in the mining and working of coal shipped at the said port ;

Twelve persons nominated by the Corporation ;

The mayor of Newport for the time being ;

One person nominated by the Newport (Monmouthshire) Chamber of Commerce Incorporated.

2. The Corporation shall have the full and uncontrolled conduct in Parliament of the Bill to be promoted by them as aforesaid and shall be at liberty to withdraw from the said Bill the provisions relating to the alteration of the constitution of the Harbour Commission if at any time they shall deem it expedient so to do.

3. The commissioners shall be at liberty to present a petition to either or petitions to both Houses of Parliament against the said Bill and to appear upon such petition or petitions for the purpose of watching and protecting their rights privileges and interests if they shall deem it expedient so to do.

4. The commissioners (whether re-constituted or not) shall be at liberty if they shall deem it expedient so to do (at their own expense) and as a proceeding necessary for regulating preserving maintaining and improving the said port or harbour in the session of Parliament of 1890 or some subsequent session to promote a Bill for the amendment and extension of their existing powers and

[Ch. clii.] *Newport (Monmouthshire) Corporation* [52 & 53 VICT.]  
*Act, 1889.*

A.D. 1889. of the provisions of the Acts relating to the said port or harbour and for effecting the improvement of the said port or harbour and if the provisions of the Bill to be promoted by the Corporation as aforesaid relating to the re-constitution of the Harbour Commission be rejected or withdrawn by the Corporation or otherwise be not sanctioned by Parliament in the ensuing session of 1889 the commissioners shall include in the Bill to be promoted by them as aforesaid (if so promoted) in the session of 1890 and shall (in that case) bonâ fide endeavour to ensure the passing of provisions for effecting the re-constitution of the Harbour Commission in the manner and to the extent hereby agreed and the Corporation shall and will use their best endeavours to assist in obtaining the sanction of Parliament to such provisions.

5. If the re-constitution of the Harbour Commission shall not be effected as aforesaid in the session of 1889 or in that of 1890 nothing in this agreement shall be deemed to bind the parties hereto to the scheme of re-constitution provided for by this agreement or prejudice either such party with respect to any scheme of re-constitution which they may promote or oppose.

6. This agreement shall be scheduled to and confirmed by the aforesaid Bill to be promoted by the Corporation as aforesaid and is made subject to such alterations as Parliament may think fit to make therein but if any material alteration be made by Parliament in this agreement it shall be competent to either party thereto to withdraw the agreement from the Bill.

As witness the common seal of the Corporation and the hands of the commissioners the day and year first above written.

Signed in pursuance of a resolution of the commissioners passed at a meeting held on the twelfth day of December one thousand eight hundred and eighty-eight.

CHARLES LYNE  
 THOMAS JONES  
 JNO. MOSES  
 OLIVER GOSS  
 T. J. BEYNON  
 GEO. HOSKINS  
 THOMAS BEYNON  
 THOMAS PUGSLEY

Commissioners of the port or harbour of Newport in the county of Monmouth.

C. R. LYNE

Clerk to the said commissioners.

The common seal of the Corporation was hereunto affixed in pursuance of a resolution of the council by

L.S.

ALBERT A. NEWMAN  
 Town Clerk.

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FOR

T. DIGBY PIGOTT, Esq., the Queen's Printer of Acts of Parliament.

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