CHAPTER lxxxiii.

An Act to authorise the Brymbo Water Company to extend their limits of supply to raise additional capital and for other purposes. [22nd July 1904.]

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WHEREAS by the Brymbo Water Act 1869 (in this Act called "the Act of 1869") the Brymbo Water Company (in this Act called "the Company") were incorporated and were authorised to make and maintain waterworks and other works and conveniences connected therewith for the supply of water to Brymbo and places adjacent in the county of Denbigh and were authorised to raise sums of twenty thousand pounds by shares and five thousand pounds by borrowing:

And whereas the Company were by the Brymbo Water Act 1888 (in this Act called "the Act of 1888") authorised to construct the reservoir now known as the Pendinas reservoir and other works for increasing their powers of supply and for that purpose to raise the further sums of fifteen thousand pounds by shares and three thousand seven hundred and fifty pounds by borrowing:

And whereas the Company were by the Brymbo Water Act 1895 (in this Act called "the Act of 1895") authorised to raise the further sums of sixteen thousand pounds by shares and four thousand pounds by borrowing:

And whereas the Company's reservoirs and sources of supply are more than adequate to supply their present area and it is expedient and will be of advantage to the public that their area of supply should be extended as hereinafter provided:

And whereas an agreement for the supply of water within certain parts of the area of supply as by this Act extended has been made between the Company and the respective rural district

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councils of Holywell and Hawarden in the county of Flint and it is expedient that the same should be confirmed:

And whereas in order to enable the Company to extend their works through their extended area of supply and for other the purposes of the Company's undertaking it is expedient that the Company should be authorised to raise further moneys as hereinafter provided:

And whereas it is expedient that the further powers contained in this Act should be conferred upon the Company:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

Short title.

1. This Act may be cited as the Brymbo Water Act 1904.

Incorporation of general Acts.

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

The Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the former Act "with the consent "in writing of the owner or reputed owner of any such "house or of the agent of such owner"):

And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of the shares into stock;

The exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

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

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated wholly or in part with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Power to Company to raise further capital.

4. The Company may from time to time raise additional capital to such nominal amount as shall be sufficient to produce including the premium (if any) which may be obtained on the sale thereof the sum of not exceeding in the whole twenty-five thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that the Company shall not under the powers of this Act create a greater amount than twelve thousand pounds (nominal value) of such additional capital as preference capital.

Holders of preference capital not to vote.

5. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in such additional capital to which a preferential dividend shall be assigned.

Incidents of shares or stock.

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

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existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

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

New shares or stock raised under this Act and any other Act may be of same class.

8. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

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

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

shares or stock shall be accepted in preference and preference may in like manner be given to any employee of the Company or any consumers of water supplied by the Company whose bid or offer is the same in amount as any bid or offer made by any other person not being a holder of shares or stock in the Company.

Purchase-money of capital sold to be paid within three months.

10. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

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

11. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Wrexham and to the clerk to every district council whose district or part of whose district is included within the limits of supply of the Company and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough and districts.

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

12.—(1) When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same may (if the directors of the Company think fit) be offered at the reserved price put upon the same for the purpose of sale by auction or tender to the holders of preference shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 or to the employees of the Company or to the consumers of water supplied by the Company or partly to one and partly to another or others.

(2) Any such shares or stock not so offered and any such shares or stock so offered and not accepted in the case of shares or stock offered to the holders of shares or stock within the time prescribed by the said Act or in the case of such shares or stock offered to such employees or consumers within the time limited by the directors of the Company may again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of such shares or stock created under the powers of this Act and at such time or times as the directors of the Company may think fit and any such shares or stock not then sold may be again offered to the holders of preference shares or ordinary stock or to such employees or consumers at the reserved price put upon the same at such second

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auction or tender and so from time to time until the whole of such stock is sold.

Application of premium arising on issue of shares or stock.

13. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may set aside as a reserve fund be reckoned as part of the paid-up capital.

Further power to borrow.

14. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital by this Act authorised any sum or sums not exceeding in the whole one-third part of the amount which the Company have at the time actually raised by the issue of shares or stock in such additional capital but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such shares and stock together with the premium (if any) realised on the sale thereof have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of receiver.

15. The provisions of all former Acts relating to the Company for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

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Debenture stock.

16. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

17. All money to be raised by the Company on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on their mortgages or debenture stock.

Existing mortgages to have priority.

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

Application of moneys.

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

Rate of dividend on new shares or stock.

20. The prescribed rate of dividend on any new ordinary shares or stock created under the powers of this Act shall not

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exceed seven pounds per centum per annum and the prescribed rate of dividend on any preference shares or stock created under the powers of this Act shall not exceed five pounds per centum per annum on the amounts actually paid up in each case.

Dividends on different classes of stock or shares to be paid proportionately.

21. In case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed rate on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Extending limits of water supply.

22. The limits for the supply of water by the Company as defined by the Act of 1869 and the powers of the Company in reference thereto are hereby extended so as to include (1) the parishes of Llanarmon and Llandegla in the county of Denbigh and the parish of Tryddyn and so much of the parish of Mold Rural as lies south and east of the River Terrig east of the River Alyn and south of the Chester and Mold Branch of the London and North Western Railway (excepting so much of the parish of Bistre as lies within the said parish of Mold Rural) and (2) so much of the parish of Hope as lies south and east of the Nant Brook and south and west of the district comprised within the limits of the water supply of the Wrexham and East Denbighshire Water Company as defined by the Wrexham Waterworks Act 1880 all in the county of Flint The provisions of the Acts of 1869 and 1888 shall extend and apply to the limits of supply as extended by this Act.

Power to local authority &c. to supply water in case Company fails to supply.

23. If at any time after the expiration of five years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of water supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Company as if in either case this Act had not passed.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

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Confirmation of agreement between Company and local authorities.

24. The terms of the articles of agreement contained in the Schedule to this Act between the Company of the first part the rural district council of Holywell of the second part and the rural district council of Hawarden of the third part are hereby confirmed and made binding upon the parties thereto respectively Provided always that if any difference shall arise between the Company and either of the other parties to the said Articles of Agreement as to the sufficiency of the supply of water in any part of the respective districts of the said other parties such difference shall be settled by an arbitrator to be appointed by the Board of Trade upon the application of any of the parties.

For protection of Wrexham and East Denbighshire Water Company.

25. Nothing in this Act contained shall authorise the Company directly or indirectly to supply water within the limits of the Wrexham and East Denbighshire Water Company as defined by the Wrexham Waterworks Act 1864 the Wrexham Waterworks Act 1874 and the Wrexham Waterworks Act 1880 without the consent in writing of that company.

For protection of London and North Western and Great Western Railway Companies.

26. The following provisions for the protection of the London and North Western and Great Western Railway Companies shall be in force and have effect and be binding upon the Company and their assigns both in respect of the railways jointly as well as those separately owned by those companies :—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the said railway companies or the bridges approaches viaducts stations or other works or any level crossings over the railways of the said railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway companies or of the Company whose railway or property may be so affected and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who shall also restore and make good the roads over any such bridges level crossings and approaches which the said railway companies or either of them are or may be liable to maintain and which may be disturbed or interfered with by or owing to any of the operations of the Company and all such works matters and things shall be constructed executed and done so as not to

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cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the said railway companies or either of them.

Contracts for supplying water in bulk.

27. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply beyond the Company's limits of supply for water to any such authority company or persons respectively of water in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply as extended by this Act.

Supply by meter in certain cases.

28. The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required and where the Company refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not exceeding two shillings for every thousand gallons and the moneys payable to the Company under this section shall be recoverable in the same manner as rates due to the Company for water Provided that the Company shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure and section 38 (Company not bound to supply water in certain cases) of the Act of 1888 is hereby repealed.

Rates for watercloseets and baths.

29. The Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits as extended by this Act a sum

not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Company may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate and the words "for one watercloset and one bath but not for other waterclosets or for baths or" in section 29 (Rates at which water to be supplied for domestic purposes) and section 30 (Rates for waterclosets and baths) of the Act of 1869 and the proviso to section 37 (Water for other than domestic purposes) of the Act of 1888 are hereby repealed.

Water need not be under greater pressure than afforded by gravitation.

30. The water to be supplied by the Company must be constantly laid on but not under a greater pressure than can be supplied by gravitation from their Llyncyfynwy and Pendinas reservoirs and section 28 (Water not necessarily under pressure) of the Act of 1869 is hereby repealed.

Power to lay pipes in streets not dedicated to public use.

31. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

Power to take and hold lands for protection of waterworks.

32. The Company may for the purposes only of protecting from contamination pollution fouling discolouration nuisance encroachment or injury their waterworks or any waters over which they may for the time being have any right or in which they for the time being have any interest and any waters which unite with or flow into such waters acquire by agreement or take on lease and hold either temporarily or permanently any lands situate within the gathering areas from which their water supply is derived and such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Consolidation Act 1845 but the Company shall not deal with such lands so as to create or permit a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company or for the purposes of a farm.

Power to divert foul water.

33. The Company may in and upon the lands acquired within the said gathering areas construct and lay down drains cuts sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or

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flowing upon such lands or necessary or proper for preventing the water which the Company are empowered to take from being polluted fouled contaminated discoloured encroached upon or injured and the Company may for the purposes aforesaid carry any such drain cut sewer or watercourse under across or along any street or road within or adjoining the lands in the said gathering areas subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Agreements with land-owners as to drainage.

34. The Company if they think fit may enter into agreements with any owner lessee or occupier of any lands within the gathering areas from which their water supply is derived with reference to the execution by the Company or such owners lessees and occupiers of such works as may be necessary for more effectually collecting conveying and preserving the purity of the waters flowing to upon or from such lands directly or indirectly into the works of the Company in such manner and to such extent as such owner lessee or occupier and the Company may agree and the Company may apply to the purposes of this section to which capital is properly applicable any part of the moneys raised by them under the authority of this Act or the Acts of 1869 1888 and 1895.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

Articles of Agreement made the fifth day of March one thousand nine hundred and four between the Brymbo Water Company (hereinafter called "the Company") of the first part the Rural District Council of Holywell in the county of Flint (hereinafter called "the Holywell Council") of the second part and the Rural District Council of Hawarden in the said county of Flint (hereinafter called "the Hawarden Council") of the third part.

Whereas the Holywell Council being desirous of providing a supply of water for that part of their district which is called Leeswood in the parish of Mold (Rural) applied to the Company to make such supply by laying

or maintaining a pipe or pipes from their reservoir at or near Rhydtalog passing through the parishes of Tryddyn and Hope in the district of the Hawarden Council and in order thereto gave notice thereof to the Hawarden Council pursuant to section 285 of the Public Health Act 1875:

And whereas the Hawarden Council have agreed in order to provide a supply of water to those parts of their districts called Tryddyn in the parish of Tryddyn and Pontybodkin in the parish of Hope to join the Holywell Council in obtaining such supply from the Company on the terms hereinafter set out:

And whereas the Company have agreed to make the necessary supplies to both councils upon having a guaranteed minimum income on their actual outlay in laying on such supply of water for a period of twenty years:

Now these presents witness and it is hereby agreed as follows:—

(1) The Company shall at their own expense and cost lay down and maintain in constantly good repair a water main or pipe or pipes and branches therefrom in the direction shown on the plan hereto annexed (which plan is deemed to be part of these presents) from their reservoir or from their mains near their reservoir called Llyncyfynwy in the parish of Llanarmon in the county of Denbigh through the parishes of Tryddyn and Hope and Mold (Rural) and shall supply water thereby.

(2) Save that the councils shall obtain the necessary permission or grant from the railway company to carry such main or pipe under the railway at the points marked W and X the Company shall obtain and acquire all necessary wayleaves easements or other grants for the purpose of laying and carrying such main pipe or pipes as shown on the said plan.

(3) Such water main or pipe shall not be less than three inches in internal diameter and shall be maintained in good order and repair and free from obstruction to the flow of water by the Company who shall also be responsible for the same in case of any damage by subsidence or other change caused by past present or future mining operations The water shall be pure and wholesome and fit for drinking as well as for other domestic purposes and the supply shall be continuous and ample for all domestic purposes.

(4) The Company shall also lay maintain and keep in good order all such branch pipes as far as the stop-tap outside of such service pipes as shall be necessary for supplying water to houses in the districts through which the said main pipes shall pass and in particular the branches shown on the said plan hereto annexed.

(5) The Company shall assess and charge all and every the houses and premises supplied with water for domestic purposes from the said main pipe or from branch pipes in accordance with the scale of assessment and charge laid down in the Brymbo Water Acts 1869 1888 1895 and any subsequent Acts relating to the Company and if they shall supply to any person or persons or any company or body corporate water for any other purpose than for domestic purposes as defined in the said Acts then the Company shall charge such person or persons company or body corporate for such water at a rate not less than that usually charged by them as set out in their schedule

A.D. 1904. of charges printed in 1898 by Hughes and Son of Wrexham and a copy whereof is hereunto annexed.

(6) The Company shall render to each of the councils a quarterly account of the water rates and charges for the last preceding quarter In every such account there shall be set out the name of every owner householder or other person or persons assessed rated or charged for water and the gross amount of the rate or charges due by him or them according to the said Acts or scale of charges and the sum so assessed rated or charged shall be the sum to be brought to the credit of the council referred to in such account whether the same shall have been paid or collected or not. The Company shall at their own cost and expense collect all water rents rates or moneys in respect of any water supplied to any house or houses or for works or for any other purposes by any person or persons company or body corporate but the councils shall not either jointly or separately be responsible for any omission neglect or failure to collect such rents rates or other moneys and the councils shall have credit for the gross amounts due and receivable in every case and whether collected or paid or not:

And whereas the amount on which such minimum income shall be guaranteed is to be the actual cost including engineering expenses laid out on such works exclusive of any parliamentary or law costs incurred by the Company And for the purposes of the joint guarantee of the two councils the same has been agreed to be subject to an apportionment on the following basis:—

Upon the separate actual cost as aforesaid of a main line of pipes from Llyncyfynwy to the boundary of the two districts at Pontybodkin and shown on the plan hereto annexed between the points A and B Holywell shall bear two thirds and Hawarden one third of the guarantee:

Upon the separate actual cost as aforesaid of a main line of pipe or pipes from the said boundary near Pontybodkin and to be laid in the parish of Mold (Rural) shown on the said plan from the point marked B to the points marked C and all branches therefrom the Holywell Council shall bear the whole guarantee:

Upon and in respect of a branch line from the points marked D on the said plan to the points marked E in Tryddyn and branches therefrom in the parish of Tryddyn or in the parish of Hope the Hawarden Council shall bear the whole guarantee.

(7) Now these presents witness that the councils severally for themselves their successors and assigns agree with the Company that as and from the date or dates on which the whole of the mains shall be completed and charged with water ready to be supplied water shall be supplied as by this agreement stipulated to the several houses in their respective districts and so long as such supply shall be full and continuous the councils will be responsible to the Company as follows:—

(A) The Holywell Council for an annual minimum sum equal to ten pounds per centum per annum upon the total of two thirds of the cost of the aforesaid work or works A to B and the whole of

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the cost of the aforesaid work or works B to the points marked C and branches therefrom in the parish of Mold (Rural):

(8) The Hawarden Council for an annual minimum sum equal to ten pounds per centum per annum upon the total of one third of the cost of the aforesaid work or works from A to B and the whole of the cost of the aforesaid work or works from the points D to the points E and branches therefrom in the parishes of Tryddyn and Hope or either of them.

The several minimum sums lastly mentioned are in respect of all water rents rates and dues and shall be payable by the councils respectively within thirty days from the delivery by the Company to the councils respectively of the quarterly account at each of the usual quarterly days which accounts shall show distinctly and separately in respect of the several parishes of Trydden Hope and Mold (Rural) the gross assessment rents or rates and dues of the Company during the preceding quarter and such gross assessment rents rates and dues shall in the said quarterly accounts be credited to the councils respectively and the councils respectively shall pay only such sum or sums as after giving credit for such gross assessments rents or rates and dues shall be necessary to make up the said minimum sums respectively In every such account the gross amounts receivable by the Company and liable to be collected by them shall be credited to the councils whether the same shall have been actually collected or not The Company shall submit to the councils full statements of the actual expense incurred in carrying out the necessary works of laying such pipe or pipes and any future pipe or pipes in extension of any of those herein mentioned and shall distinguish between the cost of the joint pipe or pipes and the separate pipe or pipes.

(8) In every such quarterly account the Company shall keep separate the assessments in the districts of the councils and in respect of the Hawarden Council shall keep separate the assessments in the parishes of Hope and Tryddyn.

(9) Unless the Company shall in the meantime have obtained statutory powers for supplying the districts hereinbefore named the councils shall and will obtain any necessary leave from the railway company to carry the main or mains under the railway at the points W and X and will discharge the expense of any such leave.

(10) As soon as conveniently may be the Company shall proceed to carry out the necessary works and shall prosecute the same to completion with all due diligence.

(11) It is mutually agreed by and between the Company and the councils that the Company shall when so required by either council extend their branch lines and supply water for domestic or other purposes to any place or places within reasonable distances of the said main And that the council requiring the same shall be responsible for the minimum income of ten pounds per cent. per annum on the cost thereof for a period which shall terminate at the same time as these present articles and that if the Company shall supply

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water to any additional houses and for any purposes other than domestic purposes the Company shall assess the house or houses or works or person or persons or company taking water and shall collect the rents rates and charges for water in respect thereof and shall bring to the credit of the council in whose district such additional supply shall be made in every quarterly account the gross amounts of such additional assessments and charges and whether collected or not.

(12) It is mutually agreed that the minimum annual sums guaranteed to be paid under Article 7 hereof shall be payable and paid for the term of twenty years from the date from which as by that article provided the guarantee shall run after which period water shall be supplied for domestic purposes and for other purposes by the Company at their own risk and without a guarantee.

The seal of the Holywell Rural District Council was hereto affixed pursuant to a resolution of the council passed at a meeting held on the fourth day of March one thousand nine hundred and four in the presence of— L.S.

WM. ROBERTS Chairman.
P. HARDING ROBERTS Clerk.

The seal of the Hawarden Rural District Council was hereto affixed pursuant to a resolution of the council in the presence of— L.S.

R. WILLIAM FRYER Chairman.
HUGH G. ROBERTS Clerk.

The seal of the Brymbo Water Company was hereto affixed pursuant to a resolution of the board of directors in the presence of— L.S.

J. COLEMERE GITTINS Chairman.
THOMAS CHARLES Secretary.

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