CHAPTER lxxvii.

An Act to authorise the Chester Waterworks Company to construct new works to sanction and confirm the construction of existing works to raise additional capital and to consolidate their existing capital and for other purposes. [18th August 1911.]

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WHEREAS the City of Chester Waterworks Company were incorporated by the Act 7 Geo. IV. cap. cx. (in this Act called "the Act of 1826") and by that Act were empowered to construct works and supply water and exercise the powers therein contained within the limits thereby prescribed:

And whereas the said Company were reincorporated and reconstituted by the Chester Waterworks Act 1857 (in this Act called "the Act of 1857") under the name or title of the Chester Waterworks Company (in this Act called "the Company") and the Act of 1826 was thereby repealed subject as therein mentioned and further powers in relation to their undertaking were conferred upon them by the said Act of 1857 and by the Chester Waterworks Act 1874 (in this Act called "the Act of 1874"):

And whereas the authorised capital of the Company is seventy-two thousand pounds divided into thirty-three thousand pounds consolidated stock entitled to a maximum dividend of seven pounds and ten shillings per centum per annum twenty-four thousand pounds new ordinary stock entitled to a maximum dividend of seven pounds per centum per annum and one thousand five hundred perpetual preference shares of ten pounds each entitled to a dividend of six pounds per centum per annum:

And whereas by the said Acts of 1857 and 1874 the Company were authorised to borrow on mortgage in respect of

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their paid-up capital the total sum of eighteen thousand pounds and have borrowed the sum of fourteen thousand five hundred and fifty pounds:

And whereas it is expedient that the existing capital of the Company should be converted into stock in the manner and subject to the provisions hereinafter contained and that the Company should be authorised to raise additional capital for the purposes of this Act and of their undertaking:

And whereas it is expedient that the Company should be empowered to make and maintain the works and to acquire the lands hereinafter respectively described:

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Chester and those plans sections and book of reference are in this Act respectively referred to as "the deposited plans sections and book of reference":

And whereas the Company have constructed certain works hereinafter described and it is expedient that the construction of such works and the acquisition by the Company of lands and easements for such works and for the purposes of their undertaking be sanctioned and confirmed:

And whereas it is expedient that further powers should be conferred upon the Company with respect to the other matters in this Act contained:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 and collective titles.

1. This Act may be cited as the Chester Waterworks Act 1911 and the Act of 1857 the Act of 1874 and this Act may be cited together and are in this Act referred to as the Chester Waterworks Acts 1857 to 1911.

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Incorporation of general Acts.

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

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

(2) The Lands Clauses Acts:

(3) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

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 general meetings of the Company (excepting section 66) and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices;

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;

(4) 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 in the application of those provisions to this Act the term "railway" shall mean the reservoir

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and so much of the line of pipes by this Act authorised as will not be constructed in a highway and the expression "centre of the railway" shall mean the boundaries of the said reservoir and the centre of so much of the said line of pipes as aforesaid.

Interpretation.

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

"The corporation" means the mayor aldermen and citizens of the city and county of the city of Chester;

"The city" means the city and county of the city of Chester.

Confirmation of existing works.

4. The construction by the Company of the works next hereinafter described is hereby sanctioned and confirmed and subject to the provisions of this Act the Company may use the said works or any of them for the purpose of abstracting water from the River Dee and may alter enlarge extend renew and reconstruct such works or any of them and may maintain the same as part of and for the purposes of their undertaking and the expenditure of capital by the Company on the said works is hereby sanctioned and confirmed.

The works hereinbefore referred to are situate in the parish and city and county borough of Chester and are—

(1) The intake used by the Company for abstracting or diverting water from the River Dee situate at a point on the western bank of the said river five chains or thereabouts measured along the said bank in a south-westerly direction from a point immediately opposite the confluence of the Caldy Brook with the said river:

(2) A main or mains or line or lines of pipes commencing at the said intake and terminating at the Company's pumping station at Barrel Well Boughton:

Which said works are situate partly on the lands described in the section of this Act of which the marginal note is "Confirmation of purchase of lands" belonging to the Company and in the occupation of Mary Elizabeth Owen and partly on a strip of land six feet in width intersecting the fields or meadows

numbered 431 507 and 508 on the 25-inch Ordnance map (sheets XXXVIII—15 and XXXVIII—11) of the said parish (second edition) 1899 and belonging or reputed to belong to Fielden Brothers and partly on the bed and foreshore of the said river. A.D. 1911.

Company not to abstract water from River Dee during certain periods.

5.—(1) For a period of twelve months after the passing of this Act the Company shall make tests of the amount of chlorine in the water of that portion of the River Dee above the weir at Chester which is subject to tidal influence such tests to be made at such places and in such manner and at such times as shall be agreed between the corporation and the Company and the Company shall supply copies of the records of such tests weekly to the corporation.

(2) Notwithstanding anything in this Act contained the Company shall not after the completion of the reservoir (Work No. 1) by this Act authorised abstract any water from the River Dee for such period after the tide has flowed over the said weir as having regard to the tests so taken shall be agreed upon between the corporation and the Company and the said period may from time to time be varied by agreement between them.

(3) In the event of any difference arising between the corporation and the Company under this section the same shall be referred to and determined by the medical officer of health for the county of Chester and subject as aforesaid the Arbitration Act 1889 shall apply to any such reference.

Confirmation of purchase of lands.

6. The purchase and acquisition by the Company of the lands hereinafter described and of any rights or easements in the lands described in the section of this Act whereof the marginal note is "Confirmation of existing works" and the expenditure of capital thereon is hereby sanctioned and confirmed and the Company may on those lands or any of them exercise all or any of the powers of section 12 of the Waterworks Clauses Act 1847 and may hold and use all or any of the said lands as part of and for the purposes of their undertaking.

The said lands so purchased and acquired by the Company are in the parish and city and county borough of Chester and are—

Lands now in the occupation of Mary Elizabeth Owen being the fields numbered 424 378 377 376 and 375 and parts

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of the fields numbered 379 374 329 and 330 on the 25-inch Ordnance map (sheet XXXVIII—15) of the said parish of Chester (second edition) 1899.

As to working class houses.

7. The said lands so acquired by the Company as mentioned in the last preceding section of this Act shall for the purposes of section 3 of the Housing of the Working Classes Act 1903 be deemed to have been acquired under the powers of the said last preceding section of this Act.

Construction of mains &c. sanctioned.

8. Subject to the provisions of this Act the Company may maintain use renew alter enlarge extend and repair any mains pipes and other works for the storage filtration and distribution of water already constructed or laid down by them incidental and auxiliary to the works mentioned in the section of this Act of which the marginal note is "Confirmation of existing works" and the construction of the said mains pipes and works and the expenditure of capital thereon is hereby sanctioned and confirmed.

Power to make new works.

9. Subject to the provisions of this Act the Company may in the parish and city and county borough of Chester and in the lines and situation and according to the levels shown on the deposited plans and sections make and maintain the works hereinafter described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose (that is to say):—

Work No. 1 A subsiding tank or reservoir to be constructed in and upon land on the west side of and near to the road leading from Chester to Eccleston known as Eaton Road and comprising the fields numbered 269 270 286 288 and 289 and parts of the fields numbered 272 287 290 and 314 on the 25-inch Ordnance map (sheet XXXVIII—15) of the said parish (second edition) 1899:

Work No. 2 An aqueduct conduit or line or lines of pipes commencing at the intended subsiding tank or reservoir (Work No. 1) at a point in the field numbered 290 on the said Ordnance map six chains or thereabouts north-west of the south-eastern corner of that field and terminating by a junction with the existing main of the Company in the field or enclosure numbered 330 on the said Ordnance map (sheet XXXVIII—15) at a point two chains or thereabouts measured in a northerly direction along that main from the sluice controlling the Company's said intake.

Provisions as to construction and use of reservoir.

10. The following provisions shall apply and have effect with respect to the construction and use of the reservoir (Work No. 1) and the supply of water by the Company after the completion of the said reservoir :—

(1) No water abstracted from the River Dee shall be supplied by the Company unless it shall have been first passed through a filter or other appliance reasonably approved by the corporation placed between the intake and the reservoir (Work No. 1) by this Act authorised and thereafter stored in the said reservoir or some compartment thereof for a period of not less than fourteen days without the admission thereto of any other water and thereafter effectually filtered according to the best known methods and the Company may in the construction of reservoir (Work No. 1) by this Act authorised but within the limits of deviation shown on the deposited plans and sections make any such modification of the said work as may be reasonably necessary or convenient in consequence of the obligations imposed on the Company by the provisions of this section but the capacity of the said reservoir shall in no case be less than fifty-seven million gallons ;

In case of any contravention of this subsection the Company shall be liable to a penalty not exceeding ten pounds for every day on which such contravention shall occur :

(2) The Company shall keep continuous records showing the day and hour when water is abstracted from the River Dee when water is admitted to each compartment of the reservoir and the quantity of water so admitted and the day and hour when it is supplied therefrom to the Company's filter beds at the Tower Works in the city but nothing contained in this subsection shall be deemed to impose upon the Company any obligation to obtain such record by means of self-recording meters :

(3) The Company shall discontinue the use of the wells at Barrel Well and shall not supply water therefrom except with the previous consent of the medical officer of health for the city in the case of emergency

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arising from failure of any of the Company's works and in no case unless such water has been effectually filtered according to the best known methods:

(4) The corporation may take summary proceedings to enforce the provisions of this section and may duly appoint and authorise any person (who shall when required produce his authority) to enter at all reasonable times on the property of the Company for the purpose of inspecting the intake and the reservoir and any of the filter beds or other apparatus and appliances used for filtering and treating the water of the Company and of taking such samples of the water as he may think fit from any part or parts of the works of the Company:

(5) If any difference at any time arises between the corporation and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid.

Company to increase storage for filtered water.

11. The Company shall as soon as practicable after the passing of this Act enlarge or add to their tanks reservoirs or other appliances for storing filtered water so that the quantity of water which may be stored in the said tanks reservoirs and other appliances shall not be less than one million gallons.

Limits of deviation.

12. In the construction of the works by this Act authorised the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding four feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for compulsory purchase of lands.

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

Period for completion of works.

14. If the works by this Act authorised are not respectively completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of the said works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section contained shall restrict the Company from at any time renewing and repairing the intake and renewing or repairing the reservoir (Work No. 1) by this Act authorised or from extending enlarging altering renewing or removing any other of their waterworks plant and incidental works and increasing or improving their supply of water or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

Power to make subsidiary works.

15. The Company in addition to the foregoing works may upon the lands described in this Act make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts wells shafts bores drains sluices overflows bywashes waste-water channels gauges filter beds water-towers tanks banks embankments walls roads piers bridges approaches engines machinery cables mains electric wires telegraphs telephones and other apparatus and appliances as may be necessary or convenient in connection with or subsidiary to the undertaking of the Company but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them:

Provided always that the Company shall not exercise any of the powers of this section as regards the strip of land described in the section of this Act of which the marginal note is "Confirmation of existing works" unless and until the necessary rights or easements in such strip of land shall have been acquired by the Company.

Telephonic wires and apparatus in streets.

16. The Company subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets may for the purpose of effecting telegraphic or telephonic communication between to or from the Company's works or offices lay down maintain alter repair and renew mains tubes electric and other wires and apparatus in any street road highway or footpath within the Company's limits of supply.

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For protection of Postmaster-General.

17. Any telegraphs telephones and other apparatus and appliances constructed laid down erected made or maintained by the Company under the authority of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and all cables mains tubes electric and other wires and apparatus laid down or maintained under the authority of this Act shall be so constructed and used as not to interfere with telegraphic communication by means of any telegraphic line used or intended to be used by the Postmaster-General.

For protection of works of Corporation.

18.—(1) With respect to the exercise by the Company of any powers of this Act and of any other Act of or relating to the Company for the breaking up of roads within the city and the construction of works thereon or thereunder the provisions of sections 86 87 and 88 of the Chester Improvement Act 1845 shall apply for the protection of the corporation in lieu of the corresponding provisions of the Waterworks Clauses Act 1847:

Provided that notwithstanding anything contained in the Chester Improvement Act 1845 in the application of that Act to this Act and to any other Act of or relating to the Company the notice to be given by the Company to the corporation of their intention to break up the carriage or foot way of any street shall (except in case of emergency) be three clear days and in the event of the works of the Company necessitating the removal of any works of the corporation the Company if they propose to effect the removal of such works themselves shall give fourteen days' notice thereof to the corporation or if the Company require the corporation to effect the removal of such works they shall give twenty-eight days' notice thereof to the corporation:

Provided also that any work executed by the Company shall be so executed as not to unreasonably interfere with the traffic of any road in the city:

Provided further that if the Company make default in complying with the provisions of the said sections 86 87 and 88 of the Chester Improvement Act 1845 or of this section they shall for every such offence be liable to a penalty not exceeding five pounds.

(2) The Company shall on demand pay to the corporation the reasonable costs which the corporation may incur in the repair and reinstatement to its former condition of so much of

any road repairable by the corporation as may be injured or damaged by traffic in connection with the construction of the works by this Act authorised being concentrated on any such road or being of an extraordinary nature or excessive weight.

(3) The Company shall not without the consent of the corporation erect place maintain or use any poles cables wires or apparatus above the surface of any lands adjacent to or in the vicinity of the banks of the River Dee or the occupation road numbered 11 in the parish of Chester on the deposited plans but such consent shall not be unreasonably withheld.

(4) The Company shall not without the previous consent in writing of the corporation exercise any of the powers of the section of this Act of which the marginal note is "Telephonic wires and apparatus in streets" in the city but such consent shall not be unreasonably withheld.

(5) If any difference at any time arises between the corporation and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institute of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid.

As to payments for postal and other facilities.

19. The Company may undertake to pay to the Postmaster-General any loss which he may sustain by reason of the establishment or maintenance at their request of any telegraph office or of any additional facilities (postal or otherwise) in connection with the works authorised by this Act and any expenses incurred by the Company under such undertaking may be defrayed out of any revenue or funds of the Company.

Company may acquire easements only in certain cases.

20.—(1) The Company may in lieu of acquiring any lands for the purposes of the new works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section

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the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

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

Persons under disability may grant easements &c.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Limiting powers of Company to abstract water.

22. The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or in some other Act of Parliament.

Amendment of section 51 of Act of 1857.

23. From and after the passing of this Act section 51 (Provision for guarding against fouling the water of the Company) of the Act of 1857 shall be read and construed as if the place from whence the supply of water for the purposes of their undertaking is taken by the Company included also the site of the intake the construction of which is confirmed by this Act.

For protection of Huntington Estate.

24. The following provisions shall unless otherwise agreed between the Company and the trustees or other the owner for the time being of the estate now known as the Huntington Estate (all of whom are in this section referred to as "the trustees") apply and have effect (that is to say):—

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(1) The Company shall subject to the provisions of section 35 of the Waterworks Clauses Act 1847 supply water for domestic and agricultural purposes to that portion of the Huntington Estate which lies to the northward of the line marked A B on the plan signed by George Henry Rogerson on behalf of the trustees and Francis Edward Roberts on behalf of the Company:

(2) The Company will not object to a supply of water being given to the portion of the Huntington Estate lying to the southward of the said line marked A B by the Duke of Westminster from his Saighton Waterworks Tower:

(3) In the event of the Duke of Westminster being unable or unwilling to give or continue such a supply the Company will as and when required by the trustees and subject to the provisions of section 35 of the Waterworks Clauses Act 1847 furnish a supply of water for domestic and agricultural purposes to the portion of the Huntington Estate within the Company's limits of supply lying to the southward of the said line marked A B:

(4) The Company shall not under the provisions of the section of this Act of which the marginal note is "Amendment of section 51 of Act of 1857" take any objection to the existing method and means of drainage of the houses and farms existing on the Huntington Estate at the date of the passing of this Act or of any house or building hereafter erected or to be erected on the said estate so long as the drainage of such houses farms and buildings is approved by and is to the satisfaction of the local sanitary authority for the district within which such house farm or building is or shall be situate.

For protection of Duke of Westminster.

25. Notwithstanding the provisions of any Act of Parliament relating to the Company or their undertaking the following provisions unless otherwise agreed shall apply and have effect for the protection of the Most Noble Hugh Richard Arthur Duke of Westminster and his sequels in title owners of the Eaton Hall Estate (hereinafter in this section referred to as "the owner")—

(1) Before commencing to construct the reservoir (Work No. 1) by this Act authorised the Company shall

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purchase all lands necessary or required for the construction of the said reservoir and works connected therewith and shall completely fence the same in all respects as the owner may require:

(2) The Company shall so soon as practicable after the completion of the purchase mentioned in subsection (1) of this section convey free from all restrictions to the owner so much of the lands numbered 7 on the deposited plans relating to the parish of Chester as may not be required for the said reservoir and the approach road thereto at such price as in default of agreement may be determined by an arbitrator to be agreed on or in default of agreement appointed by the President of the Surveyors Institution:

(3) The said reservoir shall be constructed so that the retaining walls thereof shall be backed with sloping banks and the Company shall at their own expense construct all works which the owner may require for the purpose of screening the said reservoir and shall as required by the owner place and plant thereon and upon the said banks turf trees and shrubs for such purpose and shall at all times renew and maintain and properly cultivate the same so as efficiently to screen the said reservoir to the satisfaction of the owner;

The banks of the said reservoir and any building or works connected therewith shall not at any time be carried to a greater height than fourteen feet six inches above ground level at the north-eastern corner of the said reservoir:

(4) The Company shall not construct the eastern end of the said reservoir any nearer to the road leading from Eccleston to Chester than is shown on the deposited plans and shall make an approach road of not less than thirty feet in width leading from the said Eccleston Road to the said reservoir in such position as shall be agreed by the owner and within the fence aforesaid shall if required by the owner construct a road of not less than ten feet in width all round the said reservoir:

(5) No building other than a cottage which shall be continuously occupied by a responsible caretaker or

watchman shall be erected on the site of the said reservoir or any part thereof and the position plans elevation and materials of any such cottage shall be approved by the owner:

(6) The Company shall during the construction of any works by this Act authorised provide all latrines and other sanitary arrangements at such places as the owner may direct and shall keep the same in such condition as to prevent any nuisance or annoyance arising therefrom:

(7) Notwithstanding anything shown upon the deposited plans or sections or contained in the book of reference the Company shall not construct the line or lines of pipes (Work No. 2) by this Act authorised where the same will be situate on land belonging to the owner except in such lines situations and levels and subject to such conditions in all things as the owner may determine and for such purpose shall acquire an easement only in the site required for such line or lines of pipes:

(8) All water before being admitted to the said reservoir shall be sufficiently filtered to the reasonable satisfaction of the owner and the works therefor and all elevations and external materials of all buildings to be erected for the purposes thereof and in connection therewith shall be submitted to and approved by the owner before any such works or buildings are commenced Any difference arising under this subsection shall be referred to an arbitrator to be appointed in default of agreement by the President of the Institute of Civil Engineers:

(9) During the construction of the said works or any of them by this Act authorised the Company shall employ all such watchers as the owner may require for the purpose of protecting his estate from annoyance or trespass by any person in the employment of the Company or their contractors or agents and any such person who may be found on the said estate without reasonable excuse shall at the request of the owner be dismissed:

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(10) All damage which may at any time happen to any buildings lands or other property of the owner by reason or in consequence of the bursting giving way or leakage of the said reservoir pipes or works shall be forthwith repaired and made good by the Company and the Company shall make full compensation to the owner and his tenants for all injury loss and damage which they may sustain Any difference arising under this subsection shall be referred to an arbitrator to be appointed in default of agreement by the President of the Surveyors Institution:

(11) There shall be reserved to the owner the sole sporting rights over the said reservoir (other than fishing rights) and over all lands acquired by the Company for the purposes thereof and in the exercise of such rights the owner and his servants shall at all times have access to the said lands through a gate which shall be placed at the south-west corner of the road surrounding the said reservoir and be kept constantly locked and be for the sole use of the owner and his servants who shall retain the keys thereof and the owner may exercise all rights of preserving but not of rearing game on the said lands:

(12) If at any time the said reservoir shall be abandoned the Company shall reinstate the site thereof as nearly as may be and shall if required by the owner reconvey the said site to the owner at the price paid therefor to the owner by the Company or at such lesser price as in default of agreement an arbitrator (to be appointed in default of agreement by the President of the Surveyors Institution) may fix having regard to all the circumstances of the case:

(13) The Arbitration Act 1889 shall apply to any arbitration arising out of subsections (2) (8) (10) and (12) of this section except so far as is by any such subsection provided:

(14) The provisions of this section shall be in addition to all other rights and remedies of the owner and his tenants in common with all other persons contained in or arising by virtue of the Acts of or relating to the Company or its undertaking.

Discharge of water into streams.

26.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any well conduit or line of pipes or other works of the Company the Company may cause the water in any such well or works to be temporarily discharged into any available stream or watercourse.

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

Dwelling-houses for persons in Company's employ &c.

27. The Company may hold acquire maintain and let houses cottages offices and other buildings for persons in their employment or for the purposes of or in connection with their undertaking and may erect maintain and let any of such buildings upon any lands for the time being belonging or leased to the Company.

Notice of discontinuance.

28. A notice to the Company for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the person responsible for the payment of the water rate and be left at or sent by post to the office of the Company.

Byelaws for preventing waste &c. of water.

29.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act

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for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

(6) Until any byelaws have been made confirmed and published under this section any byelaws made by the Company for the like purposes under section 28 of the Act of 1874 and in force at the passing of this Act shall continue in force and have full effect.

Power to sell or let meters &c.

30. The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Company to let for hire any water fittings to any persons supplied by them with water.

Notice to Company of connecting or disconnecting meters.

31. Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less then twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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Injuring meters &c.

32. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained:

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Register of meter to be evidence.

33. Where water is supplied by meter the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Company Provided always that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also

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order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

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

34. The Company may on the application of the owner or occupier of any premises within the Company's 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 for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts.

Limit of pressure.

35.—(1) The water supplied by the Company need not at any time be delivered at a greater height than can be reached by gravitation from the existing water tower of the Company at Boughton in the city.

(2) Section 59 of the Act of 1857 and section 27 of the Act of 1874 are hereby repealed.

Contracts for supplying water in bulk.

36. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the Company's limits of supply to any such authority company or persons respectively 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 area to be supplied and of the local authority of the district comprising that area or if and so long as such supply would interfere with the supply of water in accordance with the provisions of this Act for domestic or trade purposes within the Company's limits of supply.

For protection of Dee Fishery Board.

37. For the protection of the board of conservators of the River Dee fishery district (in this section referred to as "the fishery board") the following provisions shall unless otherwise agreed in writing between the fishery board and the Company apply and have effect:—

(1) The total quantity of water supplied by the Company under the authority of the section of this Act of which the marginal note is "Contracts for supplying water in bulk" shall not exceed an average of two hundred and fifty thousand gallons a day and such average shall be calculated monthly from the first to the last day of each month:

(2) The Company shall be liable to a penalty not exceeding ten pounds a day for every day on which they supply as aforesaid any water in excess of the quantity prescribed by this section after they have received notice in writing from the fishery board that they are supplying in excess Such penalty may be recovered by the fishery board and shall be carried by the fishery board to their general fund but nothing in this subsection shall interfere with or prejudice the right of the fishery board to proceed against the Company by injunction or otherwise for a breach of the foregoing provisions of this section:

(3) The Company shall at their own expense provide fix and maintain suitable and proper and efficient measuring apparatus to be approved of by the fishery board for the purpose of measuring the water supplied as aforesaid;

The said measuring apparatus shall be at all times open to the inspection and examination of any duly authorised officer of the Board of Agriculture and Fisheries and of the fishery board:

(4) The said measuring apparatus shall be provided and fixed as aforesaid by the Company forthwith in all cases where the Company are at the date of the passing of this Act supplying water to any authority company or persons beyond the Company's limits of supply and in all cases of any future or additional supply of water to any such authority company or persons and of any extension or alteration of existing supplies made in accordance with the provisions of this Act or any other Act the Company shall provide and fix such measuring apparatus before any water shall be delivered to any such authority company or persons:

(5) The Company shall forthwith furnish to the fishery board the names and addresses of all authorities companies or persons beyond the Company's limits of supply to whom they are now supplying water and the places at which such supplies are given and where such measuring apparatus is fixed and shall from time to time furnish the fishery board with the

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like particulars of every supply of water given under the powers of the section of this Act of which the marginal note is "Contracts for supplying water in bulk":

(6) If at any time any of such measuring apparatus shall be out of repair or in an unfit condition for the purposes for which they are intended the Company shall forthwith put the same in fit repair and condition and if they fail to do so within fourteen days after notice in writing given to them in that behalf by or on behalf of the fishery-board the fishery board may either recover in a court of summary jurisdiction from the Company and carry to their general fund such penalty not exceeding ten pounds a day for every day or part of a day on which the Company is in default as the court shall direct to be paid by the Company or the fishery board may cause such measuring apparatus to be put in fit repair and condition and may recover the reasonable cost of so doing from the Company in any court of competent jurisdiction:

(7) In the event of any dispute arising between the Company and the fishery board as to the sufficiency or accuracy of any measuring apparatus to be provided under this section or as to its state of repair or condition such dispute shall be settled and determined by arbitration by an engineer to be appointed by the parties or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration:

(8) The Company shall not execute any works in or near the River Dee or the bed thereof which shall prejudicially affect the free flow of water in such river or the free passage of fish through the same:

(9) Except as is by this Act expressly provided nothing herein contained shall take away lessen prejudice or alter any of the rights powers authorities or privileges of the fishery board vested in them by any Act or Acts of Parliament or otherwise howsoever.

For protection of Dee Conservancy Board.

38. For the protection of the Dee Conservancy Board (in this section called "the board") the following provisions shall unless otherwise agreed in writing between the Company and the board apply and have effect (that is to say):—

(1) The Company shall pay to the board for all water which the Company hereafter supply beyond the Company's limits of supply as existing immediately before the passing of this Act by half-yearly payments at the rate of ten shillings and sixpence for every million gallons so supplied during the half year immediately preceding each such half-yearly payment:

(2) The Company shall at their own expense—

(A) Provide and maintain suitable and proper measuring apparatus and regularly and accurately measure the quantity of water supplied as aforesaid;

(B) Keep full and correct records of the said measurements and of the local authorities companies and/or persons to whom the water is supplied; and

(C) Forward to the board within thirty days of the end of every half year a copy of such records taken during the preceding half year certified to be correct by the secretary for the time being of the Company:

(3) The board by their duly authorised officers shall at all reasonable times be entitled to inspect examine and test the said measuring apparatus and to inspect the said records and make copies thereof:

(4) If the Company fail to comply with the provisions of this section they shall be liable to a penalty not exceeding five pounds for every day on which they shall fail to comply therewith after notice in writing from the board that they are failing to comply therewith and any such penalty may be recovered summarily by the board and shall be carried to the credit of the income of the board as if it were income arising from tolls:

(5) Any difference which may at any time arise between the Company and the board under the provisions of this section shall be referred to and determined by a single arbitrator to be agreed upon by the Company

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and the board or failing agreement appointed by the Board of Trade upon the application in writing of either party and subject as aforesaid the provisions of the Arbitration Act 1889 or any then subsisting statutory modification or re-enactment thereof shall apply to the reference.

For protection of corporation of Liverpool.

39. The Company shall not without the consent in writing of the lord mayor aldermen and citizens of the city of Liverpool (in this section called "the corporation") supply any water within the area in which the corporation is empowered to supply water under section 11 of the Liverpool Waterworks and Improvement Act 1887 except so far as such area is within the Company's limits of supply.

For protection of corporation of Birkenhead.

40. The Company shall not without the consent in writing of the mayor aldermen and burgesses of the county borough of Birkenhead (in this section called "the corporation") supply any water within the area in which the corporation is empowered to supply water under section 67 of the Birkenhead Corporation Water Act 1907 except so far as such area is within the Company's limits of supply.

Conversion of existing stocks and shares of Company.

41.—(1) As from the first day of January one thousand nine hundred and twelve the existing consolidated stock and new ordinary stock of the Company shall be converted and consolidated into one class of stock to be called consolidated ordinary stock bearing a uniform maximum dividend at the rate of six pounds per centum per annum and the existing fifteen hundred perpetual preference shares shall be converted into four pounds and ten shillings per centum preference stock according to the following scales (that is to say):—

For every one hundred pounds of the existing consolidated stock entitled to a maximum dividend of seven pounds ten shillings per centum per annum one hundred and twenty-five pounds of consolidated ordinary stock:

For every one hundred pounds of the existing new ordinary stock entitled to a maximum dividend of seven pounds per centum per annum one hundred and sixteen pounds thirteen shillings and fourpence of consolidated ordinary stock:

For every existing perpetual six pounds per centum preference share of ten pounds thirteen pounds six shillings and eightpence of four pounds and ten shillings per centum preference stock.

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(2) As on the said first day of January one thousand nine hundred and twelve there shall be created by virtue of this Act such nominal amount of consolidated ordinary stock and four pounds and ten shillings per centum preference stock as shall be necessary for the purpose of carrying into effect such conversions and the amounts of consolidated ordinary and preference stocks to which the holders of the existing stocks or shares shall by virtue of this Act respectively become entitled in substitution for such existing stocks or shares shall be vested in such holders as from the said first day of January one thousand nine hundred and twelve and shall be forthwith registered in their respective names in the books of the Company Provided that notwithstanding anything in this Act contained no person shall become entitled under this Act to any fractional part of a pound of consolidated ordinary stock or preference stock but in every case in which any such person would but for this enactment have become entitled to a fractional part of a pound of any such stock the Company may at their option receive from such person such a further sum in cash as will make up an even pound or pay to such person in cash the amount of such fractional part and the receipt of such person for the sum in cash so paid as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part.

(3) The amount of profits which the Company are by the Waterworks Clauses Act 1847 authorised to carry to the reserved fund shall not be increased by reason of the conversion of capital by this Act authorised.

Substituted stocks to be held on same trusts &c. as stocks or shares for which they are substituted.

42. All consolidated ordinary and preference stocks issued to holders of existing stocks or shares in the capital of the Company under or by virtue of this Act shall be deemed to be fully paid up and shall be held in the same rights on the same trusts and subject and liable to the same powers provisions declarations agreements charges liens encumbrances and liabilities as those in upon or to which the existing stocks or shares for which such consolidated ordinary stock or preference stock as the case may be is substituted were held or were subject to immediately before the said first day of January one thousand nine hundred and twelve and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any agreement deed or other instrument or any testamentary disposition disposing of or affecting any such existing stocks or shares and every such agreement deed or

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other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part as the case may be of the consolidated ordinary stock or preference stock created under or by virtue of this Act substituted therefor and trustees executors or administrators or other incapacitated parties and all other holders in any representative or fiduciary capacity of any existing stocks or shares are hereby expressly authorised and required to accept consolidated ordinary stock or preference stock as the case may be allocated to and vested in them pursuant to the provisions of this Act in substitution for such existing stocks or shares held by them in the capital of the Company and to retain dispose of or otherwise deal with the same as they might have retained disposed of or otherwise dealt with such existing stocks or shares for which such consolidated ordinary stock or preference stock as the case may be created under or by virtue of this Act is substituted and are hereby imdemnified in respect of all acts bonâ fide done by them in pursuance of the provisions of this Act.

Certificates to be called in and others issued.

43. The Company shall call in and cancel the certificates of the existing consolidated stock existing new ordinary stock and existing preference shares for which consolidated ordinary stock or preference stock as the case may be shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of consolidated ordinary stock or preference stock as the case may be of the amounts and descriptions to which those proprietors are by this Act respectively entitled but no proprietor shall be entitled to a certificate of the consolidated ordinary stock or preference stock so substituted for the existing stocks or shares held by him until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof and an indemnity has been given against any claim arising out of such lost or destroyed certificate to the satisfaction of the directors of the Company Provided always that until the issue of the certificates of such consolidated ordinary stock or preference stock the existing certificates for which such new certificates are to be substituted shall according to the amounts of consolidated ordinary stock or preference stock as the case may be to be substituted by virtue of this Act for the existing stocks or shares which

they respectively represent have and possess the same rights and advantages as if they were certificates for those respective amounts of consolidated ordinary stock or preference stock which are to be so substituted for such existing stocks or shares but if any holder of any existing stocks or shares of the Company neglect or omit to send or deliver to the Company his existing certificate for the period of one year after notice in writing sent by post to the address appearing in the stockholders' or shareholders' address book the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock or preference stock to be substituted for the existing stock or shares so held by him until such existing certificate is sent or delivered to the Company or is proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed.

Transfers of stocks and shares although by present name to be valid.

44. All transfers or other dispositions of any existing stocks or shares in the capital of the Company as existing up to the conversion thereof into consolidated ordinary stock or preference stock by virtue of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers of the respective amounts of consolidated ordinary stock or preference stock which the stock or shares thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof respectively shall describe the same by the name or denomination which the stocks or shares transferred or disposed of had before such conversion and the bequest of or any covenant or provision of any deed or agreement relating to any specific or nominal amount of any such existing stocks or shares converted by this Act into consolidated ordinary stock or preference stock of different nominal amount shall be held to apply to a nominal amount of consolidated ordinary stock or preference stock as the case may be which is substituted for such existing stocks or shares equal to the amount of such ordinary or preference stock as the case may be into which such existing stocks or shares shall have been converted under the provisions of this Act.

Stock to be transferable in multiples of one pound.

45.—(1) All consolidated ordinary stock or preference stock of the Company shall be issued and be transferable only in amounts of one pound or multiples of one pound.

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(2) Notice of this enactment shall be stated in all certificates of such stock.

Rights of stockholders.

46. Holders of consolidated ordinary stock or preference stock created under the authority of this Act shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock and subject to the provisions of this Act such interests shall in proportion to the nominal amounts of such stock confer on the respective holders thereof the same privileges and advantages as would have been conferred by existing stocks or shares of equal amount in the existing capital of the Company.

Application of provisions of Companies Clauses Consolidation Act 1845 to ordinary stock.

47. Subject to the provisions of this Act sections 7 10 to 13 and 62 to 64 of the Companies Clauses Consolidation Act 1845 shall extend and apply to the consolidated ordinary stock and sections 18 to 20 of that Act shall be deemed and construed to include and apply to consolidated ordinary stock and dividends thereon as if such stock and dividends respectively had been expressly named in the said sections.

Additional capital.

48. The Company may raise additional capital not exceeding in the whole seventy-five thousand pounds by the creation and issue at their option of consolidated ordinary stock or preference stock or wholly or partially by one or other of those modes Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of such additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of seventy-five thousand pounds Provided also that the Company shall not at any time create under the powers of this section any greater nominal amount of preference stock than shall together with any preference stock created under the foregoing provisions of this Act amount to seventy-five thousand pounds.

All consolidated ordinary stock and preference stock created under the powers of this section shall form part of and rank pari passu with the other consolidated ordinary stock or preference stock (as the case may be) created under the powers of this Act.

New stock to be sold by auction or tender.

49.—(1) All stock created under the powers of the section of this Act of which the marginal note is "Additional capital" shall be issued in accordance with the provisions of this Act.

(2) All stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and

subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the town clerk of each borough and the clerk of each urban district and rural district within the limits of supply of the Company and to the secretary 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 shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

(C) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds:

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as

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nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and is not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the stock.

Application of moneys.

50. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend:

Provided that in any case where a power to raise money by borrowing or to create a reserve or other fund is made proportionate to the paid-up or nominal capital the premium received from the sale of stock by auction or tender as provided by this Act shall for such purpose be reckoned as part of the paid-up or nominal capital.

Privileges &c. of holders of additional capital.

51. Subject to the provisions of this Act the additional capital raised by the Company under this Act shall be part of the general capital of the Company and save as otherwise provided in respect of such capital by or under the provisions of this Act the holders of consolidated ordinary stock or preference stock as the case may be in such additional capital shall be entitled to the like rights of voting and any other rights qualifications and privileges in proportion to the amount of their stock and be subject to the like provisions and liabilities as the holders of consolidated ordinary stock or preference stock as the case may be issued in substitution for existing stock or shares under this Act.

Votes in respect of consolidated ordinary and

52. At all meetings of the Company every holder of stock whether consolidated ordinary stock or preference stock or partly consolidated ordinary stock and partly preference stock

representing the nominal sum of fifty pounds or upwards shall be entitled to one vote in respect of every sum of fifty pounds of such stock or stocks up to the sum of two hundred and fifty pounds of stock and shall have an additional vote for every further sum of two hundred and fifty pounds of stock held by him but no such holder shall be entitled to more than ten votes in all. A.D. 1911. preference stocks.

53. The Company may at any time and from time to time after the thirty-first day of December one thousand nine hundred and eleven borrow on mortgage of the undertaking in respect of the consolidated ordinary stock and the preference stock into which the existing consolidated stock and new ordinary stock and the perpetual preference shares of the Company are by this Act respectively converted any sum or sums not exceeding (inclusive of the sum of fourteen thousand five hundred and fifty pounds already borrowed under the powers of the Act of 1857 and the Act of 1874) the sum of twenty-four thousand pounds. Power to borrow in respect of converted capital.

54. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital which the Company are by this Act authorised to raise any sum or sums not exceeding in the whole one third part of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act But no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the additional capital at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up. Power to borrow in respect of additional capital.

55. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital shall cease to apply to the Company. Borrowed money not to be converted into capital.

56. 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 Debenture stock.

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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.

Debenture stock to be sold by auction.

57. The provisions of this Act with respect to the sale of stock by auction or tender and to the application of any money arising by way of premium shall mutatis mutandis apply to all debenture stock issued by the Company after the passing of this Act.

For appointment of a receiver.

58. Section 14 of the Act of 1874 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the commencement 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 and 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 six thousand pounds in the whole.

Receipt in case of persons not sui juris.

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

Priority of mortgages and debenture stock over other debts.

60. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of the Chester Waterworks Acts 1857 to 1911 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 rent-charge 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 which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Existing mortgages to have priority.

61. 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 excess of profits over authorised rates of dividend.

62. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividends on the preference capital and the dividends at the authorised rates on the ordinary capital of the Company the excess may be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividends at the authorised rates on the amount of the preference and ordinary capital of the Company for the time being issued and paid up.

Auditors.

63.—(1) Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 no person shall after the first day of January one thousand nine hundred and twelve be an auditor of the Company who shall not be either a member of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors and it shall not be necessary for any person who shall be an auditor of the Company to hold shares or stock in the Company.

(2) Subject as aforesaid the provisions of the Companies Clauses Consolidation Act 1845 relating to auditors shall apply to the auditor or auditors of the Company.

(3) The auditor or auditors of the Company shall certify upon the accounts of the Company that the expenditure has been in his or their opinion properly and fairly allocated as between capital account and revenue account.

Contracts not to disqualify for office of director.

64. No person shall be disqualified from becoming or continuing a director of the Company by reason of his or any partners of his being or becoming interested in any contract with the Company either in his own behalf or as a member of any other company corporation local authority or partnership but no such person shall as a director vote in respect of any

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question as to any such contract or the remuneration attached to any such office or place of trust or profit.

Form and service of notices by Company.

65. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or manager of the Company being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of a collector of the Company being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last-known or usual place of abode or business or by delivering the same to some inmate at his last-known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Several sums in one summons.

66. Where the payment of more than one sum by any person is due under the Chester Waterworks Acts 1857 to 1911 any summons or warrant issued for the purposes of any of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Penalties not cumulative.

67. Penalties imposed under the Chester Waterworks Acts 1857 to 1911 or any of them and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Recovery of penalties &c.

68. Save as otherwise by this Act expressly provided all offences against the Chester Waterworks Acts 1857 to 1911 or any of them and all penalties forfeitures costs and expenses imposed or recoverable under the said Acts or any of them or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

69. Proceedings for the recovery of any demand made under the authority of the Chester Waterworks Acts 1857 to 1911 or any of them or any incorporated enactment whether provision is or is not made for the recovery in any specified court or

manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Repeal of certain sections of Acts of 1857 and 1874.

70. As from the date of the passing of this Act the sections hereinafter respectively mentioned of the Act of 1857 and the Act of 1874 shall be and the same are hereby repealed (that is to say):—

Act of 1857—

Section 52 (Undisputed rates &c. may be recovered by distress);

Section 53 (Several names in one warrant);

Section 54 (Costs of distress);

Section 55 (Recovery of rates otherwise than by distress):

Act of 1874—

Section 23 (Company not bound to supply part of house only);

Section 25 (Supply to tenements in a row);

Section 28 (Regulations for preventing waste &c. of water);

Section 29 (Conditions of supply);

Section 31 (Repair of pipes &c. by Company);

Section 34 (Service pipes);

Section 36 (Notice to Company of putting up meters &c.);

Section 38 (Register of meter to be primâ facie evidence);

Section 39 (Fraudulently injuring meters &c.);

Section 40 (Penalty for affixing tubes to Company's pipes without their consent);

Section 43 (Recovery of sums due);

Section 44 (Costs of distress);

Section 47 (Directors not to be disqualified by being commissioners under Local Acts).

Costs of Act.

71. 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.

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