CHAPTER lxxvi.

An Act to incorporate the Colwyn Bay Waterworks Company, and to confer upon them powers to supply Water. A.D. 1879.

[3d July 1879.]

WHEREAS the Colwyn Bay and Pwllycrochon Estate Company (Limited), incorporated in the year 1876 under the Companies Acts, 1862 and 1867, (herein-after called the limited company,) are the owners of a considerable estate in the parish of Llandrillo-yn-Rhos in the county of Denbigh, and pursuant to their memorandum and articles of association have on their own land and at their own expense constructed reservoirs and waterworks and are supplying water to houses upon and adjoining that estate: 25 & 26 Vict. c. 89. 30 & 31 Vict. c. 131.

And whereas the capital of the limited company is one hundred thousand pounds, divided into two thousand shares of fifty pounds each, of which nine hundred shares have been issued and are fully paid up:

And whereas it is expedient that the members of the limited company should be incorporated for waterworks purposes in accordance with the provisions herein-after contained, and that the limits within which the Company by this Act incorporated (in this Act called "the Company") may supply water should be defined, and that the Waterworks Clauses Acts, 1847 and 1863, should apply to the undertaking of the Company: 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

And whereas the rural sanitary authority for the district of the Conway Union have, under powers conferred upon them by the Public Health Act, 1875, formed part of the township of Llandrillo-yn-Rhos, including the estate of the Company, into a special drainage district for works of water supply, and proposed to construct waterworks for the supply of the said special drainage district and the adjoining district of Eirias; but the Local Government Board have not sanctioned the borrowing by the said authority of the money necessary for the works proposed by them: 38 & 39 Vict. c. 55.

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And whereas it is inequitable that the estate and waterworks of the Company, and such portion of the said township as the Company are willing and able to supply with water, should be liable to contribute to the expenses of waterworks made by the said authority, and it is expedient that provision be made for relieving the district to be supplied by the Company from any liability in respect of such expenses:

And whereas it is expedient that the Company should be empowered to enter into agreements with the said sanitary authority as to the supply of water and to construct the additional works in this Act described:

And whereas plans and sections showing the lines, situation, and levels of the works authorised by this Act, and also a book of reference 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, have been deposited with the clerk of the peace for the county of Denbigh, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Colwyn Bay Waterworks Act, 1879.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Waterworks Clauses Acts, 1847 and 1863, are, except where expressly varied by or inconsistent with this Act, incorporated with this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company hereby incorporated; the expression "the rural sanitary authority" means the rural sanitary authority for the district of the Conway Union; the expressions "the works" and "the undertaking" mean respectively the works and undertaking by this Act authorised; the expression "superior courts" or "court of competent juris-

diction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute. A.D. 1879.

Company incorporated.

4. Richard Haworth, George Reed, Abraham Lloyd, Lawrence Booth, George William Mould, Thomas Hardcastle Sykes, Frederick Copley Hulton, Henry Maden, Edmund Milnes, John Stotherd Littlewood, Thomas Vickers, and John Whitehead, and all other persons and corporations who at the passing of this Act are shareholders in the limited company, or who shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of maintaining and making the waterworks and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Colwyn Bay Waterworks Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of this Act for the supply of water shall be that part of the parish of Llandrillo-yn-Rhos which lies on the west and north-west sides of the stream flowing from Bryn-y-Grin by Groes Mill and between Pen-y-Dorlan and Nant-y-Coed into the Irish Channel.

Existing reservoirs to form part of undertaking.

6. The undertaking of the Company shall comprise the two reservoirs of the limited company already constructed at Rhiw Fawr, Colwyn Bay, in the parish of Llandrillo-yn-Rhos, as coloured pink on a copy of the deposited plans identified by the signature of the Right Honourable the Earl of Redesdale, Chairman of Committees in the House of Lords, which has been deposited in the office of the Clerk of the Parliaments, together with all conduits, mains, pipes, and waterworks of the limited company, and all property and apparatus of the limited company used for the supply of water, all which are hereby vested in the Company for the estate and interest of the limited company therein.

Power to take lands and construct works.

7. Subject to the provisions of this Act, the Company may enter upon, take, and use the lands delineated on the deposited plans and described in the deposited book of reference, and they may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the reservoir

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and pumping station, and the aqueducts, conduits, or lines of pipes herein-after described; namely,

(1.) A reservoir in a field belonging or reputed to belong to the limited company on the east side of the public road between Pant-y-gloch Farm and the Four Crosses;

(2.) A conduit or line of pipes commencing in the northern embankment of the said last-mentioned reservoir, and terminating at or near the north-west corner of the Colwyn Bay Hotel;

(3.) A conduit or line of pipes commencing at or near the northern end of the mill pound of Groes Corn Mill, and terminating at or near the eastern side of the easternmost of the two existing reservoirs of the limited company herein-before described;

(4.) A pumping station, with all necessary works, appliances, and conveniences, near the dwelling-house attached to the said mill;

(5.) An aqueduct, conduit, or line of pipes, commencing at or near the north end of the same mill pound, and terminating at the Colwyn new toll-bar in the Abergele and Conway road;

with all proper wells, shafts, adits, tunnels, and other subsidiary works and conveniences; and may appropriate, abstract, and use the waters of any stream or spring which can be intercepted or used by means of any of the works aforesaid or which may be found in or upon any lands belonging to or acquired by the Company.

Powers of deviation.

8. In the construction of the works the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent within the limits of lateral deviation marked thereon, and beyond those limits with the consent of the persons through whose lands any deviation is proposed to be made, and vertically from the levels shown on the deposited sections to any extent not exceeding in the case of reservoirs three feet upwards and five feet downwards, and in the case of all other works to any extent not exceeding five feet; but if it be found necessary or expedient, in the construction of the reservoir by this Act authorised, to alter the situation of any embankment or wall, they may, within the limits of deviation in the construction thereof, and of the works connected therewith, deviate vertically from the levels of such reservoir and embankments, as shown with reference to the datum line, to any extent not exceeding ten feet; provided that the

Company shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections, and three feet in addition.

Provisions as to erection of a pumping station.

9. The said pumping station shall not, except in case of emergency, be used for pumping between the hours of seven in the forenoon and nine in the afternoon; and the pumping apparatus shall be of the best possible construction for consuming its own smoke and for preventing noise; and the building to contain such apparatus shall be erected in accordance with plans and working drawings to be previously submitted to and reasonably approved by Alfred Osten Walker, residing at Nant-y-Glyn, in the parish of Llandrillo-yn-Rhos in the county of Denbigh; John Harvie, residing at Sunnyside, in the said parish of Llandrillo-yn-Rhos in the county of Denbigh; and Thomas Barlow, residing at Bryn Eirias, in the parish of Colwyn in the county of Carnarvon, or other the owners for the time being of the villas at Colwyn at present belonging to the said Alfred Osten Walker, John Harvie, and Thomas Barlow respectively; and in case of any difference arising between the parties as to the said plans and working drawings, the same shall be submitted for approval to an architect to be appointed by the county court judge for the time being of the county of Denbigh, to be nominated on the application of either party, whose decision shall be final and binding on the parties.

Limit of time for compulsory purchase.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take easements.

11. Persons empowered by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to convey or release lands, may, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company for the purposes of this Act any easement, interest, right, or privilege in, over, affecting, or belonging to such lands, not being an easement of water, at a yearly rent or otherwise; and the provisions of those Acts with respect to lands and rentcharges shall, so far as the same are applicable in that behalf, extend and apply to such easements, rights, and privileges.

Period for completion of works.

12. If the works by this Act authorised are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company

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for executing the said works, or in relation thereto, shall cease to be exercised, except as to any part thereof then completed; but nothing in this section shall restrict the Company from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water, at any time and from time to time as occasion requires, subject to the provisions of this Act.

For the protection of the London and North-western Railway Company.

13. The Company shall, for the protection of the London and North-western Railway Company (in this section referred to as the railway company), observe the following conditions:

(1.) If the Company carry across the Chester and Holyhead line of the railway company the conduit or line of pipes secondly described in this Act (in this section called conduit No. 2), the same conduit shall be carried under the said railway according to the line and level thereof shown on the deposited plans and sections respectively; and in so carrying the same across that railway, and in laying down any mains or pipes or in executing any other works, under or in exercise of the powers conferred by this Act, across or in any way affecting that railway, or any of the bridges or approaches or other works thereof, or any lands or property belonging to or used or occupied by the railway company, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company, and according to plans to be submitted to and approved by him before any such works are commenced; and such works shall be executed by and in all things at the expense of the Company, and so as not to cause any injury to any such railway, bridges, approaches, or other works, lands, or property, or interruption to the passage or conduct of the traffic over such railway, or at any station thereof; and if any such injury shall arise to any such railway, bridges, approaches, or other works, lands or property, or interruption to such traffic, the Company shall make full compensation to the railway company in respect of such injury or interruption.

(2.) The conduit No. 2 shall, for its entire length across the said railway and the land and works thereto belonging, be of such material and dimensions as such engineer shall in writing reasonably require.

(3.) The conduit No. 2, and all works of the Company across or in any way affecting the said railway, bridges,

approaches, or other works, lands or property, shall be maintained and renewed by them, and such renewals and repairs shall be effected to the reasonable satisfaction and under the superintendence of such engineer; and when the works for such crossings, maintenance, or renewals are commenced they shall be executed and completed with all due despatch; and in case the Company fail to execute such maintenance and renewals the railway company may make and do, in and upon as well their own lands as on the lands of the Company, all such works and things as the railway company may reasonably think requisite in that behalf, and the reasonable amount of such their expenditure shall be repaid to the railway company by the Company, and in case of non-payment may be recovered from them, with costs, in any court of competent jurisdiction.

(4.) If by reason of any works or proceedings of the Company or of their contractors, or of their workmen, or the failure, leakage, or bursting of any works or pipes of the Company, the said railway, or any of the works thereof, shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense and to the reasonable satisfaction of such engineer, and in the event of their failing so to do the railway company may make good the same and recover as aforesaid the reasonable expenses thereof against the Company, with costs; and if any interruption shall be occasioned to the traffic of the said railway by reason of any works of the Company, or by reason of any such failure, leakage, or bursting as aforesaid, the Company shall pay to the railway company all costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recoverable as aforesaid against the Company, with costs.

(5.) The Company shall acquire only an easement in and upon such of the works, lands, and property of the railway company, if any, as may be necessary for constructing and maintaining the conduit No. 2 as shown on the deposited plans, and the railway company shall sell and grant to the Company such easement accordingly.

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(6.) The amount to be paid for the acquisition of such easement, if any, shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

(7.) Nothing in this Act contained shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the railway company otherwise than is herein expressly provided.

Water need not be supplied under pressure.

14. Water supplied under this Act need not be supplied in any case at a level above that at which it can be supplied by gravitation from the reservoir from which such water is distributed.

Rate at which water is to be supplied for domestic purposes.

15. The Company shall, at the request of the owner or occupier of any private dwelling-house in any street in which any pipe of the Company shall be laid, or on the application of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic use at a rate not exceeding seven pounds ten shillings per centum per annum upon the annual rackrent, or, if not let at an annual rackrent, upon the gross rateable value of the dwelling-house supplied, and so in proportion for any longer or shorter period than a year: Provided that the Company shall not be obliged to furnish any such supply for any less rate than seven shillings and sixpence per annum.

Rates for watercloset and baths.

16. In addition to the rates for the supply of water for domestic purposes the Company may demand and receive for every watercloset beyond one in any house of not more than twenty pounds annual rackrent or (if not let at rackrent) annual value any yearly sum not exceeding five shillings, and in any other house any yearly sum not exceeding ten shillings, for the first or only one, seven shillings and sixpence for the second, and five shillings for every additional one, and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

For preventing fouling water.

17. Provided always, that the Company shall not be compelled to supply with water any watercloset or any private fixed bath, or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome and impure matter into the mains or pipes belonging

to or connected with the mains or pipes of the Company, nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Regulations for preventing waste, &c. of water.

18. For preventing waste, misuse, undue consumption, or contamination of the water of the Company where supplied under constant pressure, the following provisions shall have effect; (namely,)

(1.) The Company may from time to time make such regulations (subject to the approval of the Local Government Board) as they think necessary for the objects aforesaid to be observed by persons supplied with water.

(2.) The Company may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus or receptacles for conveying, delivering, receiving, and measuring water, and may interdict any arrangement, and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, erroneous measurement, or contamination of water.

(3.) The Company shall not be bound under any agreement or otherwise to supply or to continue to supply water to any person unless the regulations for the time being in force are duly observed by him.

(4.) In case of the failure of any person to observe any regulation for the time being in force, the Company may, if they think fit, after twenty-four hours notice in writing, enter, and, by or under the direction of their authorised officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them; and the power of entry given by section fifteen of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto, shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the expense of every such repair, replacement, or alteration shall be repaid to the Company by the person on whose credit the water is supplied, and may be recovered from him as water rent is recoverable.

(5.) A printed copy of regulations purporting to have been made as aforesaid by the Company, and to be certified by the secretary of the Company as a true copy, and to be sealed

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with the seal of the Company, shall be primâ facie evidence of regulations under this section.

Power to supply by agreement for other than domestic purposes.

19. The Company may supply any person with water for other than domestic purposes at such rent and upon such terms and conditions as shall be agreed upon between the Company and the person requiring such supply.

Company not bound to supply in certain cases.

20. The Company shall not be bound to supply, otherwise than by meter or by agreement, any dwelling-house, part of which, or any premises connected with which, is or are used for any trade or business purpose for which water is required.

Supply by meter for certain purposes.

21. The Company may supply water by meter for any purposes other than those in respect of which the rate at which they may charge is herein-before limited, and may charge for such supply at any rate not exceeding two shillings per thousand gallons.

Company's officers may enter buildings and cut off pipes after notice given.

22. In all cases in which the Company are authorised to cut off the pipe or turn off water from any premises, and in all cases in which any premises which shall have been supplied with water by the Company shall have become unoccupied, the Company, their agents and workmen (after giving twenty-four hours previous notice to the owner by serving the notice on him or leaving the same at his usual place of abode, or if the owner or his usual place of abode be not, after proper inquiry, known to the Company, by affixing the same for three days on some conspicuous part of the premises), may enter into any such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipes by which the water of the Company shall be conveyed to such premises, and may remove any pipe, meter, fittings, and apparatus the property of the Company.

Power to sell or let meters, &c.

23. The Company may from time to time sell and dispose of meters, pipes, and fittings, or let meters with or without pipes and fittings, or pipes and fittings alone, on hire, upon and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit.

Agreements with rural sanitary authority.

24. The Company may from time to time enter into and carry into effect any agreement with the rural sanitary authority and any other body or person with respect to the supply of water in bulk, whether within or without the limits of this Act, and for such period and on such terms and conditions, pecuniary or otherwise, as may be agreed between the parties, and the parties thereto, by mutual consent, may from time to time rescind or vary any such agreement.

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Domestic supply within limits of Act not to be interfered with by supply for other purposes.

25. Notwithstanding anything in this Act contained, the Company shall not, under any agreement for the supply of water in bulk or otherwise, be compelled to supply water to any authority, body, or person beyond the limits for the supply of water by this Act authorised, nor to any person within those limits for other than domestic purposes, if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the limits by this Act authorised.

Contracts not to disqualify for office of director.

26. Any contract to be made under this Act with any sanitary authority or public body shall not disqualify any of the members of such authority or public body for the office of director of the Company, but no director of the Company, being a member of any such authority or public body, shall vote upon any question with reference to any contract with such authority or public body.

Exemption of Company's limits from contribution to waterworks of sanitary authority.

27. No part of the expenses of providing a supply of water by the sanitary authority shall be a charge, during the period of five years from the passing of this Act, upon any house or land within the limits of this Act, or, after that period, upon any house or land within those limits, except such (if any) as may for the time being be supplied with water by the sanitary authority and not by the Company; and from and after the passing of this Act no such house or land, except as aforesaid, shall be or form part of a contributory place with reference to water supply for the purpose of the Public Health Act, 1875, and any Act amending the same.

As to payments due and liabilities with respect to water supply.

28. All water rents and sums of money due or accruing to the limited company immediately before the passing of this Act with respect to water supplied by them shall be payable to and may be collected and received by the Company in like manner as if they had become payable in respect of water supplied by the Company under this Act, and all covenants, obligations, and liabilities to which the limited company were subject immediately before the passing of this Act with respect to the supply of water shall be as binding upon the Company as upon the limited company, and the Company shall indemnify the limited company against all such covenants, obligations, and liabilities.

Defining Company's capital.

29. The original capital of the Company shall be nine thousand pounds, and shall consist of six thousand pounds capital stock, which shall be deemed to be fully paid up, and of three thousand pounds divided into shares of ten pounds each.

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Appropriation of original capital stock.

30. The said sum of six thousand pounds original capital stock shall belong to the several persons who, being at the date of the passing of this Act shareholders in the limited company, are by this Act formed into the Company, and there shall be appropriated and allotted to each such person the same proportion of the said sum of six thousand pounds capital stock as the paid-up capital which he holds in the limited company bears to the total paid-up capital of that company.

Original stock to represent portion of limited company's capital.

31. Every portion of original capital stock so allotted shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the share or shares in the limited company in respect of which the allotment is made, and so as to give effect to and not to revoke any testamentary disposition of or affecting the same.

Power to Company to raise additional capital.

32. In addition to the original capital by this Act authorised the Company may from time to time raise any further sums, not exceeding in the whole six thousand pounds, by the creation and issue of new ordinary shares or stock, or preference shares or stock, or wholly or partly by any one or more of those modes; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

33. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Limit of dividend on new capital.

34. The Company shall not in respect of any year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum or six pounds per centum per annum.

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

35. In case the net revenues of the Company applicable to dividend shall in any year be insufficient to pay the full amount of the maximum dividend to which each class of ordinary stock or shares in the capital of the Company is entitled, a proportionate diminution shall be made for the time being in the rate of the dividend then to be paid in respect of each class.

Power to borrow in respect of original capital.

36. In respect of the original capital by this Act authorised the Company may from time to time borrow any sum or sums not exceeding in the whole two thousand two hundred and fifty pounds; provided that no part thereof shall be borrowed until shares for the said sum of three thousand pounds, part of the said original capital, have been issued and accepted, and one half thereof is paid up, and the Company have given with respect thereto the like proof as is provided in the next following section with respect to additional capital raised by means of shares.

Power to borrow in respect of additional capital.

37. The Company may from time to time borrow on mortgage, in respect of the additional capital by this Act authorised, any additional sum or sums not exceeding in the whole one thousand five hundred pounds, but no part of the said sum of one thousand five hundred pounds shall be borrowed until shares for so much of the additional capital as is to be raised by means of shares are issued and accepted, and one half thereof is 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 shares for the whole of such additional capital as is to be raised by means of shares have been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, have been issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also as to so much of such additional capital as is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate

8 & 9 Vict. c. 16.

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that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Appointment of a receiver.

38. 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 hundred pounds in the whole.

As to conversion of borrowed money into capital.

39. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon the shares or stock, whether ordinary or preferential, created for that purpose are limited to a rate not exceeding five pounds per centum per annum.

Priority of mortgages over other debts.

40. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act 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 Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, 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 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 purpose of their undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Debenture stock.
26 & 27 Vict. c. 118.

41. The Company may create and issue debenture stock, subject to the provisions of Part 3 of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any

time granted by the Company, and shall have priority over all principal money secured by such mortgages.

Application of moneys.

42. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

43. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Quorum for meetings of Company.

44. The quorum of all general meetings, whether ordinary or extraordinary, shall be five shareholders present in person or by proxy, holding not less in the aggregate than one thousand pounds in the capital of the Company.

Number of directors.

45. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

46. The qualification of a director shall be the possession in his own right of not less than fifty pounds in the capital of the Company.

Quorum.

47. The quorum of a meeting of directors shall be three while the number of directors is five or four, and two while it is three.

First directors.

48. The present directors of the limited company shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

49. At that meeting the shareholders present in person or by proxy shall elect five directors, any directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall, subject to the power herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Providing for purchase of undertaking on certain conditions.

50. If within seven years from the passing of this Act the sanitary authority shall, by notice in writing under their common seal, require the Company to sell, at a date therein specified, the works and undertaking, the Company shall sell the same accordingly; provided that the allotment of £6,000 original stock by this Act authorised shall not be deemed to affect or

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determine the then value of the works and undertaking, or any part thereof, but the same shall be determined by a single arbitrator in accordance with the provisions of the Lands Clauses Consolidation Act, 1845, with respect to settling cases of disputed compensation: Provided that such arbitrator shall, unless otherwise agreed between the said authority and the Company, be the county court judge for the time being of the county of Denbigh, or an engineer to be nominated by him on the application of either party; or, failing such agreement or appointment, by two arbitrators and their umpire appointed in accordance with the said last-mentioned Act: Provided also, that any such notice shall be served upon the Company at least three months before the date so specified.

Expenses of Act.

51. All the costs, charges, and expenses of and incidental to the passing of this Act, and preparatory thereto, shall be paid by the Company.

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