CHAP. xx.

An Act to amend "The Rhyl District Waterworks Act, 1865;" to increase the capital of the Rhyl District Water Company; and for other purposes. [25th May 1871.] A.D. 1871.

WHEREAS by "The Rhyl District Waterworks Act, 1865," (herein-after referred to as the said Act,) the Rhyl District Water Company (herein-after called the Company) was incorporated, and was authorised to construct and maintain waterworks and supply water within the limits therein mentioned: 28 & 29 Vict. c. cix.

And whereas the time limited by the said Act for the construction of the reservoir No. 1 thereby authorised expired on the 19th of June 1870, and it is expedient to revive the powers and extend the time for the completion thereof:

And whereas during the progress of some of the other works authorised by the said Act the lines and levels defined by the original plans and sections were to some extent altered, and the reservoir No. 2 herein-after referred to, as also portions of other works, were constructed outside of the limits of deviation marked on the original plans:

And whereas it is expedient that powers should be conferred upon the Company for the construction and completion of the several works herein-after described or referred to, and that the works already executed should be confirmed:

And whereas in addition to the land already purchased by the Company further land is required for the purposes of the said waterworks:

And whereas plans and sections showing the lines and levels of the several works which the Company have so constructed as aforesaid, as also the lines and levels of the additional works intended to be constructed and maintained under the powers of this Act, with a book of reference to such plans, have been deposited with the clerks of the peace for the counties of Flint and Denbigh, and

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are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas unforeseen difficulties arose during the construction of the works authorised by the said Act, and particularly in providing a sound foundation for the said reservoir No. 1, whereby considerable extra expenses were incurred and will have to be incurred by the Company:

And whereas the whole of the share capital of 20,000*l.* authorised by the said Act has been subscribed for, and, with the exception of 562*l.*, has been paid up, and the Company have also borrowed the sum of 5,000*l.* as authorised by the said Act:

And whereas a further sum of 8,053*l.* has been borrowed from time to time from the Company's bankers and other parties in respect of and to carry on the works of the said Company, and it is estimated that a further sum of 14,000*l.* may be required to complete the works, and it is expedient that the Company shall be empowered to raise the necessary amount of money for paying off the sums temporarily borrowed, and for the completion of the works, and for the purposes of this Act:

And whereas with respect to the additional share capital of 6,000*l.* authorised by the said Act, the Company have issued 94 shares at 10*l.* each, which have been fully paid up, but the Company have hitherto been unable to raise any further part of the said share capital of 6,000*l.*, nor in consequence any part of the additional sum of 1,500*l.* by the said Act authorised to be borrowed, and it is therefore expedient that further powers with reference thereto should be conferred upon the Company:

And whereas the objects aforesaid 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; (that is to say,)

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Rhyl District Waterworks Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Companies Clauses Consolidation Act, 1845," Parts 1 and 2 of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," shall be incorporated with and form part of this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction, and the expression "superior court," "court of competent jurisdiction," or other like expression in this Act, or in the incorporated Acts, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to raise additional capital.

4. In addition to the capital authorised by the said Act, the Company may from time to time, with the consent of a majority of the votes of the shareholders present in person or by proxy, at any general meeting or meetings specially convened for the purpose, raise by the creation and issue of new ordinary shares or stock, or preference shares or stock, or, at the option of the Company, partly by one and partly by the other of those modes, such further sum or sums as they may think proper, not exceeding in the whole the sum of eleven thousand pounds, provided that no such share shall be of less amount than ten pounds.

Power to raise part of authorised share capital by creation of preference shares or stock.

5. The Company may from time to time, with the consent of a majority of the votes of the shareholders present in person or by proxy, at any general meeting or meetings specially convened for the purpose, raise by the creation and issue of preference shares or stock the sum of five thousand and sixty pounds, being the balance of the amount of the said share capital of six thousand pounds authorised by the said Act.

Dividends.

6. The dividend to be paid on any preference shares or stock created and issued under the powers of this Act shall not exceed the rate of seven pounds per centum per annum.

New share capital to be subject to same powers, &c. as the existing share capital.

7. Except so far as by or under the authority of this Act, or any Act incorporated herewith, or otherwise provided, the additional share capital to be created by the Company under this Act, and the shares therein, and the holders of those shares respectively, shall be entitled and subject to the same powers, rights, privileges, and liabilities in all respects as if that new capital were part of the ordinary share capital of the Company subsisting at the passing of this Act, and those shares were shares in that ordinary capital.

Shares not to issue until one fifth paid up.

8. The Company shall not issue any share or stock created under the authority of this Act, nor shall any such share or stock vest in the person accepting the same, unless and until a sum not being less than one fifth part of such share or stock is paid up in respect thereof.

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Calls.

9. 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.

Power to borrow on mortgage.

10. The Company may from time to time, in addition to any sum which they are for the time being independently of this Act authorised to raise by mortgage, borrow on mortgage any further sums not exceeding in the whole the sum of three thousand pounds, but no part thereof shall be borrowed until the further capital of 11,000*l.* authorised by this Act, and also the said sum of 5,060*l.*, amounting together to 16,060*l.*, has been bonâ fide subscribed for, issued, and accepted, and one half thereof has been 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 certified, that the whole of such further capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or portion of stock in such further capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such further capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same, and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by the appointment of a receiver.

11. 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 principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Priority of mortgages, &c. under existing powers.

12. All mortgages and debentures granted by the Company under the said Act shall have priority over all mortgage and debenture stock granted and issued under this Act.

Debenture stock.

13. The Company may create and issue debenture stock.

Application of money raised under this Act.

14. All money raised under the said Act and this Act, either by the creation and issue of shares or stock, or by borrowing, shall be applied to the purposes of the Company's undertaking, and not otherwise.

Confirmation of works.

15. The following works, completed by the Company in accordance with the deposited plans, sections, and books of reference, are hereby sanctioned and confirmed; namely,

1. The reservoir No. 2 situate in the township of Meriadog, in that part of the parish of St. Asaph which is in the county of Denbigh:
2. A conduit or line of pipes, commencing from and out of the north side of the reservoir (No. 1), in the parish of Llanefydd in the county of Denbigh, and terminating on the south side of the reservoir (No. 2), situate in the said township of Meriadog:
3. A conduit or line of pipes, commencing from and out of the north side of the said reservoir (No. 2), and terminating at the north end of High Street, in the township of Rhyl, in the county of Flint:
4. A conduit or line of pipes, commencing at the said reservoir (No. 2), and terminating at or near the entrance of the St. Asaph station of the Vale of Clwyd Railway, in the parish of St. Asaph, in the said county of Flint.

Works to be completed.

16. The Company are hereby authorised to execute and complete the following works; namely,

1. A reservoir (No. 1) in the townships of Carregfynydd and Dinasgadfal, both or either of them in the parish of Llanefydd in the county of Denbigh, on certain land, part of Plasucha farm, lately belonging or reputed to belong to John Lloyd Wynne, Esquire, but now to the Company, and upon the stream commonly called or known by the name of Dolwen, otherwise Caeren, otherwise Nantllwyd, about eleven hundred yards or thereabouts southward of the junction of that stream with the river Elwy, and for the purposes aforesaid the Company may enter upon, take, and use such of the lands described in the said plans and books of reference as they may require, and may take, use, and appropriate all streams and waters shown or mentioned on the deposited plans as intended to be taken.

Powers for compulsory purchase of lands limited.

17. The powers of the Company for the compulsory purchase of lands for the purposes of the said Act and this Act shall not be exercised after the expiration of four years from the passing of this Act.

Period within which works to be completed.

18. The works by the said Act and this Act authorised shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for the construction of those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the work as shall then be completed.

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For protection of London and North-western and Vale of Clwyd Railway Companies.

19. The 28th section of the said Act, with respect to the conduit or pipe No. 4 therein referred to, shall apply to the herein-before described conduit or pipe No. 3 as fully as if such section were re-enacted in this Act, and the 29th, 30th, and 31st sections of the said Act shall apply for the protection and benefit of the Chester and Holyhead and Vale of Clwyd Railways respectively, and of the London and North-western and Vale of Clwyd Railway Companies respectively, and be enforceable against the Company in all respects, and as fully as if such sections were re-enacted in this Act.

Saving rights of Sir H. Williams, Bart., and W. G. Williams.

20. Nothing in this Act contained shall affect or prejudice the rights and interests of Sir Hugh Williams, Baronet, and William Grenville Williams, Esquire, or the Company under and by virtue of a certain agreement under seal, dated the 12th day of November 1870, and made between the said Sir Hugh Williams and William Grenville Williams of the one part, and the Company of the other part.

Power to Company to make regulations for preventing waste of water.

21. Subject to the provisions of this Act, the Company may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and among other things may prescribe the mode of so doing, and the size, nature, strength, materials, mode of arrangement, and repair of the pipes, cocks, cisterns, and other apparatus used for the purposes of the supply.

Power to Company to refuse supply where regulations not complied with.

22. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Company may refuse to supply water, or may cut off the water supplied to him unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with by any person whose supply of water may have been refused or cut off, the difference may be referred by either party to and shall be settled by two justices.

For preventing waste of water.

23. The Company shall not be compellable to supply with water any watercloset or private bath, or the apparatus connected therewith respectively, unless the same be constructed to the satisfaction of the Company, and so used as to prevent the waste or undue consumption of water.

As to supply of water for domestic purposes.

24. Notwithstanding anything in the said Act or this Act and the Acts incorporated herewith contained, the Company shall not be compelled to supply any house or part of a house with water for domestic purposes for a less period than twelve months.

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Liability to rates, &c. not to disqualify justices, &c.

25. A justice or a judge of any county court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate, rent, or charge under this Act, or of his being a shareholder or a director of the company.

Expenses of Act.

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

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