CHAP. lvii.

An Act for better supplying with Water the town of Ruabon and places adjacent, in the county of Denbigh. A.D. 1870.

[20th June 1870.]

WHEREAS the construction of works for the supply of water to the town of Ruabon and places adjacent, in the county of Denbigh, would be of public and local advantage:

And whereas the several persons in that behalf in this Act named, with others, are willing, at their own expense, to execute the undertaking:

And whereas plans and sections showing the lines and levels of the proposed works, and the lands to be taken for the purposes thereof, and books of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Denbigh; and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

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 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. This Act may be cited for all purposes as "The Ruabon Water Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and the Waterworks Clauses Acts, 1847 and 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

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Interpretation of terms.

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" shall mean the Company incorporated by this Act; the expression "the undertaking" shall mean the waterworks by this Act authorised to be made and maintained; and the following expressions respectively, in the Waterworks Clauses Acts, 1847 and 1863, shall mean as follows (to wit):—"quarter sessions" shall mean the quarter sessions for the county of Denbigh; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Limits of supply.

4. The limits of this Act for the supply of water shall be and comprise the townships or places of Ruabon, Rhosllanerchrugog, Christionydd, Kenrick, Dynhynlle, Ucha, Bodyllton, Rhyddallt, Bellan Hafod, Moreton Above, Moreton Below, and Esclusham Above, in the parishes of Ruabon and Wrexham, all in the county of Denbigh, save only and except the ecclesiastical district of Rhosymedre, including therein the places of Cefn, Acrefair, and Rhosymedre, mentioned in section four of the Cefn, Acrefair, and Rhosymedre Water Act, 1866.

Company incorporated.

5. Sir Watkin Williams Wynn, Baronet, William Jones, John Kenrick, Benjamin Davies, Isaac Rogers, and all other persons and corporations who have already subscribed, or shall hereafter subscribe, to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a Company, for the purpose of making and maintaining the works, and for other the purposes of this Act; and for those purposes shall be incorporated by the name of "The Ruabon Water 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.

Power to make works according to deposited plans.

6. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose, and may take, divert, and collect

into the reservoir herein-after described the waters of the brooks or streams called Trefechan and Nantycrogfrin. The works herein-before referred to and authorised by this Act are : A.D. 1870.

An impounding reservoir or basin (herein called "the reservoir") with a dam or weir across the Trefechan Brook, to be situate about three hundred and thirty yards higher up such brook than the bridge called Penycae Bridge, which carries the highway from Ruabon Mountain to the town of Ruabon across the same brook, such reservoir to be partly upon lands of Lord Kenyon, numbered 206 and 208 on the tithe commutation map of the township of Christionydd Kenrick, and 5 and 6 on the tithe commutation map of the township of Dynhynlle Ucha, all in the parish of Ruabon, occupied by Samuel Roberts, partly on land belonging or reputed to belong to and occupied by John Jones, shopkeeper, Penycae, numbered 3, 4, and 7 on the tithe commutation map of the township of Dynhynlle Ucha, in the parish of Ruabon, and partly on land belonging or reputed to belong to Edward Evans, of Minera, and numbered 14 on the tithe commutation map of the township of Dynhynlle Ucha, in the parish of Ruabon, occupied by Edward Jones :

An aqueduct, conduit, or line of pipes, herein called No. 1, commencing at the said dam or weir, across Trefechan Brook, in the townships of Dynhynlle Ucha and Christionydd Kenrick aforesaid, or one of them, and terminating at a point on the highway leading from Penycae and Ruabon Mountain to the town of Ruabon, distant about four yards from the end or corner of the beer-house or public-house called the Cross Keys at or near the Groes, in the parish of Ruabon :

An aqueduct, conduit, or line of pipes, herein called No. 2, commencing at the termination of aqueduct, conduit, or line of pipes No. 1, and terminating at a point in the said highway, from Ruabon Mountain and Penycae to Ruabon town opposite the south-western corner of the Independent Chapel in the town of Ruabon, and about seven yards therefrom :

An aqueduct, conduit, or line of pipes (herein called No. 3), also commencing at the aforesaid termination of aqueduct, conduit, or line of pipes No. 1, and terminating at the centre of the junction of Hill Street and Church Street, in the town or village of Rhosllanerchrugog.

Power to deviate.

7. In making any of the works by this Act authorised, the Company may, notwithstanding any provisions in "The Waterworks Clauses Act, 1847," or this Act, deviate, except as herein-after excepted, to any extent not exceeding the limits of deviation shown on

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the said plans, and may also, except as herein-after excepted, deviate from the levels shown on the said sections to any extent not exceeding three feet in the case of the reservoir, and five feet in other cases.

As to works affecting lines of Shropshire Union Railways and Canal Company.

8. Any works to be constructed under the powers of this Act in any way affecting any railway belonging to the Shropshire Union Railways and Canal Company, or any of the bridges or works thereof, or any lands or property belonging to that company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being appointed by that company, and according to plans to be reasonably approved by him before any such works are begun; but in all things at the expense of the Company, and so as to cause no injury to or interference with any such railway, bridges, works, lands, or property, or the passage or conduct of traffic over any such railway, or at any station thereof; and if any such injury or interference shall arise to such railway, bridges, works, lands, or property, either in the construction or repair of the works hereby authorised, or by the bursting of any reservoir or water pipe, or otherwise by reason of the exercise of the powers hereby authorised, the Company shall make full compensation to that company in respect of such injury or interference.

Saving rights of Shropshire Union Railways and Canal Company.

9. Except only as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, and privileges of the Shropshire Union Railways and Canal Company.

Capital.

10. The capital of the Company shall be twelve thousand pounds, in one thousand two hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

11. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person 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.

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

Power to borrow on mortgage.

13. The Company may from time to time borrow on mortgage any sum not exceeding in the whole four thousand pounds, but no part thereof shall be borrowed until the whole capital of twelve thousand pounds is subscribed for, 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 the whole of the capital has 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 has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such 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 certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

14. 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 shall be made shall not be less than five hundred pounds in the whole.

Application of moneys.

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

First ordinary meeting.

16. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act.

Advertisements.

17. The newspaper for advertisements shall be any newspaper circulating in the county of Denbigh.

Number of directors.

18. The number of directors shall be five, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than three.

Qualification of directors.

19. The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum.

20. The quorum of a meeting of directors shall be three, and if the number of directors be reduced to three, the quorum shall be two.

First directors.

21. Sir Watkin Williams Wynn, William Jones, John Kenrick, Benjamin Davies, and Isaac Rogers 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; at that meeting the shareholders present, in person or by proxy, may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary

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Election of directors.

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 in "The Companies Clauses Consolidation Act, 1845," contained; 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.

Lands for extraordinary purposes.

22. The Company may from time to time, by agreement, purchase for the purposes of this Act any quantity of land which they may think requisite; provided that such land shall not exceed three acres, in addition to the land which they are by this Act authorised to take by compulsion.

Powers for compulsory purchases limited.

23. 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.

Period for completion of works.

24. The works 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 executing the works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Owners may grant easements.

25. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively to sell and convey or release lands, shall have full power to grant to the Company, subject to the provisions of those Acts respectively, in fee, and in consideration of any yearly or other rent, or otherwise, any lands, or any easement, right, or privilege, not being an easement, right, or privilege of water, in or over or affecting any lands by this Act authorised to be taken or held by the Company; and for the purposes of this Act the several provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges reserved by grants and leases of easements respectively.

Water not necessarily under pressure.

26. The water to be supplied need not be constantly laid on nor under a pressure greater than can be supplied by gravitation from the reservoir by this Act authorised.

Rates at which water to be sup-

27. The Company shall, at the request of the owner or occupier of any house or part of a house in any street in which any pipe of

the Company is or 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, or other person, a sufficient supply of water for domestic uses, at rates not exceeding the yearly rates herein-after specified; (that is to say,)

plied for domestic purposes.

Where the annual value at rackrent of such house so supplied shall not exceed seven pounds, eight shillings;

Where the same shall exceed seven pounds and shall not exceed eight pounds, nine shillings and sixpence;

Where the same shall exceed eight pounds and not exceed nine pounds, ten shillings and sixpence;

Where the same shall exceed nine pounds and not exceed ten pounds, twelve shillings;

Where the same shall exceed ten pounds and not exceed eleven pounds, thirteen shillings;

Where the same shall exceed eleven pounds and not exceed twelve pounds, fourteen shillings;

Where the same shall exceed twelve pounds and not exceed thirteen pounds, fifteen shillings and sixpence;

Where the same shall exceed thirteen pounds and not exceed fourteen pounds, sixteen shillings and sixpence;

Where the same shall exceed fourteen pounds and not exceed fifteen pounds, eighteen shillings;

Where the same shall exceed fifteen pounds and not exceed sixteen pounds, nineteen shillings;

Where the same shall exceed sixteen pounds and not exceed seventeen pounds, twenty shillings;

Where the same shall exceed seventeen pounds and not exceed eighteen pounds, twenty-one shillings and sixpence;

Where the same shall exceed eighteen pounds and not exceed nineteen pounds, twenty-two shillings and sixpence;

Where the same shall exceed nineteen pounds and not exceed twenty pounds, twenty-four shillings;

Where the same shall exceed twenty pounds and not exceed twenty-five pounds, twenty-eight shillings;

Where the same shall exceed twenty-five pounds and not exceed thirty pounds, thirty-one shillings;

Where the same shall exceed thirty pounds and not exceed thirty-five pounds, thirty-five shillings;

Where the same shall exceed thirty-five pounds and not exceed forty pounds, forty shillings;

Where the same shall exceed forty pounds and not exceed forty-five pounds, forty-five shillings;

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Where the same shall exceed forty-five pounds and not exceed fifty pounds, fifty shillings;

Where the same shall exceed fifty pounds and not exceed sixty pounds, fifty-five shillings;

Where the same shall exceed sixty pounds and not exceed seventy pounds, sixty-three shillings;

Where the same shall exceed seventy pounds and not exceed eighty pounds, seventy shillings;

Where the same shall exceed eighty pounds and not exceed ninety-five pounds, seventy-six shillings;

Where the same shall exceed ninety-five pounds, at a rate not exceeding four pounds per centum per annum:

Provided always, that a supply of water for domestic purposes shall include a supply of water for one watercloset and one bath, but not for cattle, or for horses, or washing carriages, where such horses or carriages are kept for sale or hire, or for any trade, manufacture, or business whatsoever, or for watering gardens or pleasure grounds, or for fountains, or for any ornamental purpose.

Rates for watercloset and baths.

28. In addition to the rates for the supply for domestic purposes, the Company may demand and receive for any additional watercloset in any house, beyond the first, any yearly sum not exceeding five shillings; and for every private bath, beyond the first, any yearly sums not exceeding those herein-after specified; (that is to say,)

Where the annual value at rackrent of a house or part of a house or premises supplied shall not exceed fifteen pounds, the yearly rate of five shillings:

Where the annual value at rackrent shall exceed fifteen pounds, the yearly rate of eight shillings for the second bath, and the yearly rate of five shillings for every additional bath.

For preventing fouling of water.

29. Provided always, that the Company shall not be compelled to supply any person with water for waterclosets, unless the apparatus or pipes provided or to be provided by such person shall be of such material and 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.

Water supplied by agreement.

30. The Company may from time to time supply any person or company with water for any purposes for which no specific rates are by this Act limited for such remuneration and upon such terms and conditions as shall be agreed upon between the Company and the person desirous of having the supply.

Company may sell by measure.

31. The Company may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

Persons using water to provide stopcocks.

32. Every person supplied with water under the provisions of this Act shall, when required by the Company, provide and affix such proper tap, stopcock, or other apparatus to the pipe conducting the water from the works of the Company as the Company shall direct, and shall keep such tap, stopcock, or other apparatus in good repair, so as effectually to prevent the water from running to waste; and in case any such person shall neglect to provide, when required by the Company, such tap, stopcock, or other apparatus, or to keep the same in good repair, it shall be lawful for the Company, or for any person acting under their authority, to cut off the pipe or turn off the water from the premises of such person, until such tap, stopcock, or other apparatus shall be provided or repaired, as the case may require.

Persons using water for water-closets to provide cisterns and cocks.

33. Every person supplied with water under the provisions of this Act for the purpose of a watercloset shall, when required by the Company, provide a cistern or such other apparatus as the Company may deem proper to receive and retain the water with which he shall be supplied for such purpose, and shall keep such cistern or other apparatus in good repair, so as effectually to prevent the water from running to waste; and in case any such person shall neglect to provide, when required by the Company, such cistern or other apparatus, or to keep the same in good repair, it shall be lawful for the Company, or for any person acting under their authority, to cut off the pipe or turn off the water from the premises of such person, until such cistern or other apparatus shall be provided or repaired, as the case may require.

Penalty for affixing tubes to Company's pipes without their consent.

34. It shall not be lawful for any owner or occupier of any house supplied with water by the Company, without the consent of the Company, to affix, or permit or suffer to be affixed, to any of the mains or other pipes of the Company, or to any service pipe of such owner or occupier, any gutta-percha or other tubes or pipes for the purposes of washing the windows or fronts of houses or other buildings, or the pavements or roads adjacent thereto, or for any other purposes whatsoever; and any person who shall act contrary to this enactment shall for every such offence forfeit to the Company any sum not exceeding five pounds.

Incoming tenant not liable to pay arrears of water rate.

35. In case any consumer of the water of the Company shall leave the premises where such water has been supplied, and leave without paying to the Company the rate due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant,

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unless such incoming tenant shall have undertaken with the Company or with the former tenant to pay or exonerate him from the payment of such arrears, but the Company shall supply their water to such incoming tenant upon the usual terms and conditions upon being required by him so to do.

Power to turn off water in certain cases.

36. If any person supplied with water by the Company wilfully do, or cause or knowingly permit to be done, anything in contravention of the provisions of this Act, with respect to the waterworks or the supply of water, or wilfully neglect to do anything which under these provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, the Company may turn off the water supplied by them to such person, and cease to supply water to such person until the act complained of be remedied, and any penalty incurred thereby be paid.

Recovery of sums not exceeding fifty pounds.

37. Whenever any person neglects to pay any rate or sum due to the Company, the Company may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedies of the Company under this enactment shall be in addition to their other remedies for the recovery of such rate or sum.

Rates may be recovered by distress.

38. All water rates or rents due to the Company, and all damages, costs, and expenses by this Act, or any Act incorporated herewith, directed to be paid, may, after the defaulter shall have been summoned to appear before a justice, and an order made thereupon for the payment of the amount due, be levied by distress, and any justice, on application, may issue his warrant accordingly.

Several names in warrant.

39. Any number of names and sums may be included in any warrant of distress, or notice obtained or given by the Company, for any of the purposes of this Act, and may be stated either in the body of the warrant or notice or in a schedule thereto.

Costs of distress.

40. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of such rate or sum shall be paid by the person liable to pay such rate or sum, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such rate or sum.

Liability to rates not to disqualify justices.

41. No justice or judge of any county court shall be disqualified for acting in the execution of this Act by reason of his being liable to any rate, rent, or charge under this Act.

Saving rights of Wrexham Company.

42. Nothing in this Act contained shall take away, lessen, or prejudice any rights or privileges or empower the Company to

interfere with any works or property of the Wrexham Waterworks Company, or to collect, impound, or interfere with the waters of the Pentrebychan Brook, or any stream, spring, or water flowing into the said brook, or through any reservoir or filter bed belonging to the Wrexham Waterworks Company.

Expenses of Act.

43. The 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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