CHAPTER lvii.

An Act to authorise the Wrexham Waterworks Company to make new Reservoirs, to extend their limits of supply, to raise more money; and for other purposes. A.D. 1874.

[30th June 1874.]

WHEREAS by "The Wrexham Waterworks Act, 1864," (in this Act called the Act of 1864,) the Wrexham Waterworks Company (in this Act called "the Company") were incorporated, and were authorised to make and maintain waterworks, and to supply the borough of Wrexham and certain neighbouring townships with water: 27 & 28 Vict. c. lxxxv.

And whereas by the same Act the Company were authorised to raise in shares of ten pounds each a capital of fifteen thousand pounds, and to borrow on mortgage a sum of three thousand seven hundred and fifty pounds, and in case the said capital of fifteen thousand pounds should be found insufficient for the purposes of the said Act, the Company were authorised when the said sum had been expended to raise a further sum of six thousand pounds, in shares of like amount, and to borrow a further sum of one thousand pounds:

And whereas the present condition of the Company's capital and mortgage debt is as follows; (that is to say,)

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Capital issued and fully paid up -	18,000
Capital unissued - - -	3,000
Total capital - - -	21,000
Amount borrowed on mortgage - -	3,750
Amount authorised to be borrowed -	1,000
Total borrowing power - -	4,750

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And whereas it is expedient that the Company should be authorised to construct the additional reservoirs and the conduits, aqueducts, or lines of pipes herein-after described:

And whereas it is expedient that the limits within which the Company may supply water should be extended:

And whereas it is expedient to make further provision for regulating the supply and preventing the waste and misuse of water:

And whereas it is expedient that the Company should be authorised to raise more money by the creation of shares or stock, and by borrowing on mortgage:

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 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:

Short title.

1. This Act may be cited for all purposes as "The Wrexham Waterworks Act, 1874."

Recited Act and this Act construed as one Act.

2. The Act of 1864, as varied by this Act, and this Act shall be read and construed and shall have effect as if they were one Act.

Provisions of certain general Acts incorporated.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, "The Waterworks Clauses Act, 1847," "The Waterworks Clauses Act, 1863," the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following, (that is to say,) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for the nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, general meetings and dividends, the giving of notices, and the provision to be made for affording access to the special Act, Parts I., II., and III.

of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock, and "The Companies Clauses Act, 1869," and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, shall, except where expressly varied by or inconsistent with this Act, be incorporated with and form part of this Act, and the Acts and parts of Acts so incorporated are in this Act referred to as the "incorporated Acts;" and the provisions of "The Railways Clauses Consolidation Act, 1845," shall be read so as to apply only to the reservoirs by this Act authorised, and the works immediately connected therewith, and as if such reservoirs were therein referred to instead of "the railway," and as if the boundaries of the said reservoirs were therein mentioned instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from the margin of the reservoirs.

Interpretation of terms.

4. In this Act—

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings.

In this Act and for the purposes of this Act or the incorporated Acts—

The expression "superior courts," or "courts of competent jurisdiction," or any other like expression, 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;

unless in any of the before-mentioned cases there be something in the subject or context repugnant to such construction.

Extension of limits of supply.

5. The limits within which this Company may supply water shall extend to and include, in addition to the parishes, townships, and places within the limits of the Act of 1864, the following parishes, townships, and places, viz., Dynhynlle Issa, Moreton-Anglicorum, Erbistock, Marchwiel, Eyton, Sesswick, Ryton, Pickhill, Abenbury Fawr, Abenbury Fechan, Acton, Bieston, Gourton, Erlas, Borras Riffrey, Borras Hovah, such part of the township of Gwersyllt as is not comprised within the limits of the district defined by "The Brymbo Water Act, 1869," Llay, Gresford, Marford and Hoseley, Burton, Allington, Holt, Cacca Dutton, Dutton Diffeth, Dutton-y-brain, Ridley, and Sutton, and the Company may, for the purposes of such supply, exercise within such extended limits the same powers as they are authorised to exercise within the limits of the Act of 1864.

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Company may break up roads, but may not supply water within township of Esclusham Above.

6. The Company shall have and may exercise all the powers conferred on them by the Waterworks Clauses Act, 1847, with reference to the breaking up of roads and the laying down of mains and pipes within the township of Esclusham Above, except for the supply of water within the district of the Ruabon Water Company, as if the said township of Esclusham Above were included within the limits of this Act; provided always, that the Company shall not interfere with the mains, pipes, or other property of the Ruabon Waterworks Company.

Power to make reservoirs according to deposited plans.

7. 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 reservoirs, aqueducts, conduits, or lines of pipes herein-after described, together with all proper approaches, sluices, valves, telegraph wires, apparatus, and conveniences connected therewith or incident thereto respectively, and may enter upon, take, and use for the purposes of this Act all or any of the lands delineated on the deposited plans and described in the deposited book of reference required for the purposes of the said reservoirs, aqueducts, conduits, or lines of pipes.

The reservoirs, aqueducts, conduits, or lines of pipes by this Act authorised and herein-before referred to are the following; (that is to say,)

(1.) An impounding reservoir (in this Act called reservoir No. 1), in the township of Moreton Above, in the parish of Ruabon, to be formed by a dam or weir across the Moreton tributary of the Pentrebychan Brook, at a point two hundred yards or thereabouts higher up such tributary than the bridge called the Booth Bridge, such reservoir extending up the said tributary for a distance of three hundred yards from the said dam:

(2.) An impounding reservoir (in this Act called reservoir No. 2), partly in the aforesaid township of Moreton Above, and partly in the township of Escluscham Above, to be formed by a dam or weir across the Erwy tributary of the said Pentrebychan Brook, about eighty yards higher up such tributary than the point where the road leading from Booth Bridge to Plas-yn-fron farmhouse crosses such tributary, such reservoir extending up the said tributary for a distance of two hundred and thirty yards from the said dam:

(3.) An aqueduct, conduit, or line of pipes (in this Act called conduit No. 1), commencing at the lower end of reservoir No. 1, and terminating in the township of Esclusham

Above, in the parish of Wrexham, at a point thirty yards or thereabouts below the existing dam or weir of the Company across the Pentrebychan Brook:

(4.) An aqueduct, conduit, or line of pipes commencing at the lower end of reservoir No. 2, and terminating in the township of Moreton Above, in the parish of Ruabon, by a junction with conduit No. 1, at a point two hundred and sixty yards or thereabouts, measured in an easterly direction, from and below the said reservoir No. 2.

Limits of deviation.

8. In the construction of the works by this Act authorised the Company may deviate laterally from the lines thereof, as shown on the deposited plans, to the extent of the limits of lateral deviation marked thereon, and they may deviate vertically from the limits shown on the deposited section in the case of reservoirs to any extent not exceeding three feet upwards or ten feet downwards, and in the case of other works to any extent not exceeding three feet upwards or seven feet downwards.

Power to Company to impound waters.

9. The Company may take, divert, and impound into and in the said reservoir No. 1 the waters of all the springs and streams in the line of the said reservoir, including the Moreton tributary of the Pentrebychan Brook, and may in like manner take, divert, and impound into and in the said reservoir No. 2 all the springs and streams in the line of the said reservoir, including the Erwy tributary of the Pentrebychan Brook.

Company to cause a minimum flow of water down to Pentrebychan Brook.

10. The Company shall, so long as they continue to use the reservoirs or either of them by this Act authorised to be made, cause such a quantity of water as shall, with the natural flow, if any, amount to a minimum quantity of twenty-five thousand gallons of water per diem to freely flow down the Pentrebychan Brook, to the estate of Bronwylfa, and for such purpose they shall lay down and maintain all necessary gauges, and allow the owners for the time being of the said estate free access thereto; provided always, that nothing in this Act contained shall in any way prejudice or interfere with the rights and interests of any person or persons in respect of the exercise of the compulsory powers of purchase by this Act granted to the Company.

For protection of Great Western Railway Company.

11. The aqueduct, conduit, or line of pipes (in this Act called conduit No. 1) shall be carried under the railway No. 4, authorised by the Great Western Railway Act, 1873, where that railway is intended to cross on the level the road numbered 18 on the deposited plans, in the parish of Wrexham, township of Esclusham Above, by means of a culvert of sufficient dimensions to admit of the said

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aqueduct, conduit, or line of pipes being relaid or repaired without any interference with the railway, and the top of the culvert shall in no case be nearer to the bottom of the rails of the said railway than two feet.

Company to make compensation in case of injury to railway of Great Western Company.

12. If by reason of any of the works of the Company or the failure of any such works the railway of the Great Western Railway Company, or any of the works or conveniences of that Company, shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing to do so, then the Great Western Railway Company may make good the same and recover the expense thereof, with full costs, against the Company in any court of competent jurisdiction, and if any interruption shall be occasioned to the traffic over the railway by reason of any of the works, or proceedings, or failure of the works of the Company, the Company shall on demand pay to the Great Western 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 cost and expenses and compensation to be recovered with full costs as aforesaid.

Powers for compulsory purchases limited.

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

Owners may grant easements.

14. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell or convey or lease lands shall, subject to the provisions of those Acts respectively, have full power to grant to the Company in fee, either absolutely or in consideration of any yearly or other rent, any easement, right, privilege, power, or authority (not being an easement, right, privilege, power, or authority in respect of water) in, over, or affecting any lands by this Act authorised to be purchased by the Company compulsorily, and which the Company from time to time think requisite for any of the purposes of this Act.

Application of "Lands Clauses Act, 1860," to easements.

15. For the purposes of this Act the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Period for completion of reservoirs.

16. If the reservoirs and works by this Act authorised to be constructed are not completed within seven years from the passing

of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the reservoir and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to acquire additional lands by agreement.

17. In addition to the lands which the Company are by this Act authorised to purchase compulsorily, they may from time to time by agreement purchase, either absolutely or in consideration of any yearly or other rent, any additional quantity of land not exceeding in the whole five acres, or any easement or right, not being an easement or right of water, over such additional lands which they may from time to time think requisite for any of the purposes of their undertaking under the Act of 1864 or this Act.

Power to Company to raise additional capital.

18. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not exceeding in the whole twenty thousand pounds, by the issue, at their option, of new ordinary shares or new preference shares, or wholly or partially by any one or more of those modes respectively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any 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.

Except as otherwise provided, new shares to be subject to the same incidents as other shares.

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

Dividends on new shares.

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

Resolution as to votes in respect of preferential shares.

21. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and

22. Subject to the provisions of the Act of 1864, and to the provisions of this Act, the Company may, if they think fit, raise by the creation and issue of new shares of one and the same class all

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former Act may be of same class.

or any part of the aggregate capital which they are by the Act of 1864 and this Act respectively authorised to raise by the creation and issue of new shares.

Dividends on additional capital limited.

23. The Company shall not in any one 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 at the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

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

24. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rates of dividend on each class of the ordinary shares in the capital of the Company, a rateable deduction shall be made in the dividend of each class.

Power to borrow.

25. The Company may from time to time borrow on mortgage any sums not exceeding in the whole the sum of five thousand pounds, and the Company may, when four thousand pounds of the said additional capital has been from time to time bonâ fide issued and accepted, and one half thereof has been paid up, borrow on mortgage any sum or sums not exceeding in the whole one thousand pounds, and when and as each further sum of four thousand pounds of the said additional capital has been bonâ fide issued and accepted, and one half the amount thereof respectively has been paid up, the Company may borrow on mortgage such further sum or sums of money, not exceeding in the whole one thousand pounds, in respect of each such four thousand pounds; but in none of the before-mentioned cases shall any part of the said respective sums be borrowed until 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 capital have been issued and accepted, and that one half of such capital 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 the Company have proved to such justice as aforesaid, before he so certifies, that such shares were 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 that such persons or corporations, 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 that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

26. 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, are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

27. 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 one tenth of the amount which the Company are for the time being authorised to borrow on mortgage.

Debenture stock.

28. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Priority of principal moneys secured by existing mortgages.

29. 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 thereof, shall during the continuance of such mortgages 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.

Priority of mortgages over other debts.

30. 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 rent-charge 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

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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 purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred upon the Company.

Application of money raised under the Act.

31. All moneys which the Company are by this Act authorised to raise by new shares, debenture stock, or mortgage shall be applied only to the purposes of the Act of 1864, and this Act, or one of them.

Company not bound to supply water in certain cases.

32. No person shall be entitled to require, nor shall the Company be bound to supply, any dwelling-house with water (otherwise than by meter or special agreement) where any part of such dwelling-house is used for any trade or business purpose for which water is required.

For preventing fouling of water.

33. The Company shall not be compellable to supply with water any watercloset or any private 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 if such private bath shall be capable of containing, when filled for use, more than fifty gallons of water.

Pressure.

34. Water supplied by the Company need not be laid on under a pressure greater than that to be afforded from the existing reservoir from which such supply is now given.

As to supply of water by measure.

35. The Company may supply water by measure, provided that no water meter nor any index thereto, whether supplied by the Company or the consumer, shall at any time or times be altered or repaired, connected or disconnected, except under the direction or with the consent of the Company or their manager; and every person offending against this enactment shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Water for other than domestic purposes.

36. The Company may supply any person with water for other than domestic purposes on such terms as he and the Company agree. Notwithstanding any such agreement, no person shall be entitled to such a supply whenever and as long as the same would interfere with the proper supply of water for domestic purposes.

Every such agreement may be determined by the Company on one month's notice in writing.

Notices to Company.

37. A notice to the Company from a consumer for any purpose shall not be of any effect unless it is in writing and is left at the principal office for the time being of the Company between the hours of ten in the morning and four in the afternoon.

Power to remove pipes and fittings.

38. The Company, after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or, if there be no occupier, then to the owner or lessee, of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of water is from any cause other than the default of the Company discontinued, may enter such building or lands between the hours of ten in the morning and four in the afternoon, or at any other time with the authority in writing of a justice, which authority any justice is hereby empowered to grant, for the purpose of removing, and may remove every such pipe, meter, and fitting, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode or business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Company's officers to enter buildings.

39. The Company's manager or other officer duly appointed for the purpose by the Company may, between the hours of ten of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the Company, and inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, and see whether they are in good repair; and if such manager or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds, or, instead of proceeding for such penalty, the Company may cut off the supply of water to such premises.

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

40. 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, misuse, or contamination of water; and, among other things, may prescribe the size, nature, make, strength, and arrangement of the pipes, cocks, cisterns, meters, and other apparatus used for the purposes of the supply.

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

41. 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.

Penalty for interfering with Company's pipes or service pipes without notice to Company.

42. Any person who shall make any connexion with any of the pipes of the Company, or shall make any addition to or alteration in any of the service pipes connected therewith, without giving forty-eight hours previous notice in writing to the Company, stating particulars of such proposed connexion, addition, or alteration, shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Owners of small houses let as separate tenements to pay water rates.

43. The owners of all houses or parts of houses occupied as separate tenements, and respectively not exceeding the yearly value of ten pounds, shall, during such time as they are supplied with water by the Company, be liable to the payment of the rates chargeable in respect thereof under the Act of 1864, or this Act, instead of the occupiers thereof, and the person receiving the rent of any such house or tenement from the occupier or occupiers thereof on his own account, or as agent or receiver for any person interested therein, shall for that purpose be deemed the owner of the house or tenement.

Liability to water rent, &c. not to disqualify judge of county court or justice.

44. No judge of any county court or justice shall, except as is by this Act expressly provided, be disqualified from acting in the execution of this Act, or the Act of 1864, by reason of his being liable to any water rent or charge under the respective Act.

Application of penalties.

45. Every penalty imposed by the Act of 1864, or this Act, shall (except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Company not exempt from provisions of present and future general Acts.

46. This Act, or anything therein contained, shall not exempt the Company or their waterworks from the provisions of any general Act now or hereafter in force relating to waterworks, and applicable to the Company and their waterworks.

Expenses of Act.

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

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