



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. xcv.

An Act for supplying with Water *Ruthin* and
Places adjacent in the County of *Denbigh*.

[13th July 1868.]

WHEREAS the Construction of Works for the Supply of Water to *Ruthin* 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:

1. This Act may be cited for all Purposes as "The *Ruthin* Water Short Title Act, 1868."

[*Local.*]

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2. The

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8 & 9 Vict.
cc. 16. & 18.,
10 & 11 Vict.
c. 17.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 93., incor-
porated.

Interpre-
tation of
Terms.

2. The Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, and the Waterworks Clauses Acts, 1847 and 1863, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

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 authorized to be made and maintained; and the following Expressions in the Waterworks Clauses Act, 1847, respectively, shall mean as follows; (to wit,) "Quarter Sessions" shall mean the Quarter Sessions for the County of *Denbigh* holden at *Ruthin*; "the Town Commissioners" shall mean the Local Board of Health for the Borough of *Ruthin*; the Word "Aqueducts" or "Aqueduct" shall include or mean Cuts, Tunnels, Conduits, Pipes, Feeders, and other Works of a similar Construction; "the Street" in the Waterworks Clauses Act and this Act shall extend to any Turnpike Road along or across which any Aqueduct may be carried; 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 *Ruthin*, *Llanfwrog*, and *Llanrhydd*, all in the County of *Denbigh*.

Company in-
corporated.

5. *Robert Griffith Joyce*, *William Theodore Row*, *John Jones*, and *Richard Wakeford Attree*, 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 *Ruthin* 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

6. Subject to the Provisions of this Act, the Company shall make and maintain in the Line and according to the Levels shown on the deposited

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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, collect, and impound in the Reservoir herein-after described all Waters and Springs in or upon any of those Lands, and also the Waters of the *Plasynant Brook*, and of all Brooks and Streams flowing into the same above the Weirs or Dams by this Act authorized. The Works herein-before referred to and authorized by this Act are,—

deposited
Plans.

A Reservoir, with all necessary Weirs, Dams, Embankments, Filter Beds, and other Works and Conveniences connected therewith, in the Township of *Garthgynan* and Parish of *Llanfair-Dyffryn-Clwyd*:

A Main Pipe or Aqueduct in the Parishes of *Ruthin*, *Llanfwrog*, *Llanrhydd*, and *Llanfair-Dyffryn-Clwyd*, commencing from and out of the Northern End of the herein-before described Reservoir, and terminating on the Turnpike Road leading from *Ruthin* to *Cerrigydruidion* at *Glan-yr-afon Bridge*.

7. The Reservoir to be constructed under the Provisions of this Act shall be of an uniform Depth of not less than Fifteen Feet, and shall be made so as to contain not less than Twelve million Gallons of Water for the Use of the Town of *Ruthin*, exclusive of the Supply requisite for the *Bathafarn* Estate and Demesne and other Buildings and Properties specified in this Act, and of any other Supply for which the Company may contract elsewhere than in the said Town of *Ruthin*, and also exclusive of the Filtering Beds and other Works.

Capacity of
Reservoir.

8. The Company shall within the Time limited by this Act, if required by the Local Board of Health of *Ruthin* under their Corporate Seal, lay down and maintain Pipes for affording a Supply of Water for public and domestic Purposes along the whole Length of the following Streets (in addition to the Streets along which the Main Line of Pipes is shown upon the said deposited Plans), namely, *Llanfair Street*, *Rhos Street*, *Wernfachen*, *Record Street*, *Castle Street*, *Market Street*, *Prior Street*, *Upper Clwyd Street*, *Borthyn*, *Park Street*, and *Mill Street*, but only with the Consent of the Person or Body in whom any such Street shall be vested.

Company to
lay Pipes in
certain
Streets if
required.

9. The Company shall, concurrently with the Construction of their Works, construct the requisite Works for securing a Supply of Water to the following Houses, Demesne, Cottages, Farms, and other Buildings forming Part of *Bathafarn* Estate, namely, to *Bathafarn Hall* and Demesne, *Bathafarn Farm*, *Plas Canol Farm*, *Evelnewydd Smithy*, *Pen-y-Boncyn*, and the Two *Bathafarn Lodges*, such

Supply to
Bathafarn
Estate.

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such Supply to be provided by the Company free of Cost to the Owners for the Time being of the said Houses, Cottages, Buildings, Farms, and Lands, to be not less in Quantity than that now obtained from the *Plas-y-nant* Stream; and in the event of any Dispute arising between the Parties as to the Sufficiency of such Works and such Supply of Water, such Dispute to be settled by a single Arbitrator to be appointed in the Manner prescribed by the Railway Companies Arbitration Act, 1859.

Limit of
vertical
Deviation.

10. In making any of the Works by this Act authorized the Company may deviate vertically from the Levels thereof as shown on the deposited Sections to any Extent not exceeding, in Cases of Reservoirs, Three Feet, and in other Cases to the Extent of Five Feet.

Capital.

11. The Capital of the Company shall be Six thousand Pounds, in Six hundred Shares of Ten Pounds each.

Shares not
to issue until
One Fifth
paid up.

12. 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.

13. 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.

14. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole One thousand five hundred Pounds, but no Part thereof shall be borrowed until the whole Capital of Six 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.

15. The

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15. 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 authorize 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 hundred and fifty Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

16. All Monies to be borrowed on Mortgage under this Act from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, 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 to be incurred or Engagements to be entered into by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, nor shall anything herein-before contained prejudice or affect the Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of the Works.

Monies borrowed on Mortgage to have Priority.

17. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

Application of Monies.

18. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act.

First Ordinary Meeting.

19. The Newspapers for Advertisements shall be any Newspapers published and circulating in the County of *Denbigh*.

Advertisements.

20. 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.

Number of Directors.

21. The Qualification of a Director shall be the Possession in his own Right of not less than Ten Shares.

Qualification of Directors.

22. 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.

Quorum.

23. *Robert Griffith Joyce, William Theodore Row, John Jones, Richard Wakeford Attree*, and One other, duly qualified, to be appointed by them or the Majority of them, shall be the First
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First Directors.

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Election of Directors.

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 Place of those not continued in Office, the 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 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.

24. The Company may from Time to Time by Agreement purchase for the Purposes of this Act any Quantity of Land or any Easements (not being a Right of Water in, over, or affecting any Land) which they may think requisite; provided that such Land shall not exceed Two Acres, in addition to the Land which they are by this Act authorized to take by Compulsion.

Powers for compulsory Purchases limited.

25. 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 Two Years from the passing of this Act.

Period for Completion of Works.

26. The Works shall be completed within Three 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.

27. 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 authorized to be taken or held by the Company; and for the Purposes of this Act the several Provisions of the Lands Clauses Consolidation Acts Amendment Act, 1860, with respect to Lands and Rentcharges, so far

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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.

28. The Amount of the Rentcharge or Compensation for any such Grant to be made by any Party under any Disability or Incapacity to sell and convey Lands, as defined by the Lands Clauses Consolidation Act, 1845, shall be ascertained and settled in manner provided by the Lands Clauses Consolidation Acts Amendment Act, 1860, and shall be subject to all the Provisions with respect to Land granted or conveyed under the Provisions of the last-mentioned Act.

Grants by
Persons
under Dis-
ability to be
at best
Rents.

29. Every such yearly Rent shall be charged on the Water Rates or Water Rent payable under this Act, or if the Rates be leased then on the Rent reserved by the Lease, in preference to any other Charge whatsoever; and if at any Time any such Rent be not paid within Thirty Days after the same becomes payable, and after Demand thereof in Writing, the Person to whom such Rent is payable may either recover the same from the Company, with Costs of Suit, by Action of Debt in any Court of competent Jurisdiction, or may levy the same by Distress of the Goods and Chattels of the Company.

Rents to be
in preference
to any other
Charge.

30. The Water to be supplied need not be laid on under a Pressure greater than can be supplied by Gravitation from the Reservoir by this Act authorized.

Water not
necessarily
under
Pressure.

31. The Company shall, at the Request of the Owner or Occupier of any House in any Street in which any Service Pipe of the Company shall be laid, or of any Person who, under the Provisions of this Act or any Act incorporated therewith, shall be 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 any Rate which may be agreed upon between the Company and such Owner, Occupier, or other Person, not exceeding Six Pounds Five Shillings *per Centum per Annum* upon the Poor Rate Valuation of any such House where that Valuation shall be under Ten Pounds, and not exceeding Seven Pounds Ten Shillings *per Centum per Annum* where the said Valuation shall be Ten Pounds or more than Ten Pounds: Provided always, that the Company shall not be compelled to supply any House for less than Seven Shillings *per Annum*, nor shall the Company be liable to any Penalty for not supplying Water if the Want of such Supply shall arise from Frost, unusual Drought, or other unavoidable Cause or Accident, or during necessary Repairs.

Rates at
which Water
is to be sup-
plied for
domestic
Purposes.

32. In

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Rates for
Waterclosets
and Baths.

32. In addition to the Rates for the Supply of domestic Purposes, the Company may demand and receive for One additional Watercloset in any House beyond the first any yearly Sum not exceeding Seven Shillings and Sixpence; and for every additional Watercloset beyond such last-mentioned Watercloset any yearly Sum not exceeding Five Shillings; and for every Bath any yearly Sums not exceeding those herein-after specified; (that is to say,)

Where the annual Value or Rent 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 or Rent shall exceed Fifteen Pounds, the yearly Rate of Eight Shillings for the First Bath, and the yearly Rate of Five Shillings for every additional Bath.

For prevent-
ing fouling
of Water.

33. 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 sup-
plied by
Agreement.

34. The Company may from Time to Time supply any Person, Body, or Corporation 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.

35. 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
Stopcock.

36. 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-

37. Every Person supplied with Water under the Provisions of this Act for the Purpose of a Watercloset shall, when required by
the

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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.

closets to provide Cisterns and Cocks.

38. 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.

Penalty for affixing Tubes to Company's Pipes without their Consent.

39. 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, 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.

Incoming Tenant not liable to pay Arrears of Water Rate.

40. 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.

Power to turn off Water in certain Cases.

41. Whenever any Person neglects to pay any Rate or Sum due to the Company, and such Rate or Sum does not exceed Fifty Pounds,

Recovery of Sums not exceeding 50l.

[Local.]

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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.

42. 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
One War-
rant.

43. 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.

44. 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.

45. 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.

For Protec-
tion of Gas
Pipes.

46. If in the carrying into execution any of the Powers of this Act any Injury or Damage shall be done or committed to any of the Pipes, Branches, Apparatus, Materials, or Things already laid down by the *Ruthin* Gaslight and Coke Company for the Purpose of supplying Gas to the Town or Borough of *Ruthin*, either by removing or disturbing the Ground or the Soil wherein the same may be placed, or by the Compression or subsequent Settlement or lowering of the same at any Time afterwards, the Company shall, at their own Expense, Costs, and Charges, within Twenty-four Hours next after Notice in Writing given to them by the said Gaslight Company or their Clerk, cause such Pipes, Branches, Apparatus, Materials, and Things to be well and effectually repaired and amended, and in default or neglect thereof it shall be lawful for the said Gaslight Company and they are hereby authorized and empowered to cause such Pipes, Branches, Apparatus, Materials, and Things so injured or damaged as aforesaid to be effectually repaired, amended, and made good; and the reasonable Costs, Charges, Damages, and Expenses attending the same shall be paid and defrayed by the
Company

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Company or their Treasurer, the Amount thereof to be determined, in case of Dispute, by some Justice of the Peace acting in and for the County of *Denbigh*, whose Determination shall be final and conclusive; and such Damages and Expense, together with such Costs and Charges as shall be by such Justice allowed, may be levied and recovered by Warrant of Distress under the Hand and Seal of such Justice.

47. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

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