



CHAPTER c.

An Act to repeal the Portmadoc Water Order, 1871; to incorporate a Company, and to vest in such Company the undertaking authorised by the said Order, and to grant powers to such Company for the construction of additional Waterworks, and for the supply of water to Portmadoc and the neighbourhood thereof; and for other purposes.

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[2nd August 1880.]

WHEREAS by an Order (in this Act referred to as "the Order") made by the Board of Trade under the Gas and Waterworks Facilities Act, 1870, and confirmed by the Gas and Water Orders Confirmation Act, 1871, William Jones and John Lewis therein described (and therein referred to as "the Undertakers") were empowered to maintain and continue waterworks, and to supply water within the parishes of Llandecwyn and Llanfihangel-y-Traethau in the county of Merioneth, and Ynyscynhaiarn in the county of Carnarvon:

33 & 34 Vict.
c. 70.
34 & 35 Vict.
c. cxliv.

And whereas the said William Jones has sold and assigned all his interest in the undertaking authorised by the Order to and the same is now vested in John Lewis, David Roberts, Evan Griffith, and William Davies, who have subscribed and expended upon the undertaking the whole of the capital of eight thousand five hundred pounds which by the Order was authorised to be raised, but have not executed any mortgage of the undertaking, and who are in this Act referred to as the Undertakers:

And whereas since the year 1871 the population of the said parishes has largely increased and is increasing, and the waterworks maintained and continued under the Order are now insufficient to meet the demand for water in the said parishes:

And whereas it is expedient that the Order should be repealed and that a Company should be incorporated, and that the existing waterworks should be vested in the Company, and that adequate

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powers should be conferred on the Company for the purpose of maintaining and continuing the existing waterworks, and of constructing additional waterworks, and of supplying water within the said parishes, and also in the parish of Llanfrothen in the county of Merioneth :

And whereas the Undertakers are willing at their own expense to be incorporated into such a Company :

And whereas duplicate plans and sections describing the lines, situation, and levels of the proposed works, and the lands, houses, and other property in or through which they will be made, and the lands sought to be acquired by compulsion, together with books of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands, houses, and other property were duly deposited with the clerk of the peace for the county of Merioneth at his office at Dolgelly, and with the clerk of the peace for the county of Carnarvon at his office at Carnarvon, and such plans, sections, and books of reference are herein-after referred to as "the deposited plans, sections, and books of reference" respectively :

And whereas the objects aforesaid 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 :

Short title.

1. This Act may be cited for all purposes as the Portmadoc Water Act, 1880.

Incorporation of general Acts.
8 & 9 Vict.
c. 16.
26 & 27 Vict.
c. 118.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
10 & 11 Vict.
c. 17.
26 & 27 Vict.
c. 93.

Repeal of the Order.

2. The Companies Clauses Consolidation Act, 1845 ; and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863 ; 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 ; and the provisions of the Waterworks Clauses Acts, 1847 and 1863, shall extend and apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of this Act as to the mains, pipes, and works to be laid down or constructed under the authority of this Act.

3. The Portmadoc Water Order, 1871, confirmed by the Gas and Water Orders Confirmation Act, 1871, and the said Act, in so far as it relates to the said Order, shall be and the same are hereby repealed ; provided that this repeal shall not affect the past operation

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of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed, nor any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed, nor any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed, nor any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

4. Except as in this Act otherwise provided, the several words and expressions to which meanings are assigned by the Acts incorporated herewith, or any of them, shall in this Act have the meanings so assigned to them respectively, unless there be in the subject or context something repugnant to or inconsistent with such construction:

Interpretation of terms.

Provided that the expression "the Company" in the said Acts and this Act means the Company incorporated by this Act:

And for the purposes of this Act 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 simple contract debt, and not a debt or demand created by statute.

5. The limits of this Act shall be the parishes of Llandecwyn and Llanfihangel-y-Traethau and Llanfrothen in the county of Merioneth, and Ynyscynhaiarn in the county of Carnarvon.

Limits of Act.

6. John Lewis, David Roberts, William Davies, and Evan Griffith, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Portmadoc Waterworks Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes and subject to the provisions of this Act.

Incorporation of Company.

7. All reservoirs, aqueducts, conduits, mains, pipes, engines, waterworks, and apparatus, lands, works, erections, buildings, rights and easements, moneys, securities, deeds, contracts, agreements, papers, books, plans, choses in action, effects, claims and demands, rights and remedies whatsoever which immediately

Present property of Undertakers vested in Company incorporated by this Act.

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before the passing of this Act, were vested in the Undertakers, or any person on their behalf, or of or to which the Undertakers, or any persons on their behalf, were seised, possessed, or entitled, either at law or in equity, or otherwise howsoever; and all mains, pipes, hydrants, plugs, matters, and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, and which immediately before the passing of this Act were the property of or belonging to the Undertakers, or any person on their behalf, shall be and the same are hereby vested in the Company to the same extent, and for the same estate and interest as the same respectively were at the time of the passing of this Act vested in the Undertakers, or any person on their behalf, and may be held, used, and enjoyed by the Company accordingly.

Nothing to
affect pre-
vious rights
and liabilities.

8. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the Undertakers under the Order shall be as valid as if the Company had not been incorporated and the Order had not been repealed by this Act; and such incorporation and repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated and the Order were not repealed by this Act and this Act were not passed, would be incident to or consequent on any and everything so done or suffered, and with respect to all such rights, liabilities, claims, and demands, the Company and its shareholders and property shall to all intents and purposes represent the Undertakers and the property of the Undertakers, as the case may be.

Contracts
prior to
Act to be
binding.

9. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the Undertakers, or any trustees or persons acting on their behalf, or by, to, or with any other person to whose rights and liabilities they have succeeded and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Undertakers, or the trustees, or persons acting on their behalf, the Company had been a party thereto.

Actions,
&c. not to
abate.

10. Nothing in this Act shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the Undertakers, or any of them, in relation to the affairs of the undertaking authorised by the Order, or to

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which the Undertakers, or any of them, in relation to such affairs were parties immediately before the passing of this Act; but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Undertakers, or any of them, if this Act had not been passed, the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Undertakers and each of them respectively.

11. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the Undertakers were vested immediately before the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the Undertakers, shall be indemnified out of the funds and property of the Company against all liability (including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Trustees of
Undertakers
to be in-
demnified.

12. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Undertakers immediately before the passing of this Act were subject, and shall indemnify the officers and servants of the Undertakers and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Company
to satisfy
liabilities
of Under-
takers.

13. All water rates and rents which immediately before the passing of this Act were due and payable or accruing due and payable to the Undertakers shall be payable to and may be collected and recovered by the Company in like manner as the water rates and rents by this Act authorised to be taken.

Water rates
due to be
recovered by
Company.

14. All persons who immediately before the passing of this Act owed any sum of money to the Undertakers, or to any person on their behalf, shall pay the same with all interest (if any) due or to accrue due for the same to the Company, and all debts and moneys which immediately before the passing of this Act were due or owing by or recoverable from the Undertakers or for the payment of which the Undertakers are or but for this Act would be liable, together with all interest (if any) due or to accrue due thereon, shall be paid by or be recoverable from the Company.

Debts due
to and by
Undertakers
to be paid
to and by
the Com-
pany.

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Books, &c.
continued
evidence.

Capital.

15. All documents, books, and writings which, if the repeal of the Order had not taken place, would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such repeal.

16. The capital of the Company shall be twenty thousand pounds, whereof eight thousand five hundred pounds is in this Act called the original capital and eleven thousand five hundred pounds is in this Act called the additional capital, and shall be raised in manner herein-after mentioned, and the original capital shall be divided into eight hundred and fifty shares of ten pounds each, which shares are in this Act called "the old shares," and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.

Vesting of
original
capital in
present
shareholders.

17. The original capital of eight thousand five hundred pounds shall be vested in and belong to the Undertakers in proportion to their respective holdings in and in substitution for the shares held by them in the capital of the undertaking authorised by the Order, and every portion of capital so vested shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the share or shares for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Power to
raise addi-
tional
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 eleven thousand five hundred pounds, by the issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of these modes respectively.

Shares not
to be issued
until one-
fifth part
paid up.

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

Calls.

20. 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 the calls made in any year upon any share.

Receipt in
case of per-
sons not sui
juris.

21. If any money is payable to a shareholder being a minor or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

22. The Company may at any time, and from time to time after the passing of this Act, borrow on mortgage in respect of the original capital of eight thousand five hundred pounds any sums not exceeding in the whole two thousand one hundred and twenty-five pounds.

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Power to
borrow in
respect of
original
capital.

23. The Company, in addition to the sum of two thousand one hundred and twenty-five pounds which they are authorised to borrow in respect of the original capital by the last preceding section, may from time to time borrow on mortgage, in respect of the additional capital of eleven thousand five hundred pounds by this Act authorised to be raised by shares or stock, any sums not exceeding in the whole two thousand eight hundred and seventy-five pounds; but no part of such sum shall be borrowed until the whole additional capital of eleven thousand five hundred pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, (before he so certifies) that shares for so much of such additional capital as is to be raised by means of shares have been issued and accepted, and one half of such additional capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of such additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up *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 if such additional capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Power to
borrow on
mortgage.

24. The mortgagees of the Company may enforce the payment of the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and the amount owing in respect of principal to the mortgagees by whom application for a receiver shall be made shall not be less than one tenth of the amount for the time being due and owing to the mortgagees.

Appoint-
ment of a
receiver.

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Conversion
of borrowed
money into
capital.

25. 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.

Profits of
the Company
limited.

26. 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 seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends
on different
classes of
stock or
shares to be
paid propor-
tionately.

27. 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 rate of dividend on each class of ordinary stock or shares in the capital of the Company, a proportionate deduction shall be made in the dividend of each class.

Power to
create de-
benture
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 created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

General
meetings.

29. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the future ordinary meetings of the Company shall be held in the month of January in every subsequent year, or in such other month in every subsequent year as the Company, by the resolution of an extraordinary general meeting, shall from time to time determine.

Number of
directors.

30. The number of the directors shall be four, but the Company may from time to time reduce that number to three.

Qualification
of directors.

31. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of
directors.

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

First direc-
tors.

33. John Lewis, David Roberts, William Davies, and Evan Griffith 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 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 of the Companies Clauses Consolidation Act, 1845; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

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34. Subject to the provisions of this Act, the Company may from time to time maintain, continue, and use the waterworks and works connected therewith of the Undertakers, with all needful pipes, culverts, cuts, conduits, drains, sluices, engines, pumps, meters, and other works connected therewith, and may, in the lines and according to the levels shown on the deposited plans and deposited sections, and upon such of the lands delineated in that behalf on the deposited plans and described in the deposited books of reference as may be required for such purpose, make and maintain the following additional waterworks and works connected therewith; (that is to say,)

Power to maintain waterworks and to construct new waterworks.

(1.) An embankment, 150 feet in length, wholly in the parish of Llandecwyn, for damming up and impounding the waters of the lake called Llyn-tecwyn-uchaf, to be constructed across the south-western end or outlet of the said lake.

(2.) A compensating and service reservoir to be called "Service Reservoir No. 1," wholly in the said parish of Llandecwyn, to be situate in a frith or mountain pasture numbered 398A on the tithe commutation map of the said parish of Llandecwyn, belonging or reputed to belong to William Thearsby Poole, and in the occupation of Richard Owen. The said reservoir will be situate on the northern bank of and immediately adjoining the stream issuing out of and running in a westerly direction from the said lake Llyn-tecwyn-uchaf at a point distant 430 yards or thereabouts, measured along the course of the said stream, from the point where such stream issues from the lake. The said reservoir will be a covered rectangular reservoir, and will have an area of about 75 feet square.

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- (3.) Conduit No. 1. A conduit or line of main pipes commencing at the south-western corner of the said lake Llyn-tecwyn-uchaf at or near the point where the said stream issues from the said lake, and terminating in and on the eastern side of the before-mentioned Service Reservoir No. 1 at a point distant 430 yards or thereabouts, measured in a westerly direction along the course of the said stream, from the said point of commencement. The said Conduit No. 1 will be situate wholly in the parish of Llandecwyn aforesaid.

WORKS IN THE COUNTIES OF MERIONETH AND CARNARVON.

- (4.) Conduit No. 2. A conduit or line of main pipes commencing on the western side of the said Reservoir No. 1 at a point distant 455 yards or thereabouts, measured in a westerly direction along the before-mentioned stream, from the said outlet in the south-western corner of the said lake Llyn-tecwyn-uchaf, and terminating at a point distant 60 yards or thereabouts, measured in an easterly direction, from the stone wall at the point of junction of the Criccieth and Carnarvon turnpike roads in the parish of Ynyscynhaiarn. The said Conduit No. 2 will pass from, in, through, or into the parishes, townships, and places following; (that is to say,) Llandecwyn, Llanfihangel-y-traethau, and Llanfrothen in the county of Merioneth, and Ynyscynhaiarn in the county of Carnarvon.

WORKS IN THE COUNTY OF MERIONETH.

- (5.) A service reservoir, to be called "Service Reservoir No. 2," situate at Penrhyndeudraeth, wholly in the parish of Llanfihangel-y-traethau aforesaid, in the south-western corner of a certain pasture field, part of a tenement called "Beudy-newydd," belonging or reputed to belong to Daniel Rowlands, and now occupied by Daniel Rowland Jones, and near the footroad leading from the newly erected Penrhyn Station on the Festiniog Railway, to a cottage called "Fawnogbach." The said Reservoir No. 2 will be a covered rectangular reservoir, and will have an area of about 60 feet square.
- (6.) Conduit No. 3. A conduit or line of main pipes, situate wholly in the parish of Llanfihangel-y-traethau, commencing by a junction with Conduit No. 2 at a point in the turnpike road leading from Portmadoc to Tanybwllch 15 yards or thereabouts, measured in a westerly direction, from the western extremity of the churchyard wall at Penrhyndeudraeth, and terminating on the western side of the said Reservoir No. 2 in the western corner of the above-mentioned pasture field, part of

a tenement called Beudy-newydd belonging or reputed to belong to Daniel Rowlands, and in the occupation of Daniel Rowland Jones. A.D. 1880.

- (7.) Conduit No. 4. A conduit or line of main pipes, situate in the parishes of Llanfihangel-y-traethau and Llanfrothen, commencing by a junction with Conduit No. 2 at a point in the said turnpike road leading from Tanybwlech to Portmadoc opposite the centre of the highway leading from the village of Minffordd to the said turnpike road where that highway joins the said turnpike road, and terminating in the said highway at a point immediately opposite the eastern gable end of certain houses recently erected by and belonging or reputed to belong to the Syenite Setts Company in the parish of Llanfrothen aforesaid.

WORKS IN THE COUNTY OF CARNARVON.

- (8.) Service reservoir, to be called "Service Reservoir No. 3," wholly in the parish of Ynyscynhaiarn aforesaid, in and on the south-eastern side of a certain field called or known as Garth, and numbered 953 on the tithe commutation map of the parish of Ynyscynhaiarn, and belonging or reputed to belong to Francis William Alexandra Roche. The said Reservoir No. 3 will be a covered reservoir with an area of about 60 feet square.
- (9.) A conduit or line of main pipes, to be called "Conduit No. 5," wholly in the parish of Ynyscynhaiarn, commencing by a junction with Conduit No. 2 at a point distant 66 feet or thereabouts, measured in a westerly direction, from the front door of Castle House in High Street, Portmadoc, and terminating in the southern corner of the said Reservoir No. 3 at a point distant 50 yards or thereabouts, measured in a northerly direction, from the northern corner of Bron-y-Garth Lodge.
- (10.) A service reservoir, to be called "Service Reservoir No. 4," wholly in the parish of Ynyscynhaiarn, in and near the western corner of a field called Penyralltgoch, part of Borthygest Farm, belonging or reputed to belong to the Right Hon. Lord Harlech, and now occupied by John Owen, numbered 932 on the tithe commutation map of the said parish of Ynyscynhaiarn. The said Reservoir No. 4 will be a covered reservoir, and will have an area of 60 feet square or thereabouts.
- (11.) A conduit or line of main pipes to be called "Conduit No. 6," wholly in the parish of Ynyscynhaiarn, commencing by a junction with Conduit No. 2 in High Street, Portmadoc,

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at a point in that street distant 50 feet or thereabouts, measured in a westerly direction, from the western corner of the Commercial Hotel, Portmadoc, aforesaid, and terminating in the eastern corner of Service Reservoir No. 4 near the western corner of the said field called Penyralltgoch.

- (12.) A conduit or line of main pipes, wholly in the parish of Ynyscynhaiarn, commencing in the western corner of Reservoir No. 4 at a point near the western corner of the said field called Penyralltgoch, and terminating in the public road or street leading from the sea beach at Borthygest to the newly erected board school at a point in that road opposite the western end of the said board school.
- (13.) A conduit or line of main pipes, to be called "Conduit No. 8," wholly in the parish of Ynyscynhaiarn, commencing in the south-western side of the now existing service reservoir of the Undertakers, situate in the wood at the back of Tanyrallt Mansion, distant about 270 feet, measured in a northerly direction, from the eastern corner of that mansion (herein-after called Service Reservoir No. 5), and terminating by a junction with Conduit No. 2 in Market Square, Tremadoc, at a point in that square opposite the front door of the Maddocks Arms Hotel, Tremadoc.
- (14.) A conduit or line of main pipes, to be called "Conduit No. 9," wholly in the parish of Ynyscynhaiarn, commencing in the south-western corner of the reservoir or lake called Llyn Cwm-bach, in the parish of Ynyscynhaiarn, and terminating in the north-western corner of the said existing Service Reservoir No. 5.
- (15.) A storage tank, to be called "Storage Tank No. 1," wholly in the parish of Penmorfa, to be situate in and on the western side of a meadow called Sychnant-yr-Erw, numbered 1092 on the tithe commutation map of the said parish of Penmorfa aforesaid, belonging or reputed to belong to Owen Evans and others.
- (16.) A conduit or line of main pipes, to be called "Conduit No. 10," in the parishes of Penmorfa and Ynyscynhaiarn, commencing in the south-eastern corner of the said Storage Tank No. 1 at a point distant 305 yards, measured in a south-westerly direction, from the south-western corner of Erwsuran Farmhouse, and terminating in the north-eastern corner of the said existing Service Reservoir No. 5.
- (17.) A conduit or line of main pipes, to be called "Conduit No. 11," wholly in the parish of Ynyscynhaiarn, commencing in an existing reservoir of the Undertakers at a point distant 70

feet or thereabouts, measured in a northerly direction, from the north-western corner of a building called Beudyr-y-chain, and terminating in the water tank at the western end of the Portmadoc Station of the Cambrian Railway Company.

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With all needful pipes, culverts, cuts, conduits, drains, sluices, engines, pumps, meters, and other works connected therewith. And the Company may enter upon, take, and use such of the lands described in the deposited plans and books of reference as they require for the purposes of this Act. And the Company may collect and divert into the said Waterworks, and therein impound and thence distribute the waters of the lakes known as Llyn Tecwyn in the said parish of Llandecwyn, in the said county of Merioneth, and Cwmbach in the parishes of Ynyscynhaiarn and Penmorfa, or some or one of them, in the said county of Carnarvon, or either of them, and also the waters of any brooks, springs, streams, and waters feeding or running into such lakes, or fed thereby and issuing therefrom, and of any streams on or near the site of any of the intended works: Provided always, that the Company shall not, in the exercise of any of the powers by this Act granted, do or permit, or suffer to be done, any act whereby the water of the said lake known as Llyn Tecwyn shall be reduced more than 6 feet 8 inches below the level of a line shown on the doorstep at the entrance to the present boat-house belonging to William Edward Oakeley, of the Plas Tan y Bwlch, Esquire, at or near the outlet of the said lake, and marked with the words "Oakeley Level, 1880," or below such other level as at any time, and from time to time after the passing of this Act, shall be agreed upon between the Company and the said William Edward Oakeley, or other the owner for the time being of the said lake, and failing agreement, as shall be determined by the President for the time being of the Institution of Civil Engineers on the application of either party, nor any act whereby the game, wild fowl, fish, or spawn in or upon the said lake or the land immediately adjoining thereto, forming part of the Tan y Bwlch estate shall be disturbed or injured, and that the Company shall provide and at all times maintain in an efficient state of repair, for the use of the said William Edward Oakeley, or such other owner as aforesaid, sufficient apparatus and means for raising and lowering a boat to or from the said boat-house from and to the said lake, and also sufficient gratings over the mouth of the Conduit No. 1 and across any sluices or works to be formed by the Company so as to prevent the escape of fish or spawn from the said lake, and that it shall be lawful for the said William Edward Oakeley, or such other owner as aforesaid, by himself, or his agents or workmen, at all times to inspect the works of the Company at or

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near the said lake, and in the event of the water of the said lake being by any act or wilful default of the Company reduced below such level as aforesaid to close the sluices or valves of the Company and to keep them closed until such level is restored, and also to repair such apparatus and gratings as aforesaid, in case of any default by the Company; and the Company shall for each and every day during any part of which the said water shall by any act or wilful default of the Company be reduced below the said level pay to the said William Edward Oakeley, or such other owner as aforesaid, the sum of twenty shillings, and shall also forthwith repay the costs of repairing such apparatus and gratings as aforesaid, and every such sum shall be considered as liquidated damages and as a debt payable on demand by the Company to the said William Edward Oakeley, or such other owner as aforesaid.

Limits of deviation.

35. In constructing the works authorised by this Act the Company may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for compulsory purchase of lands.

36. 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.

37. The works authorised by this Act shall be completed within ten years from the passing of this Act, and on the expiration of such period the powers granted to the Company for making the said works and otherwise in relation thereto shall cease except as to so much thereof as are then completed: Provided always, that the Company may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, conduits, pipes, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of this Act.

Power to take additional lands by agreement.

38. The Company may from time to time, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands now belonging to them and which they are empowered to take by this Act, any lands and hereditaments, not exceeding in the whole ten acres, which they may from time to time require for the purposes of their works and undertaking; but the Company shall not erect any buildings upon such lands other than offices, residences for persons in their employ, or such buildings and works as may be incident to or connected with their undertaking.

39. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clause Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

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Power to take easements, &c. by agreement.

40. If any difference arise between the Company and any railway, canal, or other company, whose lands or works the Company have power to cross under the authority of this Act for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences with railway and other companies.

41. The Company shall not be bound at any time to lay on water at any elevation at which, having regard to the general supply of the district, the water cannot be supplied by gravitation from the waterworks of the Company.

Supply to be regulated by gravitation.

42. The Company shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates herein-after specified; (that is to say,)

Rates for supply for domestic purposes.

If the rackrent or (if not let at a rackrent) the annual value of the dwelling-house or of part of a dwelling-house does not amount to seven pounds per annum, the rate of eight shillings and eightpence per annum upon such rackrent or annual value, as the case may be, and so in proportion for any shorter period:

If such rackrent or (as the case may be) annual value amounts to seven but does not amount to thirty pounds per annum, the rate of seven pounds per centum per annum upon such rackrent or annual value, as the case may be, and so in proportion for any shorter period:

If such rackrent or (as the case may be) annual value exceeds thirty pounds, the rate of six pounds and ten shillings per centum per annum upon such rackrent or annual value, as the case may be, and so in proportion for any shorter period:

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Provided that the Company shall not be compellable to afford a supply of water for domestic purposes to the owner or occupier of any dwelling-house or part of a dwelling-house at a less price than twopence per week, nor shall they be compellable to afford a supply to any such owner or occupier unless he shall agree to take such supply for a period not less than twelve months.

Rates for
waterclosets,
baths, &c.

43. The Company may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding seven shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with and as part of or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Company may charge an increased rate in proportion to the size of such baths.

Company
not bound
to supply
part of a
house unless
the whole
house rated.

44. Notwithstanding anything in this Act contained, the Company shall not be compellable to afford a supply of water for domestic purposes to the owner or occupier of any part of a dwelling-house unless the whole of such dwelling-house is rated for a supply of water.

Company
not bound
to supply
water above
certain
elevation
unless tanks
provided,
nor at con-
stant pres-
sure.

45. Notwithstanding anything in this Act contained, the Company shall not be compellable to supply water to the owner or occupier of any dwelling-house or part of a dwelling-house which is situate one hundred and eighty feet above the datum line shown on the deposited sections, unless such owner or occupier shall provide tanks or cisterns which shall, in the opinion of the Company, be sufficient to contain two days supply for such premises, nor need the water supplied to such premises by the Company be laid on at constant pressure.

Company's
officer to
enter build-
ings.

46. The Company's manager or other person duly appointed for the purpose by the Company may, between the hours of nine 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 meter, pipes, fittings, and apparatus for regulating the supply of water, and see whether they are in good repair, and if such manager or other person 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.

47. The Company may from time to time supply any person, corporation, sanitary authority, or company with water for other than domestic purposes, and any person, corporation, sanitary authority, or company beyond the limits of this Act with water, in bulk or otherwise, for any purpose for such remuneration and upon such terms and conditions as may be agreed upon between the Company and such person, corporation, sanitary authority, or company; but, notwithstanding any such agreement, no person, corporation, sanitary authority, or company shall be entitled to such a supply whenever and so long as the Company are of opinion that the same would interfere with the proper supply of water within the limits of this Act for any of the purposes of this Act, and every such agreement shall be by virtue of this Act determinable by the Company on one month's notice in writing: Provided always, that nothing herein contained shall authorise the Company to lay down or place any pipe or conduit, or break up any road or street, or execute any work beyond the limits of this Act, or to continue to supply water within the water limits of any person, corporation, sanitary authority, or company now or hereafter empowered by Act of Parliament or by Provisional Order confirmed by Act of Parliament to supply water.

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Power to supply water for other than domestic purposes and in bulk beyond limits of supply.

48. The rates for a supply of water for domestic purposes shall be payable in advance by equal quarterly payments on the thirteenth day of February, the thirteenth day of May, the thirteenth day of August, and the thirteenth day of November respectively in each year.

Rates payable quarterly in advance.

49. Subject to the provisions of this Act, but so far only as the Company are bound to afford a constant supply, the Company may from time to time, for the purpose of preventing any waste, misuse, undue consumption, or contamination of water supplied by them by regulation, prescribe the fittings to be used within the limits of this Act, in which term fittings is included the size, nature, strength, materials, mode of arrangement, and repair of the pipes, valves, cocks, cisterns, waterclosets, and other matters connected therewith, and may interdict any fittings or mode of arrangement which in their judgment may tend to any such waste, misuser, undue consumption, or contamination; but no such regulation shall have any effect unless sanctioned by the Local Government Board.

Power to make regulations to prevent waste, &c.

50. In the event of any such regulation not being observed by any person having or requiring a supply of water, the Undertakers 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

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

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whenever any difference shall arise as to whether the regulations have been complied with, the difference may be referred by either party to and shall be settled by two justices.

Supply of
water by
meter.

51. The Company may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter, such rent to be payable quarterly in advance, and to be recoverable in all respects as if the same were rates for the supply of water for domestic purposes.

Undertakers
to keep
meters in
repair.

52. The Company shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Company shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

Register of
meters to be
evidence.

53. Where the Undertakers supply water by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed, and in respect of which any water rent is charged and sought to be recovered by the Company: Provided always, that if the Company and the consumer differ as to the quantity consumed, such difference shall be determined upon the application of either party by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Amendment
of section
44 of
10 & 11 Vict.
c. 17.

54. Section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner" were admitted: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Provision as
to several
houses
adjoining
each other.

55. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Company to any other such tenement unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this Act for a supply of water.

When
several
houses sup-

56. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe, the several

owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

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plied by one
pipe each
to pay.

57. With respect to cases where a group or number of dwelling-houses are situate in a court or passage, or otherwise in contiguity with or in close neighbourhood to one another, the following provisions shall have effect; (that is to say,)

Supply in
courts, pass-
ages, &c.

(1.) If at any time it appears to the Company and to the sanitary authority, or in case of difference between them, to the Local Government Board, that a supply of water cannot be well and effectually provided by the Company for that group or number of dwelling-houses except by means of a public tap, stand-pipe, or other apparatus placed outside the dwelling-houses, the Company may from time to time supply such group or number of dwelling-houses by means of a public tap, stand-pipe, or other apparatus as aforesaid :

(2.) The expense of providing such tap, stand-pipe, or other apparatus shall be borne by the owner of the dwelling-houses, or if there is more than one owner, then by the respective owners in such proportion as may be agreed upon between the Company and such owners, or any of them, or as, in case of difference, shall be determined by a court of summary jurisdiction, who may decide and order by whom and in what proportion the costs of the inquiry shall be borne :

(3.) If the requisite tap, stand-pipe, or other apparatus is provided, and is in accordance with the regulations of the Company, then the Company shall give to those dwelling-houses a supply accordingly by means of the tap, stand-pipe, or other apparatus so provided, and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given in such dwelling-houses separately, but not exceeding (for each such dwelling-house of the annual rackrental value of seven pounds or less) twopence per week.

58. The Company may, if requested by any person supplied or about to be supplied by them with water, provide and furnish to him, and from time to time repair or alter, any such meters, pipes, valves, cocks, baths, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf, and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Power for
Company
to supply
materials,
&c.

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Service
pipes.

59. All service pipes and fittings and all fittings connected with any service pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Company
may require
pipes, &c.
to be re-
paired.

60. The Company may, by notice in writing under the hand of their surveyor or other duly authorised officer, require any person who shall have suffered any pipe, cock, cistern, or other apparatus to be out of repair forthwith to put the same into a proper state of repair, and if such person shall not within three days after the service of such notice so repair such pipe, cock, cistern, or other apparatus as to prevent any waste of water therefrom, the Company may repair the same, and if the expenses of such repair shall not be repaid to the Company on demand, the same may be recovered by the Company as damages, in addition to the penalty, if any, recovered for the offence.

To supply
Tanyralt
Mansion,
&c. free of
charge.

61. The Company shall at all times hereafter, so long as they shall use the water of the spring at Tanyralt, where the existing reservoir of the Undertakers is situate, supply or cause to be supplied for domestic purposes, and also for the use of waterclosets and baths, the mansion house, outbuildings, and stables of Tanyralt aforesaid with sufficient water from the said reservoir or spring, without making any charge for the same either to the owner of the said mansion house, or to any tenant thereof: Provided always, that all pipes, valves, cocks, cisterns, and waterclosets in the said premises shall be kept in good repair by the owner or occupier thereof.

To supply
vessels in
Portmadoc
Harbour at
fixed rates.

62. The Company shall supply all vessels lying in the harbour of Portmadoc at the public wharf or quays with a sufficient supply of water for the use of every such vessel during the then next voyage to be made by such vessel, and deliver the water to the tanks on board such vessel, at or for a sum not exceeding one halfpenny per ton on the registered tonnage of every such vessel: Provided always, that it shall not be obligatory upon the Company to supply any vessel which shall be distant more than thirty yards from one of the Company's taps, and in no case shall a lesser sum be paid in respect of the supply to any vessel than one halfpenny per ton on a computed tonnage of not less than fifty tons.

Penalty for
injuring
meters.

63. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or fittings belonging to the Company, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes,

or uses water of the Company, shall (without prejudice to any other right or remedy for the protection of the Company, or the punishment of the offender) for every such offence forfeit and pay to the Company a sum not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damage by them sustained, and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured, or suffered to be injured, any pipe, meter, or fittings belonging to the Company, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Company, the Company may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Company when such pipe, meter, or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption, or user as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

64. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Company to any other such house or tenement, or allows the same to be used, contrary to the provisions of this Act, shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.

65. Every person who wilfully or by culpable negligence opens or leaves open any cock, valve, or tap, and by so doing causes the water of or supplied by the Company to be wasted, shall for every such offence forfeit and pay to the Company a sum not exceeding five pounds.

Leaving taps, &c. open.

66. In case any consumer of water supplied by the Company leave the premises where such water has been supplied to him without paying to them the water rate or meter rent 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 has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable for arrears of former tenant.

67. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Several names, &c. in one summons or warrant.

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Costs of
warrant of
distress

68. Any justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Justices,
&c. not dis-
qualified for
liability to
water rates.

69. No justice or judge of any quarter sessions or county court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate or other charge under this Act.

Notice of
discon-
tinuance.

70. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company.

Saving
rights of the
Crown.

71. Nothing contained in this Act shall prejudice, interfere with, or affect any right which Her Majesty in right of her crown may have to minerals within or under any lands or lands covered with water, subject respectively to the provisions of this Act, or to use the waters of the lake called Llyn-tecwyn-uchaf, or of the stream flowing therefrom, or any other estate, property, right, interest, easement, liberty, or privilege belonging to Her Majesty in right of her crown.

Expenses of
Act.

72. All costs, charges, and expenses of and incidental to the application for preparing and passing of this Act shall be paid by the Company.