



CHAPTER lxx.

An Act to authorise the Wrexham Waterworks Company to make new Service Reservoirs and Filter Beds, to further extend their Limits of Supply, to raise Additional Capital; and for other purposes. A.D. 1880.
[19th July 1880.]

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 that 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 Company have, under the powers of the said Act, raised and expended the sum of twenty-one thousand pounds by shares, and have borrowed and expended the sum of four thousand seven hundred and fifty pounds:

And whereas by the Wrexham Waterworks Act, 1874, (hereinafter called "the Act of 1874,") the Company were authorised to construct additional reservoirs and works, and the limits within which the Company might supply water were extended: 37 & 38 Vict.
c. lvii.

And whereas by the Act of 1874 the Company were authorised to raise a further sum of twenty thousand pounds in shares, and to borrow a further sum of five thousand pounds, which sums have been respectively raised, borrowed, and expended:

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And whereas it is expedient that the Company should be authorised to construct the additional service reservoirs and filter beds 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 and other provisions with reference to the supply of water in bulk or otherwise beyond as well as within the limits of supply, and for selling, letting, or providing on hire meters, fittings, and other apparatus :

And whereas it is expedient that the time limited by the Act of 1874 for the completion of works by that Act authorised should be extended :

And whereas it is expedient that the Company should be authorised to raise more money for the purposes of this Act and for the general purposes of their undertaking by the creation of shares or stock, or debenture 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 of the occupiers of those lands, have been deposited with the respective clerks of the peace for the counties of Denbigh and Flint, 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, 1880.*

Construction of Act. 2. The Acts of 1864 and 1874, as varied by this Act, and this Act shall be read and construed and shall have effect as if they were one Act.

Incorporation of general Acts. 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,

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.
8 & 9 Vict. c. 16.

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, 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."

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26 & 27 Vict.
c. 118.

32 & 33 Vict.
c. 48.

4. In this Act—

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

Interpretation of terms.

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 :

The expression "the Company's Acts" means the *Wrexham Waterworks Act*, 1864, the *Wrexham Waterworks Act*, 1874.

5. For the purposes of water rates and water rents under the Company's Acts the term "poor rate valuation" in the thirty-seventh section of the Act of 1864 shall mean the gross amount of the annual value of any property as stated in the last poor rate made for such property.

Interpretation of term "poor rate valuation."

6. The limits within which the Company may supply water shall extend to and include, in addition to the parishes and places within the limits of the Company's Acts, the following parishes, townships, and places ; (that is to say,)

Extension of limits of supply.

The township of Farndon and King's Marsh in the parish of Farndon, the townships of Churton-by-Farndon, Churton-by-Aldford, Aldford, and Buerton in the parish of Aldford, the townships of Newbold, Churton Heath, and Saughton in the parish of St. Oswald's, the townships of Eccleston and Eaton in the parish of Eccleston, the townships of Poulton and

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Pulford in the parish of Pulford, the townships of Dodleston and Lower Kinnerton in the parish of Dodleston, all in the county of Chester; and Higher Kinnerton, Shordley, Hope Estyn, Hope-Owen, Rhanberfedd, Caergwrle, and Cymmau, all in the parish of Hope and the county of Flint; and the township of Bangor in the parish of Bangor Issacoed, in the said county of Flint;

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 Company's Acts.

Company may break up roads, but may not supply water within portion of township of Gwersyllt. 32 & 33 Vict. c. ii.

7. 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 that part of the township of Gwersyllt, in the county of Denbigh, which is comprised within the limits of the district defined by the Brymbo Water Act, 1869, except for the supply of water within the last-mentioned district, as if the said part of the said township of Gwersyllt were included within the limits of this Act.

Power to make reservoirs.

8. 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 service reservoirs and filter beds herein-after described, 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 service reservoirs and filter beds. The service reservoirs and filter beds by this Act authorised and herein-before referred to are the following; (that is to say,)

1. A service reservoir and filter beds in the township of Esclusham Above, in the parish of Wrexham or parish of Esclusham, in the county of Denbigh, situate in two fields or plots of ground forming part of Gronwen Farm, and belonging to or reputed to belong to Thomas Lloyd Fitzhugh, and in the occupation of Thomas Pritchard, adjoining the highway leading from Rhostullen to Vrondeg, and which service reservoir and filter beds will occupy an area of two acres or thereabouts;
2. A service reservoir, of a circular form, fifty feet or thereabouts in diameter, in the township of Gourton and parish of Wrexham, in the county of Denbigh, situate in a field forming part of Llanypwll Farm, belonging to or reputed to belong to the Right Honourable Lord Kenyon or his trustees, and in the occupation of Jonathan Davies, adjoining the turnpike road leading from Wrexham to Holt:

3. A service reservoir, of a circular form, fifty feet or thereabouts in diameter, in the township of Marford and Hoseley, in the parish of Gresford and the county of Flint, situate in a field belonging to or reputed to belong to William Roberts, and occupied by William Whitehouse, adjoining the turnpike road leading from Wrexham to Rossett.

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9. 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 to any extent not exceeding three feet upwards or ten feet downwards: Provided always, that the Company shall not, in exercise of the powers of lateral deviation hereby given, construct any embankment or wall of any of the reservoirs of a greater height above the general surface of the ground than the corresponding embankments or wall shown on the deposited sections and three feet in addition.

Limits of deviation.

10. 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.

Period for compulsory purchase of lands.

11. The persons empowered by the Lands Clauses Consolidation Act, 1845, to sell or convey or release lands shall, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, 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.

Owners may grant easements.

12. 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.

Application of 23 & 24 Vict. c. 106., to easements.

13. If the works by this Act authorised to be constructed are not completed within ten 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 works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

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Power to acquire additional lands by agreement.

14. 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 Company's Acts or this Act.

Power to raise additional capital.

15. 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 sixty thousand pounds, by the issue, at their option, of new ordinary shares or new preference shares, or wholly or partially by either 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.

New shares to be subject to same incidents as other shares.

16. The capital in new shares created by the Company under this 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.

17. Every person who becomes entitled to new shares shall, in respect of the same, be a holder of shares in the 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.

18. 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, nor be qualified in respect of such shares to act as a director.

New shares raised under this Act and former Acts may be of same class.

19. Subject to the provisions of the Company's Acts 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 or any part of the aggregate capital which they are by the Company's Acts and this Act respectively authorised to raise by the creation and issue of new shares.

Dividends on additional capital limited.

20. 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. A.D. 1880.

21. 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. Dividends on different classes of shares to be paid rateably.

22. The Company may from time to time borrow on mortgage any sums not exceeding in the whole the sum of fifteen thousand pounds, and the Company may, when twelve 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 three thousand pounds, and when and as each further sum of twelve 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 three thousand pounds in respect of each such twelve 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. Power to borrow on mortgage.

23. 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, As to conversion of borrowed money into capital.

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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.

Appoint-
ment of
receiver.

24. 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.

25. 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
mortgages
over other
debts.

26. 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 rentcharge 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 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.

Priority of
principal
moneys
secured by
existing
mortgages.

27. 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 and provisions of the Acts under which such mortgages were respectively granted, have priority over any mort-

gages 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. A.D. 1880.

28. 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 Company's Acts and this Act, or one of them. Application of moneys.

29. The Company may, if requested by any person supplied or to be supplied by them with water, furnish to him at his costs and charges, and from time to time fix, repair, or alter, any pipes, valves, meters, cocks, cisterns, baths, soil pans, waterclosets, apparatus, and receptacles, and fittings necessary for or connected with such supply, and may provide all materials and do all works necessary or proper in that behalf, and charge the costs thereof to such person, or may, instead thereof, charge such person with such annual or other rent or sum as may be reasonable and agreed on between the Company and such person, and any such costs and charges, rent or sum shall be recoverable in the same manner as rates for supply of water are recoverable. Company may supply meters, fittings, &c.

30. Where water is supplied by the Company by meter, the register or index of the meter or other instrument for measuring the water shall be *primâ facie* evidence of the quantity of water consumed, and in respect of which the water rate or rent is charged and sought to be recovered by the Company. Meter to be *primâ facie* evidence.

31. Subject to the provisions of this Act, the Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation, urban or rural sanitary authority, or other local authority, and the trustees of any turnpike or other road, or any highway board, or any surveyors of any highway, and any railway company, and any other companies, bodies, or persons, with respect to the supply of water in bulk or otherwise, within and beyond their limits of supply, as the Company think fit, and every such contract and arrangement may be for such period, on such terms, pecuniary or otherwise, and conditions as the Company think fit, and the Company may by agreement vary, suspend, or rescind any such contracts or arrangements, and make others in lieu thereof and in addition thereto. Supply of water in bulk.

32. Notwithstanding anything in this Act contained, the Company shall not supply to any corporation, body, or person water, in bulk or otherwise, for use or consumption within the district or limits of supply of any other water company incorporated by Act of Parliament without the consent in writing of such other Domestic supply not to be interfered with.

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Company, and then only upon such terms as shall be in such consent expressed, neither shall the Company afford any such supply within or beyond their limits if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within their limits.

Extension of time for completion of works authorised by Act of 1874.

33. The time limited by the Act of 1874 for the completion of works by that Act authorised is hereby extended for a period of ten years from the thirtieth day of June one thousand eight hundred and eighty. If the said works be not completed within the extended period by this Act limited, then, on the expiration of that period, the powers by the Act of 1874 and this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Protection of Great Western and London and North-western Railway Companies.

34. Any works to be constructed, laid down, or executed by the Company in exercise of the powers conferred by this Act, or any other powers in that behalf, as also the repairs or renewals thereof, crossing, being in close proximity to, or in any way affecting any railway, lands, or property at any time or times belonging to or used or occupied by the Great Western Railway Company, the London and North-western Railway Company, or either of them, or any of the bridges or other works of any such railways, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Great Western Railway Company or the London and North-western Railway Company, as the case may be, and according to plans and at such times as shall be reasonably approved by him, before any such works are begun (except in cases of emergency arising, and then as soon as possible after the beginning of the work or the necessity for the same has arisen), but in all things at the expense of the Company, and so as to cause no injury to any such railways, bridges, works, lands, or property, or interference with the passage or conduct of traffic over or on any such railways or at any station thereof, or at any works or conveniences connected therewith; and if any such injury shall arise to any such railways, bridges, works, conveniences, lands, or property, or interference with the passage or conduct of such traffic, either in or by the construction, laying down, execution, repair, or renewal of any works of the Great Western Railway Company, or the London and North-western Railway Company, as the case may be, or by bursting or leakage of any of their aqueducts, conduits, mains, pipes, or other works, the Company shall make full compensation to the Great Western Railway Company or the London and North-western Railway Company, as the case may be, in respect of any

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such injury or interference, the amount of such compensation to be recoverable with full costs by the Great Western Railway Company or the London and North-western Railway Company, as the case may be, from the Company by all and the same means as any simple contract debt is or may be recoverable. A.D. 1880.
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35. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company. Expenses of
Act.

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