



CHAPTER xxix.

An Act to confer further powers upon the Holyhead Waterworks Company and for other purposes. A.D. 1906.

[22nd June 1906.]

WHEREAS by the Holyhead Waterworks Act 1866 the Holyhead Waterworks Company (hereinafter called "the Company") were incorporated with a share capital of eight thousand pounds with power to borrow two thousand pounds and were empowered to construct certain works for the purpose of supplying with water the parish of Holyhead in the county of Anglesey:

And whereas by the Holyhead Water Order 1885 the Company were authorised to construct additional works and to raise additional capital not exceeding four thousand pounds with power to borrow one thousand pounds:

And whereas by the Holyhead Water Order 1895 (hereinafter referred to as "the Order of 1895") the Company were empowered to construct further works and to raise further capital not exceeding six thousand pounds with power to borrow one thousand five hundred pounds:

And whereas the Company of such authorised capital have raised and expended the sum of sixteen thousand four hundred and seventy pounds including premiums amounting to two thousand six hundred and seventy pounds:

And whereas the Company have borrowed and now owe two thousand pounds:

And whereas the demand for water within the Company's limits of supply has of late years greatly increased and it is expedient that the Company be authorised to construct additional waterworks and that the other powers of this Act be conferred upon the Company:

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And whereas it is expedient that the Company be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act the plans also showing the lands which may be taken compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of this Act were deposited with the clerk of the peace for the county of Anglesey and are in this Act respectively referred to as "the deposited plans sections and book of reference" :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Holyhead Water Act 1906.

Incorporation of general Acts.

2. The Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner") the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

- The distribution of the capital of the Company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and the means of enforcing the payment of calls ;
- The forfeiture of shares for non-payment of calls ;
- The remedies of creditors of the Company against the shareholders ;
- The borrowing of money by the Company on mortgage or bond ;
- The consolidation of the shares into stock ;
- The general meetings of the Company and the exercise of the right of voting by the shareholders ;

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The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts are (except where inconsistent with or 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.

Interpretation.

4. Subject to the provisions of this Act the Company may wholly in the county of Anglesey make and maintain in the situations and lines and according to the levels shown on the deposited plans and sections the following works and may enter upon take use and hold such of the lands delineated upon the deposited plans and described in the deposited book of reference as they may require therefor The works are as follows :—

Power to make works.

- (1) An intake or conduit wholly in the parish of Llanfihangel-yn-Nhowyn commencing in the lake known as Llyn Traffwll at a point 17 chains or thereabouts measured in a direct line in a southerly direction from the south-eastern corner of St. Mihangel's Church and terminating in the pumping station hereinafter described :
- (2) A pumping station (hereinafter referred to as "the intended Llyn Traffwll pumping station") situate in the said parish of Llanfihangel-yn-Nhowyn in the field or enclosure numbered 121 on the $\frac{1}{2500}$ Ordnance map of that parish (2nd edition 1900) :
- (3) A line or lines of pipes (No. 1) commencing in the said parish of Llanfihangel-yn-Nhowyn at or in the said intended Llyn Traffwll pumping station and terminating in the parish of Holyhead Urban and the urban district of Holyhead at a point in the high road leading from Holyhead to Bangor 2 chains or thereabouts measured in a north-westerly direction from the point where the boundary between the urban district of Holyhead and the parish of Holyhead Rural crosses the

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said road and which said point is 44 chains or thereabouts measured along the said road in a north-westerly direction from the second milestone from Holyhead to Bangor and which said line or lines of pipes will be situate in or pass from through or into the several parishes and places following or some of them (that is to say):—

The parishes of Llanfihangel-yn-Nhowyn Bodedern Llanfair-yn-Neubwll Llanynghenedl and Holyhead Rural in the rural district of Valley and the parish of Holyhead Urban and the urban district of Holyhead:

- (4) A line or lines of pipes (No. 2) wholly in the parish of Holyhead Rural in the rural district of Valley commencing in the existing high level or "Cwm" reservoir of the Company numbered 1342 on the $\frac{1}{2500}$ Ordnance map of that parish (2nd edition 1900) and terminating in the existing New Lower reservoir of the Company numbered 1279 on the said $\frac{1}{2500}$ Ordnance map of that parish (2nd edition 1900).

Power to make subsidiary works.

5. The Company in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water-towers overflows waste water channels gauges filter beds tanks banks approaches engines telegraphs telephones and means of electric communication machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them:

Provided that any telegraphs telephones or other means of communication shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to pay cost of additional postal or telegraphic facilities.

6. The Company may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in connection with the works authorised by this Act and any expenses incurred by the Company under such undertaking may be defrayed out of any revenue or funds of the Company.

7. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards:

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Limits of deviation.

Provided that the Company shall not alter the surface level of any road or raise the lines of pipes above the surface of the ground except so far as is shown on the deposited sections.

8. The Company may collect take and use all or any of the springs and waters which can or may be collected or taken by means of the waterworks by this Act authorised.

Power to take and appropriate water.

9. Subject to the provisions and for the purposes of this Act the Company may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to acquire lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

Period for compulsory purchase of lands.

11. The Company may in addition to the lands now belonging to them or which they are by this Act authorised to purchase compulsorily from time to time by agreement purchase or take for any of the purposes of their undertaking any additional quantity of land not exceeding in the whole ten acres or any easement or right (not being an easement right or privilege of water in which persons other than the grantors have an interest) in or over such additional lands or otherwise which they may from time to time think requisite for any of the purposes of their undertaking Provided that the Company shall not sink drive construct or use any well drift or adit upon any such lands Provided further that so long as any such lands are held by them the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection thereon of any buildings other than buildings connected with or necessary for their undertaking.

Power to acquire additional lands by agreement.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right

Power to take easements &c. by agreement.

A.D. 1906. or privilege of water in which persons other than the grantors have an interest) 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.

Company may sell spare lands of undertaking.

13. Notwithstanding anything in the Lands Clauses Acts contained the Company may from time to time sell lease exchange or otherwise dispose of any lands purchased or taken by them under the powers of this Act in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with regard to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

Power to hold lands for protection of waterworks.

14. The Company may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Company shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to agree as to drainage of lands &c.

15. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of their reservoirs and works with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which they are empowered to divert collect and appropriate flowing to upon or from such lands directly or derivatively into such reservoirs and works.

16. The works by this Act authorised shall subject to the provisions of this Act for all purposes whatsoever form part of and be comprised in the undertaking of the Company.

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New works to be part of undertaking of Company.

17.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any well conduit or line of pipes or other works of the Company the Company may cause the water in any such well or works to be temporarily discharged into any available stream or watercourse.

Temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

18. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Anglesey for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Anglesey and duplicates thereof shall also be deposited with the clerks of the councils of the parishes in which the lands affected thereby are situate and such certificate and duplicates respectively shall be kept by such clerk of the peace and clerks of the parish councils respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands in accordance with such certificate.

Correction of errors &c. in deposited plans and book of reference.

19. If the works authorised by this Act be not completed within four years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed

Period for completion of works.

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As to filtration.

20.—(1) The Company shall effectually filter all water before the same shall be put into their pipes for distribution and in addition to their existing filter beds the Company shall execute and maintain such further filter beds or other works as may be necessary for the purposes aforesaid.

(2) If any difference shall arise between the Company on the one hand and the local authorities within the limits of supply of the Company or any one or more of them on the other hand as to whether such filtration is effectual such difference shall be settled by an arbitrator to be appointed (unless otherwise agreed on) by the Local Government Board on the application of either party.

(3) If the Company make default in complying with any of the provisions of this section they shall on summary conviction thereof be liable to a penalty not exceeding ten pounds for every day on which such default shall continue after complaint in writing thereof shall have been sent to their principal office and such penalty may be recovered by any local authority within the limits of supply of the Company.

For protection of Lady Margaret Maria Verney.

21. The following provisions for the protection of the estate in the parishes of Llanfihangel-yn-Nhowyn and Llechlched in the county of Anglesey of Lady Margaret Maria Verney (who and whose heirs and assigns and successors in title are included in the expression "the owner" wherever used in this section) shall unless otherwise agreed be binding on the Company:—

(1) In the event of the Company fencing off Llyn Traffwll or any portion thereof from the adjoining lands of the owner the Company shall at their own cost provide and for ever maintain to the reasonable satisfaction of the owner proper and convenient watering places for cattle in each field or enclosure adjoining the said lake on the estate of the owner:

(2) The exclusive right of boating fishing fowling and sporting over Llyn Traffwll shall be reserved to the owner provided that the rights hereby reserved shall not be exercised so as to foul the waters in the said lake nor to interfere with the rights powers and authorities of

the Company over and in the said lake including the right of abstracting impounding and drawing off the waters of the said lake and the doing of all such acts as they may deem necessary for maintaining and cleansing the said lake and the works connected therewith :

- (3) The Company shall purchase and the owner shall sell to the Company an easement only for the laying of the lines of pipes authorised by this Act so far as such pipes are to be constructed upon the estate of the owner and the price to be paid for such easement and the compensation for all lands of the owner taken or used for the purpose of any of the works by this Act authorised shall if not agreed be ascertained under the Lands Clauses Acts :
- (4) The right of the owner and her tenants of passing over and using for all purposes the land over or under the lines of pipes by this Act authorised where the same pass through the lands of the owner (except such as would injure the said lines of pipes or interfere with their maintenance) shall not be interfered with It shall be lawful for the owner and her tenants to lay out construct and use along over or under the said lines of pipes any roads drains or pipes provided that such construction and use shall not interfere with or injure the said lines of pipes or any works by this Act authorised or the maintenance thereof The Company shall not except with the consent of the owner fence off or sever any land of the owner in respect of which the Company acquire any easement or right :
- (5) The Company shall make good the drainage and sewerage of the estate of the owner where interfered with by the works of the Company :
- (6) There is to be reserved to the owner the use and privilege of drainage of all farms and places not purchased by the Company as now enjoyed and if any alterations or works interfering with such drainage are required by the Company in order to prevent pollution of the Company's water the costs of carrying out the alterations and works and of doing any other acts in order to provide an adequate and sufficient drainage for such farms and places are to be borne and paid by the

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Company and the owner may either carry out such alterations and works and charge the Company therewith or permit the Company to execute the same and in such case a month's written notice of any alterations and works required to be done shall be given to the owner and the Company shall pay to all tenants of the owner compensation for any damage they may sustain to their crops or otherwise through the exercise of the powers by this subsection authorised :

- (7) Notwithstanding the provisions of this Act with respect to the compulsory purchase of lands for the protection of the drainage areas of the Company the Company shall not purchase for such purpose any lands of the owner except by agreement :
- (8) The Company shall not supply water in bulk from Llyn Traffwl to any local authority or company outside their area of supply unless the area of such authority or company is traversed by the line or lines of pipes by this Act authorised :
- (9) The Company shall indemnify the owner and her tenants against all damages which they may sustain in consequence of the bursting or failure of any of the pipes by this Act authorised to be laid :
- (10) Nothing in this Act contained shall prevent the owner or her tenants taking or using the waters of the said lake for estate purposes as heretofore :
- (11) The Company shall not abstract any water for the purposes of supply from the said lake when the surface level of the water thereof is at or below the level of 19.50 above Ordnance datum :
- (12) The provisions of this section shall except in regard to the matters provided for by this section be in addition to and not in derogation from any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the owner :
- (13) Any difference which may arise between the owner and her tenants and the Company with respect to any question under this section shall be settled unless otherwise provided in manner provided by the Lands Clauses Acts.

22. In executing the works and exercising the powers by this Act authorised beyond the existing limits of supply of the Company the following provisions for the protection of the county council of the administrative county of Anglesey (in this section called "the county council") shall unless otherwise agreed have effect (that is to say):—

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For pro-
tection of
Anglesey
County
Council.

- (1) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads and county bridges opened or broken up or interfered with by the Company in the exercise of the powers of this Act Provided that the notice required by section 30 of that Act shall not be less than seven days instead of three days :
- (2) The plan required by the thirty-first section of the said Act shall be accompanied by a section in the case of any county or main road bridges or the Valley embankment (in this section referred to as "the said embankment") notwithstanding that a portion of such embankment is within the existing limits of supply of the Company and shall be delivered to the county council or their surveyor not less than in case of a bridge or the said embankment one month and in all other cases fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works :
- (3) All pipes to be laid in upon or across the said embankment shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct :
- (4) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any main road in or along which any pipes of the Company shall have been laid and the Company shall forthwith on receiving not less than 28 days' notice in writing under the hand of the clerk or surveyor of the county council so to do alter the position of any such pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the expenses

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of any such alteration shall be paid to the Company by the county council :

- (5) Nothing in this Act contained shall interfere with the right of the county council at any time or times to remove alter or rebuild the said embankment or Glasinwen Bridge or the approaches thereto in the same manner as they might have removed altered or rebuilt the said embankment or bridge or the approaches thereto if this Act had not been passed and no pipes of the Company had been laid over or near or attached to the said embankment or bridge and in the event of the said embankment or bridge or the approaches thereto over or near or attached to which any such pipes are laid being removed altered or rebuilt as aforesaid the Company shall at their own cost in all things alter the position of such pipes and any works by which the same are carried over or near or attached to the said embankment or bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of the said embankment or bridge or the approaches thereto as aforesaid the county council shall at their own expense afford all reasonable facilities for temporarily carrying such pipes across the stream river or other place over which the said embankment or bridge is carried so as not to interrupt the continual supply of water or to diminish the pressure of such supply through such pipes :
- (6) All works of the Company so far as they affect any main roads and county or main road bridges shall be so executed by the Company so far as is reasonably practicable as not to stop or impede the traffic on any main road or over any county or main road bridge or the approaches thereto and the Company shall not open or break up at any one time a greater length than three hundred yards of any main road :
- (7) The county council shall not be liable for or in respect of any damage or injury done to any work of the Company by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or in

repairing any county or main road bridge or the approaches thereto or by reason of the non-repair of any such road bridge or approaches : A.D. 1906.

- (8) The period during which the Company shall be bound under the provisions of the thirty-second section of the Waterworks Clauses Act 1847 to keep in good repair after replacing and making good the same the road or pavement of any street or bridge which shall have been opened or broken up by them shall be six months instead of the period prescribed in the said section :
- (9) The Company shall provide and at all times maintain and keep in good order in connection with the line or lines of pipes No. 1 described in the section of this Act the marginal note whereof is "Power to make works" in that portion of the main road leading from Holyhead to Bangor which lies between the village or hamlet of Caergeiliog and the point on the said embankment where the boundary of the parish of Holyhead Rural intersects the same in such positions at intervals of half a mile as the county council shall reasonably approve good and sufficient valves hydrants and meters and shall therefrom supply whenever that portion of the said main road or any part thereof is under repair such quantities of water to the county council as the county council shall reasonably require not exceeding in any one day 5,000 gallons for the purpose of such works of repair and the county council shall pay for such supply at such reasonable rates to include rent of meter as may be agreed upon between the county council and the Company or as in case of dispute shall be settled by an engineer in manner hereinafter provided :
- (10) If any difference arises at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be agreed on between the county council and the Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

23. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus Detection of waste.

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Provided that the Company shall not break up or interfere with any electric lines wires or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Repeal of section 36 of Act of 1866.

24. Section 36 (Water may be supplied by agreement) of the Holyhead Waterworks Act 1866 is hereby repealed.

Supply by measure.

25. The Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply to houses partly used for trade &c.

26. The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Price of supply by measure.

27. The price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons.

Power to lay pipes in streets not dedicated to public use.

28. The Company may on the application of the owner or occupier of any premises within the limits of supply of the Company abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay and renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Contracts for supplying water in bulk.

29. The Company may enter into and carry into effect agreements with any local authority company or persons whose area or property as the case may be is intersected or situate on

the line or lines of pipes of the Company for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

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30. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and may from time to time raise additional capital to such nominal amount as shall be sufficient to produce including the premium if any which may be obtained on the sale thereof the sum of forty thousand pounds by the creation and issue of new ordinary shares or stock but the Company shall not issue any share of less nominal value than five pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof.

Power to raise additional capital.

31. Subject to the provisions of this Act the new capital created by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as by this Act otherwise expressly provided the holders of shares or stock therein shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock and be subject to the like provisions liabilities and forfeitures as the holders of shares or stock in the existing capital of the Company of the same class or description.

Incidents of additional capital.

32. The Company shall not in any one year pay out of their profits any larger dividend on the additional 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.

Limit of profit on additional capital.

33. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is

New shares or stock to be offered by auction or tender.

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Purchase money of capital sold to be paid within three months.

34. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof (including any premium) given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of shares or stock.

35. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of every local authority having jurisdiction within the limits of supply of the Company and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply.

Shares or stock not sold may be offered to shareholders employees or consumers.

36.—(1) When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same may (if the directors of the Company think fit) be offered at the reserve price put upon the same for the purpose of sale by auction or tender to the holders of ordinary shares or stock of the Company in manner provided by the Companies Clauses Act 1863 or to the employees of the Company or to the consumers of water supplied by the Company or partly to one and partly to another or others.

(2) Any shares or stock not so offered and any shares or stock so offered and not accepted in the case of shares or stock offered to the holders of shares or stock within the time prescribed by the said Act or in the case of shares or stock offered to such employees

or consumers within the time limited by the directors of the Company may again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act and at such time or times as the directors of the Company may think fit and any shares or stock not then sold may be again offered to the holders of ordinary shares or stock or to such employees or consumers at the reserve price put upon the same at such second auction or tender and so from time to time until the whole of such shares or stock is sold.

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37. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Application of premium arising on issue of shares or stock.

38. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued shall have been fully paid up together with the premium (if any) realised on the sale thereof 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 such shares and stock and premium (if any) have been issued and fully paid up 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.

39. Section 19 of the Order of 1895 (For the appointment of a receiver) is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act And in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver And in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to

Appointment of receiver.

. A.D. 1906. the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Debenture stock.

40. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 17 (Power to create debenture stock) of the Order of 1895. Notice of the effect of the last-mentioned enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

41. All moneys to be raised by the Company under the provisions of this Act on mortgage or by the issue of debenture stock 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 Acts 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 or dividend on their mortgages or debenture stock.

Application of moneys.

42. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Recovery of demands.

43. Proceedings for the recovery of any demand made under the authority of this Act or the recited Act and Orders or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court provided that the demand does not exceed the amount recoverable in that court in a personal action.

Expenses of Act.

44. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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