

ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. lxxxv.

An Act for better supplying the Borough of Wrexham and Neighbourhood thereof with Water; and for other Purposes. [23d June 1864.]

Wrexham and Neighbourhood thereof is inadequate for the Supply of the Inhabitants, and it is expedient to increase and improve such Supply, and for that Purpose to make and maintain the Works herein-after mentioned: And whereas the Persons herein-after named and others are willing, at their own Expense, to provide such increased and improved Supply, and to make and maintain such Works: 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; (that is to say,)

1. This Act may be cited for any Purpose as "The Wrexham Short Title. Waterworks Act, 1864."

[Local.]

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

2. "The Companies Clauses Consolidation Act, 1845," Part I. and Section Twelve of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1863," save in so far as the Provisions of those Acts are varied or excepted by this Act, are incorporated with this Act.

Interpretation of Terms.

3. In this Act the Word "Lands" shall extend to Bridges as well as to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the several other Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; and the Expression "Superior Court," "Court of competent Jurisdiction," or other like Expression in this Act or in the said incorporated Acts with reference to this Act 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.

Limits of Act for Supply of Water.

4. The Limits of this Act for the Supply of Water by the Company shall be the Borough of Wrexham and the Townships of Esclusham Below, Erddig, Bersham, Broughton, and Stansty, all in the County of Denbigh.

Incorporapany.

5. John Dickenson, Edward Davies, Joseph Clark, John Clark, tion of Com- John Beale, Peter Walker, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and are by this Act united and incorporated into a Company for the Purpose of supplying Water within the Limits of this Act, and for making and maintaining Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions and for the Purposes of this Act, by and under the Name of "The Wrexham Waterworks Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, take, hold, and dispose of Lands, Houses, and other Property for the Purposes but subject to the Restrictions of this Act.

Capital.

6. The Capital of the Company shall be Fifteen thousand Pounds, divided into One thousand five hundred Shares of Ten Pounds each.

Shares not to issue until One Fifth Part paid up.

7. It shall not be lawful for the Company to issue any Share unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

8. Two

- 8. Two Pounds Ten Shillings per Share shall be the greatest Calls. Amount of any One Call which the Company may make upon the Shareholders, and Three Months at least shall be the Interval between successive Calls, and not more than Three Fourths of the Amount of a Share shall be called up in any One Year.
- 9. If any Money be payable to any Shareholder being a Minor, Receipts for Idiot, or Lunatic, the Receipt of his Guardian or Committee shall be Persons. a sufficient Discharge to the Company for the same.

- 10. The Company may borrow on Mortgage any Sums not Power to borrow on not exceeding in the whole the Sum of Three thousand seven hun- Mortgage. dred and fifty Pounds, but no Part of that Sum shall be borrowed until the whole of the said Capital of Fifteen thousand Pounds shall have been bona fide subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify, under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said Capital has been subscribed for $bon\hat{a}$ fide and issued, and that One Fifth of every Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.
- 11. When the said authorized Share Capital of Fifteen thousand Power to Pounds is expended for the Purposes of this Act, and is found insuffi- raise addicient for those Purposes, it shall be lawful for the Company, with by new the Consent of Three Fifths of the Votes of the Shareholders present, Shares. personally or by proxy, at any General Meeting of the Company specially convened for the Purpose, to raise, by the Creation and Issue of ordinary Shares of Ten Pounds each, any further Sum not exceeding Six thousand Pounds.

12. When such further Sum of Six thousand Pounds is bonâ Power to fide subscribed for and issued, and One Half thereof is paid up, the borrow further Sums Company may borrow on Mortgage any Sum not exceeding One on Mortthousand Pounds, in addition to and subject to the same Conditions gage. as are applicable to the Sum of Three thousand seven hundred and fifty Pounds herein-before authorized to be borrowed.

13. The Mortgagees of the Company may enforce the Payment Arrears may of the Arrears of Interest alone, or of Principal and Interest, due on be enforced their respective Mortgages, by the Appointment of a Receiver, and by Appointthe Amount of Principal due to the Mortgagees by whom a Re- Receiver. quisition for a Receiver shall be made shall not be less than One thousand Pounds in the whole.

Application of Monies.

14. All Monies from Time to Time raised by Shares or borrowing under the Powers of this Act shall be applied only to the Purposes by this Act authorized, and to no other Purpose.

Number and Qualification of Directors.

15. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares at least in the Undertaking.

Directors not to be disqualified by being Commissioners under Local Acts.

16. No Person shall be disqualified as a Director by being a Commissioner or a Trustee under any Act of Parliament, or Member of any Municipal Corporation or Local Board for any public Purposes within the Limits of this Act, and no Shareholder of the Company shall be disqualified as such Commissioner, Trustee, or Member by reason of any Contract between the Company and the Commissioners Trustees, Corporation, or Local Board: Provided always, that no Commissioner, Trustee, or Member who is a Director of or Shareholder in the Company shall act or vote at any Meeting of such Commissioners, Trustees, Corporation, or Board, or at any Committee appointed by such Commissioners, Trustees, Corporation, or Board, on any Question or with reference to any Matter in which such Director or Shareholder has a direct or indirect Interest as a Shareholder or Director.

Quorum of Directors.

17. The Quorum of a Meeting of Directors shall be Three.

First Directors.

18. John Dickenson, Edward Davies, Joseph Clark, John Clark, John Beale, and Peter Walker shall be the First Directors of the Company.

First Meeting of Company.

19. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held yearly in the Month of August, or at such other Period as a General Meeting may from Time to Time appoint.

Election of Directors and First Ordinary Meeting.

20. The Directors appointed by this Act shall continue in Office until the Ordinary Meeting to be held under this Act in the Year One thousand eight hundred and sixty-five, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

21. At the First Ordinary Meetings to be held respectively in the Year One thousand eight hundred and sixty-six, and in every Year subsequent thereto, the Shareholders present personally or by proxy,

proxy, shall elect Persons to supply the Place of the Directors then . retiring from Office agreeably to the Provisions in the "Companies", Clauses Consolidation Act, 1845," contained, and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845."

22. The Quorum of every General Meeting of the Company, whether ordinary or extraordinary, shall be Ten Shareholders, present Meetings. in person or by proxy, holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

General

23. The Newspaper for Advertisements relating to the Company shall be any Newspaper published in the County of Denbigh.

Newspaper for Advertisements.

24. The Number of Shareholders on whose Requisition an Extraordinary Meeting of the Company may be required to be holders on convened shall not be less than Ten Shareholders holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Number of Sharewhose Requisition an Extraordinary Meeting may be convened.

and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Plans. the Lands in or through which the same respectively are intended

according to deposited

25. Whereas Plans and Sections of the Works by this Act autho-Power to rized showing the Situation, Line, and Levels thereof respectively, make Works to be made or pass, have been deposited with the Clerk of the Peace for the County of Denbigh: Therefore, subject to the Provisions and Restrictions in this Act and the incorporated Acts contained, the Company may enter upon, take, and use all or any of the Lands shown on the deposited Plans and described in the deposited Book of Reference, and may make and maintain the Works herein-after described, together with all proper Mains, Conduits, Sluices, Pipes, and other Conveniences connected therewith, in the Lines and Situations, according to the Levels, and upon the Lands delineated on those Plans and Sections, and described in such Book of Reference, and may collect and impound in the intended Reservoirs and Filter Beds, and thence distribute and supply, the Waters of the Pentrebychan Brook, and all such Streams, Springs, and Waters as flow into and through the Site of the Reservoir and Filter Beds herein-after described, and as shall be found within the Limits of Deviation marked. upon the said deposited Plan: Provided always, that the Company may acquire, take, and use any Right, Easement, Privilege, Power, or Authority in, over, or affecting the said Lands, or any of them, without purchasing any other Estate or Interest therein.

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Description of Works.

- 26. The Works by this Act authorized comprise the following: First, a Dam or Weir across the Pentrebychan Brook in the Township of Esclusham Above in the Parish of Wrexham in the County of Denbigh, at a Point about One hundred and forty Yards to the South-west of Pentrebychan Hall, the Residence of Henry Warter Meredith Esquire:
- Second, a Reservoir and Filter Beds in the Township of Esclusham Below in the said Parish of Wrexham in a certain Field belonging to Thomas Lloyd Fitzhugh Esquire, and numbered 121 in the said Township of Esclusham Below on the Tithe Commutation Map of such Township:
- Third, an Aqueduct, Conduit, or Line of Pipe commencing in the said Brook at or near the said Dam or Weir, and terminating at the South-western End of the said Reservoir and Filter Beds:
- Fourth, an Aqueduct, Conduit, or Line of Pipe commencing at the Northern Angle of the said Reservoir and Filter Beds, and terminating in the Borough of Wrexham on the Wrexham and Ruabon Turnpike Road near the Swan Inn in Pen-y-bryn.

For the Protection of the Estate of Thomas Lloyd Fitzhugh, Esq.

27. The Company shall not, without the Consent of the said Thomas Lloyd Fitzhugh, or other the Owner for the Time being of the Lands through which the Stream or Spring after mentioned runs, collect or impound for the Purposes of their Works, or otherwise interfere with, the Stream or Spring of Water arising in and running from a Tenement called Ystlys through a Farm of the said Thomas Lloyd Fitzhugh called Croes-y-foel, thence under the Ruabon and Wrexham Turnpike Road where it joins the Pentrebychan Brook on the North-east Side of the said proposed Reservoir and Filter Beds.

Limits of lateral and vertical Deviation.

28. In constructing the Waterworks the Company may deviate laterally to any Extent within but not beyond the Limits of lateral Deviation shown on the deposited Plans, and the Company may deviate vertically from the Levels of the said Reservoir and Filter Beds, as shown on the deposited Sections, to any Extent not exceeding Three Feet, and the Company may deviate vertically from the Levels as shown on the deposited Sections of any Work by this Act authorized, other than the said Reservoir and Filter Beds, to any Extent not exceeding Five Feet.

Powers for compulsory Purchases limited.

29. 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 within which to be made.

30. The Works by this Act authorized to be made shall be com-Waterworks pleted within Five Years from the passing of this Act, and on the Expiration

Expiration of that Period the Powers by this Act granted to the Company for the Execution of those Works respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from enlarging and extending their Mains, Pipes, and Works from Time to Time whenever it shall be necessary for the Purpose of supplying Water within the Limits of this Act.

31. The Clauses and Provisions of "The Waterworks Clauses Certain Pro-Act, 1847," with respect to the breaking up of Streets and Bridges 10 & 11 Vict. for the Purpose of laying Pipes, shall extend and apply to the opening and breaking up by the Company of any Turnpike Roads or other Roads or Footways, or any public Bridges, within the Limits of Roads, this Act, and also to the laying down and placing of Pipes, Con- Bridges, &c. duits, and other Works in and under the said Roads, Footways, and Bridges respectively.

visions of c. 17. to extend to Turnpike -

32. The Company may from Time to Time by Agreement pur- Lands for exchase or acquire for the Purposes of this Act any Lands not exceeding in Quantity Two Acres, in addition to the Lands which they are by this Act authorized to take by Compulsion.

traordinary Purposes.

33. All or any Persons who are by "The Lands Clauses Con- Parties may solidation Act, 1845," and "The Lands Clauses Consolidation Acts grant Ease-Amendment Act, 1860," empowered to convey Lands in consideration of a Rentcharge, may (if they think fit), but subject to the Provisions contained in those Acts with respect to Land, grant to the Company for the Purposes of this Act any Lands, Streams, or Waters which by this Act the Company are empowered to take, or the Right of User thereof, or any other Easement, Liberty, Privilege, Power, or Authority in or over any such Lands, Streams, or Waters, in consideration of an annual Rentcharge.

ments.

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

Grants by

35. Every such yearly Rent shall be charged on the Water Rates Rents to be or Water Rent payable under this Act, or if the Rates be leased then first charged.

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

Restrictions may be imposed upon the Sale of superfluous Property.

36. Upon any Sale by the Company under the Provisions of "The Lands Clauses Consolidation Act, 1845," relating to superfluous Lands, or any Lands or Hereditaments purchased by them under the Powers of this Act, the Company may reserve to themselves all or any Part of the Water or Water Rights and other Easements thereunto belonging which they are authorized to acquire under this Act, and may sell such Lands and Hereditaments, subject to such Reservations, and also subject to such special Conditions, Restrictions, and Provisions, with reference to the Use of Water, and for preventing the Exercise of any noxious Trade or Business upon the Premises, and for preventing or regulating the Discharge and Deposit of Manure, Sewage, and other impure Matter and Liquids, as they may think fit.

Rates at is to be supplied for domestic Purposes.

37. The Company shall, at the Request of the Owner of any which Water House in any Street in which any Service Pipe of the Company shall be laid, or of any Person who, under the Provisions of this Act or any Act incorporated therewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for domestic Purposes at any Rate which may be agreed upon between the Company and such Owner, Occupier, or other Person, not exceeding Six Pounds Five Shillings per Centum per Annum upon the Poor Rate Valuation of any such House where that Valuation shall be under Ten Pounds, and not exceeding Six Pounds per Centum per Annum where the Valuation shall be Ten Pounds or more than Ten Pounds: Provided always, that the Company shall not be compelled to supply any House for less than Seven Shillings per Annum.

Rates for Waterclosets and Baths.

38. If there be a private Bath or Baths or more than One Watercloset in any such House, then, in addition to the Rates before specified, the Company may demand, in respect of each such House, for the First Bath an additional Sum not exceeding Ten Shillings per Annum, and in respect of every Watercloset or Bath beyond the first an additional Sum not exceeding Five 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; provided also, that the Company shall not be compellable to supply any Watercloset or Bath unless the same and the Apparatus and Pipes connected therewith shall be so constructed and used as to prevent the Waste and undue Consumption of the Water of the Company.

39. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter, Pipes, or Fittings belonging to the Company, or who shall fraudulently alter the Index Use of to any Meter, or shall knowingly and wilfully prevent any Meter Meters. from duly and properly registering the Quantity of Water supplied, shall for every such Offence forfeit 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.

Penalty for Injury to and fraudulent

40. No Meter, whether supplied by the Company or the Consumer, shall be altered or repaired except under the Direction or with the Consent of the Company or the Surveyor or other Officer of the Company, and the Company shall be entitled to keep all Meters Direction or which may be provided by the Consumer in repair, at the Cost of sent of the Consumer, at such moderate Rate of Remuneration as may be Company. agreed on between the Company and the Consumer, or, in case of Dispute, as may be fixed by Two Justices.

Meters not to be altered or repaired except under

41. The Company may from Time to Time supply any Person, Company, or Corporation with Water for any Purposes other than domestic Purposes for which such Supply may be required for such supplied by Remuneration, and upon such Terms and Conditions, as shall be Agreement. agreed upon between the Company and the Person, Company, or Corporation desirous of having such Supply of Water.

other Purposes may be

42. The Company shall not be bound to supply Water in any Case at a Level above that at which Water can be supplied by Gravitation from the Service Reservoir from which the Supply is Water above furnished.

Company not bound to supply a certain Level.

43. Every Consumer shall have the Option of providing the Pipes, Consumers Fittings, or Apparatus which he may require on his own Premises, may have the Option but the Company shall not be compellable to supply any Person with of providing Water unless the Apparatus or Pipes provided or to be provided by such Person shall be of such Material, and so constructed and used, Fittings. as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air or noisome and impure Matter [Local.] 12 C into

their own

into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Company.

Where several Houses supplied by One Pipe each to pay.

44. When several Houses or Parts of Houses in the Occupation of several Persons shall be 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: Provided always, that the Company shall not be compelled to supply Water to the Occupier of any Part of a Dwelling House, or for any Premises occupied with a Dwelling House, unless the Water Rate is paid for the whole of such Dwelling House and Premises.

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

45. It shall not be lawful for any Owner or Occupier of any House supplied with Water by the Company, without the Consent of the Company, to affix or permit or suffer to be affixed to any of the Mains or other Pipes of the Company, or to any Service Pipe of such Owner or Occupier, other than and except a Pipe supplied by means of or through a Meter, any Gutta Percha or other Tubes or Pipes for the Purposes of washing the Windows or Fronts of Houses or other Buildings, or the Pavements or Roads adjacent thereto, or for watering Gardens, or for any other Purposes whatsoever, and any Person who shall act contrary to this Enactment shall for every such Offence forfeit to the Company any Sum not exceeding Forty Shillings.

Company may require Pipes, &c. to be repaired.

46. The Company may, by Notice in Writing under the Hand of their Surveyor or other duly authorized 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.

Undisputed
Rates may
be recovered
by Distress.

47. All Water Rates or Rents due to the Company, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount whereof shall not be disputed, may be levied by Distress, provided that the Amount so to be levied from any One Person or Body Corporate shall not exceed Twenty Pounds, and any Justice, on Application, may issue his Warrant accordingly: Provided, that if it be shown to the Satisfac-

tion

tion of the Justice that there is reasonable Ground to dispute the Amount due for such Rates and Rents, then such Justice shall refuse to adjudicate, and the Amount due shall be recoverable in any Court of competent Jurisdiction.

- 48. Any Number of Names and Sums may be included in any Several Warrant of Distress or Notice obtained or given by the Company One Warfor any of the Purposes of this Act, and may be stated either in the rant. Body of the Warrant or Notice or in a Schedule thereto.
- 49. Any Justice who issues any such Warrant of Distress may Costs of order that the Costs of the Proceedings for the Recovery or such Rate or Sum shall be paid by the Person liable to pay such Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum.
- 50. Penalties imposed on the Company or on any Person by Penalties several Acts for One and the same Offence shall not be cumulative, not to be and for this Purpose this Act and the several Acts incorporated with this Act shall be deemed several Acts.
- 51. The Costs, Charges, and Expenses of and incident to the Expenses of Application for and passing of this Act shall be paid by the Act. Company.

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