



CHAPTER lxxx.

An Act to confer further powers upon the Mold Gas and Water Company to empower them to raise additional Capital and for other purposes. A.D. 1892.
[20th June 1892.]

WHEREAS the Mold Gas and Water Company were incorporated by the Mold Gas and Water Act 1867 (herein-after referred to as "the recited Act") by the name of the Mold Gas and Water Company for the purpose of supplying gas and water to the town and neighbourhood of Mold in the county of Flint and for executing all necessary works for that purpose according to the provisions of that Act and the Acts incorporated therewith and were authorised to raise a capital of twelve thousand pounds in shares and to borrow on mortgage or bond any sum or sums of money not exceeding in the whole three thousand pounds : 30Vict.c.lxvi.

And whereas the Company made the works authorised by the recited Act for the supply of water and have since supplied the inhabitants within the limits of that Act with water and it is expedient that the limits of the recited Act for the supply of water should be extended as herein-after provided :

And whereas the Company have raised the whole of their authorised capital of twelve thousand pounds and have borrowed on mortgage the sum of two thousand one hundred pounds authorised by the recited Act and have expended upon their undertaking the whole of the moneys so raised and borrowed as aforesaid together with a further sum of three hundred and thirty-one pounds out of the moneys which would have been available for dividend and the Company have not created debenture stock :

And whereas it is expedient to confer further powers upon the Company in relation to the supply of water as herein-after provided :

And whereas by the recited Act (section 85) it was provided that the Company if required by the local board for the district of Mold should supply with water the public fountain or drinking place at the Cross in the town of Mold and provide a sufficient quantity of

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And whereas the said public fountain and drinking place was some years ago removed by the said local board :

And whereas it is expedient that further provision should be made for supplying the said local board with a constant supply of water at high pressure for watering the streets within their district and for other purposes upon the terms herein-after expressed :

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

And whereas it is expedient that the other provisions herein-after contained be made :

And whereas plans and sections showing the lines situations and levels of the intended works and the lands which may be taken under the powers of this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of and describing such lands were duly deposited with the clerk of the peace for the county of Flint and with the clerk of the peace for the county of Denbigh and are herein-after referred to as the deposited plans sections and book 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 (that is to say) :—

Short title.

1. This Act may be cited as the Mold Water Act 1892.

Incorporation of general Acts.

2. The following Acts and parts of Acts so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act namely :—

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 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;

The exercise of the right of voting by the shareholders;

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:

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 the Companies Clauses Act 1869:

The Waterworks Clauses Acts 1847 and 1863 and (so far as they are applicable for the purposes and not inconsistent with the provisions of this Act) the Lands Clauses Acts and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof. The provisions herewith incorporated of the last-mentioned Act shall apply only to the reservoirs by this Act authorised and in construing those provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said reservoirs and the boundaries thereof.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Interpretation.

4. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act and of the recited Act be read and have effect as if the words in that section "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom.

Amendment of section 44 of the Waterworks Clauses Act 1847 for the purposes of this and the recited Act.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the

Power to construct works.

A.D. 1892. deposited plans and sections the several works shown on those plans and sections and may enter upon take and use such of the lands shown on the said plans and described in the deposited book of reference as they may require for the purposes aforesaid (that is to say) :—

A reservoir (No. 1) situate in the parishes of Cilcen in the county of Flint and Llanferres in the county of Denbigh near the farmhouse known as Brithdir Mawr and at or near the point where two streams from Moel Fammau unite and form one stream (one of which streams is called or known as Cwm Llydan and forms a portion of the boundary between the counties of Denbigh and Flint) such reservoir to be formed by an embankment or dam across the said stream at the point above described in the centre of the stream one mile ten chains or thereabouts measured in a straight line in an easterly direction from the east corner of the Jubilee Tower on Moel Fammau The said embankment or dam will commence in the said parish of Cilcen at a distance of six and three quarter chains or thereabouts measured in a north-easterly direction from the point above described in the centre of the said stream and six and a half chains or thereabouts measured in a southerly direction from the south-eastern corner of the farm buildings known as Brithdir Mawr and will extend across the said stream in a south-westerly direction and terminate in the said parish of Llanferres at a point nine chains or thereabouts from its commencement above described :

The said Reservoir No. 1 will commence at the said embankment or dam and will extend up the said two streams for a distance of eleven chains or thereabouts measured in a westerly direction from the centre of the said embankment or dam :

A service reservoir (No. 2) situate at Gwernymynydd in the township of Hendrebiffa in the parish of Mold in the county of Flint in the enclosure numbered 349 in the said township of Hendrebiffa on the Ordnance map of Flintshire (scale $\frac{1}{2500}$) :

An aqueduct conduit or line of pipes (No. 1) wholly situate in the parish of Llanferres commencing in a stream at a point twenty-nine chains or thereabouts measured in a westerly direction from the west end of the farmhouse known as Cwmbach and thence proceeding in a north-easterly direction for a distance of twenty-six chains or thereabouts and terminating at the Reservoir No. 1 at the south side thereof at a point two chains or thereabouts westward of the said embankment or dam ;

An aqueduct conduit or line of pipes (No. 2) commencing in the township of Maesygroes in the said parish of Cilcen from and out of the Reservoir No. 1 at or near the said embankment or dam and terminating in the said service reservoir No. 2:

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An aqueduct conduit or line of pipes (No. 3) commencing from and out of the service Reservoir No. 2 and terminating at the Cross in the town of Mold in the parish of Mold in the county of Flint.

6. The Company may subject to the provisions of this Act upon lands acquired by or belonging to them from time to time make and maintain all necessary and convenient approaches embankments roads ways tunnels adits wells tanks filtering beds dams sluices out-falls channels conduits drains pipes engines works and conveniences for obtaining collecting filtering storing and distributing water but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them in the exercise of the powers of this section.

Power to make incidental works.

7. Subject to the other provisions of this Act in executing the works shown on the deposited plans the Company may deviate from the lines thereof to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of any embankment or retaining wall thereof the Company shall not in the exercise of the powers of lateral deviation hereby conferred upon them construct any embankment or retaining wall of the reservoir by this Act authorised of greater height above the general surface of the ground than the height thereof shown on the deposited section.

Lateral and vertical deviations.

8. The Company may take impound collect appropriate divert use supply and distribute the waters of the streams herein-after described (that is to say):—

Power to impound waters.

(1.) The said stream called Cwm Llydan starting at a point seventeen chains or thereabouts from the Jubilee Tower on the Moel Fammau mountain range in an easterly direction and forming a portion of the boundary between the counties of Denbigh and Flint and running in an easterly direction until it unites with two other streams running from other points in the Moel Fammau mountain range at a point thirteen chains or thereabouts from a farmhouse called Brithdir Mawr thence forming one stream which empties itself into the River Alyn:

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(2.) A stream commencing twenty chains or thereabouts from Moel Fammau aforesaid in a north-easterly direction and running in an easterly direction until it unites with the said stream called Cwm Llydan at a point thirteen chains or thereabouts from the said farmhouse called Brithdir Mawr :

(3.) A stream commencing seventy chains or thereabouts measured in a south-easterly direction from the said Jubilee Tower thence running in a north-easterly direction until it unites with the said stream called Cwm Llydan at a point five chains or thereabouts north-west of a farmhouse called Cwmbach.

For the
protection of
the London
and North
Western and
Great
Western
Railway
Companies.

9. The following provisions for the protection of the London and North Western Railway Company and Great Western Railway Company (in this section called "the railway companies") shall have full force and effect and be binding on the Company and their assigns both in respect of the railways jointly as well as those separately owned by those companies :—

In laying down and executing or in effecting the repairs alterations or renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway companies or either of them or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway companies or of the Company whose railway may be so affected and only according to such plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway companies or either of them are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any railway or siding bridge or level crossing the Company shall make

compensation in respect thereof to the railway companies or to such one of them as may be affected thereby the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable.

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10. The limits within which the Company may supply water are hereby extended so as to include the townships and places of Arddyn-went Broncoed Mold Leeswood Nerquis Pontybodkin Pontblyddyn and Tryddyn and so much of the township of Hendrebiffa as lies south of the road from Pontybuarth through Fron Fawnog to Hendy and so much of the township of Maesygroes as lies south and east of the road running from Cwm Llydan past Brithdir Mawr aforesaid down to the River Alyn at Tan Lan all in the county of Flint and all the powers of the Company under the recited Act shall so far as applicable extend and apply to and within the limits as so extended:

Extending
limits of
Company
for water
supply.

Provided that if the Company shall not within three years from the date of the passing of this Act have made adequate provision for the supply of water for domestic purposes within the townships and places herein-before named or any of them the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority of the said townships and places or any of them as the case may be but it shall be competent for the local authority by agreement with the Company to extend the said term of three years to any further period not exceeding three years.

11. From and after the completion of the works by this Act authorised the Company shall deliver into the River Alyn from their existing reservoirs wells and other sources of supply or from the reservoirs and works by this Act authorised or from the streams then forming the Company's sources of supply or connected therewith as compensation water a regular and continuous supply of water which shall not be less than eighty thousand gallons during every successive period of twenty-four hours.

Provision for
compensa-
tion water.

12. In case the Company shall omit or fail to deliver into the River Alyn the minimum quantity of compensation water by this Act required to be so delivered the Company shall be liable to a penalty of not exceeding five pounds a day for every day on which such omission or failure shall occur such penalty to be recoverable with costs summarily by the party or parties interested in the delivery of such water or by the owners lessees or occupiers of any mills or works using the water flowing down the River Alyn before two justices of the county of Flint or the county of Denbigh as the

Penalty.

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Gauges.

13. The Company shall make and maintain at such points or places as shall be most suitable for the purpose as part of the works and conveniences by this Act authorised a gauge or gauges and other apparatus proper and sufficient for regulating and testing the delivery of the said quantity of water into the River Alyn and all persons interested in the delivery of such water and the owners lessees and occupiers of mills and works using the water flowing down the River Alyn shall be entitled by themselves and their agents at all reasonable times freely to have access to and to inspect and ascertain the working and the state of repair and condition and the propriety and sufficiency of the gauge or gauges and apparatus and to take an account of the quantity of water flowing therefrom into the River Alyn.

Repair of gauges.

14. If and whenever the said gauge or gauges and apparatus shall be in any respect in bad repair order or condition and shall not be put into good repair order and condition by the Company within twenty-one days after notice in writing requiring them so to do given to them by or on behalf of the owners lessees or occupiers of any such mills or works as aforesaid or any or either of them such owners lessees and occupiers or any or either of them may put the said gauge or gauges and apparatus into good order repair and condition and recover from the Company the expense thereof with costs of action in any court of competent jurisdiction.

Power to grant easements.

15. 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 easements rights or privileges (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements and rights and privileges as aforesaid respectively.

Power to take lands by agreement.

16. The Company may take by agreement for the purposes of their undertaking in addition to lands which they are by the recited Act authorised to purchase by agreement any quantity of land not exceeding three acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in

the event of any nuisance being caused by them on any land taken under the powers of this section. A.D. 1892.

17. 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 from the passing of this Act. Powers for compulsory purchases limited.

18. If the works shown on the deposited plans and by this Act authorised are not completed within seven 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 the respective works or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Company from extending enlarging altering or renewing any of their machinery mains or pipes cuts adits or other incidental works from time to time as occasion requires for supplying water within the Company's limits as extended by this Act. Period for completion of works.

19. The Company shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

20. 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 twenty-five thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of 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 Provided that not more than one half of such additional capital shall be issued as preference shares or stock. Power for Company to raise further capital.

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Incidents
of shares or
stock.

21. The capital in new shares or stock created by the Company under this Act and the new shares or stock 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 or stock were shares or stock in that capital:

The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends
on new
shares or
stock.

22. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction
as to votes
in respect
of preferen-
tial shares
or stock.

23. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

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

24. 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 at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner And provided that no priority of bid or tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

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25. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

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

26. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the local board for the district of Mold and to the secretary of the Committee of the London Stock Exchange and to every shareholder of the Company 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 said district.

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

27. 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 shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in the manner provided by the Companies Clauses Act 1863 with respect to new shares or stock. Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered with a lower reserve price 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 and stock created under the powers of this Act and so on from time to time in event of the failure of any sale or offer.

Shares or stock not sold by auction or tender to be offered to shareholders.

28. 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 purchasing and cancelling debenture stock 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.

29. The Company may in respect of the additional capital of twenty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole six thousand two hundred and fifty pounds. Provided that in respect of each four thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding one thousand pounds and in respect of the balance of one thousand pounds the sum of two hundred and fifty pounds

Power to borrow.

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But no part of any of the before-mentioned sums of one thousand pounds or of the said sum of two hundred and fifty pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Rate of dividend on new shares or stock.

30. The rate of dividend on any new ordinary shares or stock created under the powers of this Act shall not exceed seven pounds per centum per annum and the rate of dividend on any new preference shares or stock created under the powers of this Act shall not exceed five pounds per centum per annum on the amounts actually paid up in each case.

For appointment of a receiver.

31. Every provision in any Act passed before the passing of this Act whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. The mortgagees of the undertaking 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 appoint-

ment 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 thousand pounds in the whole. A.D. 1892.

32. 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 under the Act of 1867 or under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

33. All mortgages and bonds granted by the Company in pursuance of the powers of the recited Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Act under which such mortgages and bonds were respectively granted have priority over any mortgages 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. Existing mortgages to have priority.

34. All money raised or to be raised by the Company on mortgage or bond or debenture stock under the provisions of any former Act relating to the Company or under 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 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 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 on the Company. As to priority of mortgages and debenture stock.

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Application
of moneys
raised under
this Act.

35. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for purposes only of this Act or of the recited Act to which capital is properly applicable and in the payment of debts incurred by and now due and owing by the Company to which capital would have been properly applicable.

Water for
other than
domestic
purposes.

36. The Company may within their limits as extended by this Act and subject to the provisions of section 84 of the recited Act supply any person with water for other than domestic purposes on such terms as such person and the Company may agree on but notwithstanding any such agreement or the provisions of such section no such person shall be entitled to such supply whenever and as long as the same would interfere with or unduly diminish the proper supply of water for domestic purposes under this Act.

Company
not bound to
supply water
in certain
cases.

37. No person shall be entitled to require nor shall the Company be bound to supply any dwelling-house with water (otherwise than by meter or special agreement) where any part of such dwelling-house is used by the owner tenant or occupier of such dwelling-house for any trade or business purpose for which water is required.

Power to
sell or let
meters.

38. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such rents and on such terms and conditions with respect to the repair maintaining and protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as may from time to time be agreed upon between the hirer and the Company and such meter rents shall be recoverable in the same manner as water rates rents or charges due to the Company.

Notice to
Company of
putting up
meters &c.

39. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Register of
meter to be
primâ facie
evidence.

40. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

41. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

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Repair of
meters.

42. The Company after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal and every notice required by this section shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in Great Britain or if such person or his usual place of abode or business in Great Britain is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such building or lands.

Power to
remove
meters and
fittings.

43. The Company may furnish to any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water and may from time to time renew repair or alter any meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Power for
Company to
supply
materials
&c.

44. The Company shall not be bound to supply more than one house by means of the same service pipe and they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

Company
not bound to
supply
several
houses by
one pipe.

A.D. 1892.

Supply of
water to
tenements in
a row.

45. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water and every person so taking or using water or allowing the same to be used contrary to the provisions of this Act shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

For prevent-
ing waste of
water.

46. In lieu of the provisions contained in section 90 of the recited Act the following provisions for preventing waste misuse undue consumption pollution or contamination of the water of the Company shall have effect (that is to say):—

- (1.) The Company may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse pollution or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement pollution or contamination:
- (2.) No such byelaws shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply or is prepared to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same:
- (3.) No such byelaws shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed byelaws shall have been given to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit:
- (4.) A copy of all such byelaws in force for the time being shall be kept at the office of the Company and all persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy:

A.D. 1892.

(5.) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof :

(6.) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :

(7.) Any person who shall offend against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offenders) be liable to a penalty not exceeding five pounds for each offence and a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall continue after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them :

(8.) In the event of any dispute between the Company and any person as to the fact or extent of any alleged non-compliance with any such byelaws such dispute shall be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and as to the persons by whom such costs are to be paid shall be final and conclusive.

Disputes to be determined by justices.

47. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors the secretary of the Company or any person appointed in his behalf by any two of the directors in writing may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim of such secretary or person and not of the Company.

Representation of the Company in bankruptcy &c.

48. Any notice to be served on a person supplied with water may be either in print or in writing (including lithograph) or partly

Form and service of

A.D. 1892.
 notices by
 Company.

in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Incoming
 tenant not
 liable for
 arrears.

49. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Notice of
 discon-
 tinuance.

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

Penalties
 not cumu-
 lative.

51. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Application
 of penalties.

52. Every penalty imposed by this Act or any Act incorporated herewith shall (except when otherwise expressly provided and except when the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Amending
 section 85
 of recited
 Act.

53. Section 85 of the recited Act by which the sum of two pounds two shillings per annum is provided as the sum to be paid to the Company for supplying with water the public fountain at the Cross in the town of Mold and also for providing water for watering the streets of that town shall be read and construed as if instead of

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Mold Water Act, 1892.

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that sum the sum of ninepence for every thousand gallons supplied by the Company had been inserted therein and the Company shall be bound to furnish a constant supply of such water at high pressure. A.D. 1892.

54. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Expenses of Act.

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