ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. xcix.

An Act to make better Provision for supplying with Water the Town and Township of *Wakefield*, and the Townships of *Alverthorpe-with-Thornes*, *Stanley-cum-Wrenthorpe*, and *Sandal Magna*, and for other Purposes.

[30th *June* 1862.]

WHEREAS by an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act for better supplying with Water the Town of* Wakefield *and the Neighbourhood thereof in the West Riding of the County of* York, the *Wakefield* Waterworks Company were incorporated, and authorized to construct Waterworks for supplying the Inhabitants of the Town and Township of *Wakefield* and the Townships of *Alverthorpe-with-Thornes*, *Stanley-cum-Wrenthorpe*, and *Sandal Magna* with Water: And whereas the said Company proceeded to put the said Act into execution, and have constructed various Reservoirs and other Works, and by means of such Reservoirs and Works have supplied Water to the said Town and Townships: And whereas by the recited Act, and by an Act passed in the Session of Parliament held in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Wakefield *Waterworks Company to raise a further Sum of Money*, the said Company

7 W. 4. & 1 Vict. c. lv.

4 & 5 Vict. c. lxi.

Company were authorized to raise Twenty-five thousand Pounds by the Creation of Shares, and Ten thousand Pounds more by Mortgage or by Shares, with Power to convert their Loans into Share Capital: And whereas the said Company raised Twenty-one thousand Pounds by the Creation and Issue of Eight hundred and forty Shares of Twenty-five Pounds each, and Seven thousand five hundred Pounds by the Creation and Issue of Six hundred Shares of Twelve Pounds Ten Shillings each, entitled to preferential Dividends at the Rate of Four Pounds *per Centum per Annum*, and have borrowed on Mortgage Sums amounting together to Six thousand four hundred and nine Pounds or thereabouts: And whereas the said Company have expended upon their Undertaking and chargeable to Capital Account the said Sums of Twenty-one thousand Pounds, Seven thousand five hundred Pounds, and Six thousand four hundred and nine Pounds, making together the Sum of Thirty-four thousand nine hundred and nine Pounds, and have moreover incurred Liabilities chargeable to Capital Account, and not secured by Mortgage, amounting to more than One thousand five hundred Pounds, and it is expedient that they should be authorized to raise more Money, as well for paying off such Liabilities as for improving their Undertaking, and that they should be empowered to create Debenture Stock, and that the Provisions of the said Acts should be consolidated and amended: 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

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

1. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Act, 1847," are hereby incorporated with this Act.

Interpretation of Terms.

2. In construing the said incorporated Acts for the Purposes of this Act and in construing this Act the following Words and Expressions shall respectively have the Meanings hereby assigned them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expressions "the Company" or "the Promoters of the Undertaking" or "the Undertakers" shall mean the Company incorporated by this Act:

The Expressions "the Undertaking" or "the Waterworks" shall mean the Undertaking or Waterworks which by this Act are vested in the Company.

3. Subject

Recited Acts repealed.

3. Subject to the Provisions of this Act, the recited Acts are hereby repealed.

Company incorporated.

4. The several Persons and Corporations who immediately before the passing of this Act were Shareholders of the Company hereby dissolved, or who have subscribed or who may hereafter subscribe to the Capital by this Act authorized to be raised, and the Executors, Administrators, Successors, and Assigns of such Persons and Corporations respectively, are hereby united into a Company for the Purpose of constructing and maintaining Waterworks and supplying Water within the Limits of this Act; and such Company is hereby incorporated by the Name of "The *Wakefield* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and Power to purchase and hold Lands for the Purpose of their Undertaking, within the Restrictions in this and the incorporated Acts contained.

Waterworks, &c. vested in Company.

5. The existing Reservoirs, Conduits, and Works, and all Buildings and Works of every Description, Lands, Tenements, Streams, Springs, Waters, Rights, Privileges, Exemptions, Easements, Hereditaments, and Real Estate whatsoever, and all Choses in Action and Personal Estate and Effects whatsoever, which were vested in the Company hereby dissolved immediately before the passing of this Act, or would have become vested in or belonged to them if this Act had not been passed, and all the Estate, Right, Title, Interest, Property, Claim, and Demand of that Company in, to, upon, or over the same, and all their Rights and Remedies in respect thereof, are hereby vested in and shall belong to and be available for the Company, and the Company shall be considered as identical with the Company hereby dissolved, as well in reference to all such Matters as to all other Transactions of and Matters relating to the Company hereby dissolved.

Conveyances to remain in force.

6. Notwithstanding the Repeal of the recited Acts, all Purchases, Sales, Conveyances, Grants, Assignments, Leases, Mortgages, Deeds, Bonds, Contracts, Agreements, Securities, and other Acts and Things made, done, entered into, executed, or instituted under or by virtue or in consequence of or confirmed by either of the Acts hereby repealed, or with reference to any of the Purposes thereof, shall be as good, valid, and effectual to all Intents and Purposes as they would have been if the said Acts had not been repealed, and may be proceeded on and enforced accordingly.

Continuance of Liabilities of Company under repealed Acts.

7. Notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered under or confirmed by either of the repealed Acts shall be as valid as if such Acts were not repealed, and

and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the said Acts were not repealed and this Act were not passed would be incident to or consequent on any and every thing so done or suffered; and the Company shall be liable in respect to all such Rights, Liabilities, Claims, and Demands, in the same Manner and to the same Extent as the Company hereby dissolved would have been liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not been passed: Provided always, that the Generality of the Provisions in this Enactment shall not be confined or restricted by any special Provision in this Act.

Actions, &c. not to abate.

8. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company hereby dissolved before the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect in favour of or against or in reference to the Company, in like Manner in all respects as the same would have continued and taken effect in favour of or against or in reference to the Company hereby dissolved if this Act had not been passed; and all Offences against the Provisions of the Acts hereby repealed, or any of them, committed before the passing of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not been passed, the Company being in reference to all such Matters considered as identical with the Company hereby dissolved.

Debts due to and by the dissolved Company to be paid to and by the Company.

9. All Persons who immediately before the passing of this Act owed any Sum of Money to the Company hereby dissolved, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Company, and all Monies which immediately before the passing of this Act were due or owing by or recoverable from the Company hereby dissolved, or for the Payment and Satisfaction of which such Company were or but for this Act would be liable, shall, with all Interest (if any) due or to accrue thereon, be paid by or be recoverable from or be satisfied by the Company.

Officers to continue.

10. Every Officer and Servant appointed by virtue of or acting under the Authority of the repealed Acts or either of them shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer or Servant of the Company, until he be removed from such Office or Employment, and he shall be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, as if he were appointed under this Act.

11. All

Books to be Evidence.

11. All Books, Plans, Sections, Certificates, Writings, and Documents by either of the repealed Acts directed or authorized to be kept or made Evidence, and which if this Act had not been passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Byelaws, &c. to remain in force.

12. All Byelaws, Resolutions, Orders, Notices, and Proceedings of the Company hereby dissolved, and of the Directors thereof, made and taken before the passing of this Act, shall during the Space of Six Months after the passing of this Act, or until altered by the Company under the Provisions of this Act, whichever Event shall first happen, continue of full Force and Effect as if this Act had not been passed; and such Byelaws may be enforced, and all Penalties thereunder may be recovered accordingly.

Capital.

13. The Capital of the Company shall consist of the Eight hundred and forty Twenty-five Pound Shares and Six hundred Twelve Pound Ten Shilling Shares already created, and of such new Shares as may from Time to Time be created under the Powers of this Act.

Saving Rights, &c. in respect of old Shares.

14. This Act or anything therein contained shall not prejudice or affect any Right, Title, Claim, or Demand of any Person or Corporation to or in respect of any existing Twenty-five Pound Share or Twelve Pound Ten Shilling Share of the Company, or operate as a Revocation of any testamentary Disposition of or affecting any such Share.

Power to create new Shares, and to attach Preference.

15. The Company, with the Consent of Three Fifths of the Votes of the Proprietors present, in Person or by Proxy, at any General Meeting or General Meetings convened with special Notice of the Purpose, may from Time to Time raise by the Creation of new Shares such Sum or Sums of Money as they think fit, not exceeding in the whole Twenty-six thousand five hundred Pounds, and may attach to all or any of the Shares to be so created such Amount of Preference Dividends, not exceeding Five Pounds *per Centum per Annum* upon the Amount for the Time being paid thereon, and such Priority in Payment of Dividend, as they think fit; and the new Shares so to be created shall, subject to the Provisions of this Act, be of such Amount each, and payable by such Instalments or Calls, and be issued, allotted, or disposed of to such Persons, in such Manner, and upon such Terms and Conditions, as the Company shall direct.

Saving Rights of existing Preference Shareholders.

16. No Preference or Priority in Payment of Dividends or Interest upon any Shares created under the Powers of this Act shall prejudice or affect the Preference in Payment of Dividends attached to the Twelve Pound Ten Shilling Shares created under the Powers of the secondly recited Act.

Dividends on new Preference Shares how to be paid.

17. The new Shares to be created under the Powers of this Act shall be entitled to the preferential Dividend (if any) which may have been appointed by the Company out of the Profits of each Year in priority to the ordinary Shares of the Company; but if there shall not in any Year ending the Thirty-first Day of *December* be Profits available for the Payment of the full Amount of such preferential Dividend for that Year upon such Shares, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Terms, &c. to which Preference Shares liable to be stated on Certificate.

18. The Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated upon the Certificate of every such Preference Share.

Calls.

19. One Fifth Part of the total Amount of any Share created under the Powers of this Act shall be the greatest Amount of any One Call thereon, and there shall be an Interval of Three Months at the least between any Two successive Calls, and not more than Four Fifth Parts of any Share shall be called up in any One Year.

Power to borrow on Mortgage.

20. The Company may from Time to Time borrow on Mortgage such Sum or Sums of Money as may by an Order of any General Meeting or Special General Meeting of the Proprietors be authorized to be so borrowed, not exceeding in the whole, inclusive of Sums borrowed on Mortgage by the Company prior to the passing of this Act, and remaining unpaid, Thirteen thousand seven hundred Pounds, but no Part of such Sum, except Six thousand five hundred Pounds, inclusive as aforesaid, shall be borrowed until the whole of the new Capital of Twenty-six thousand five hundred Pounds shall have been subscribed for, and One Half thereof actually paid up, nor until the Company shall prove 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 all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of such Justice under the said Section shall be sufficient Evidence.

Former Mortgages to have Priority.

21. All Mortgages granted by the Company prior to the passing of this Act shall during the Continuance thereof have Priority over all Mortgages granted by the Company under the Powers of this Act.

Application of Money raised under this Act.

22. All Monies raised under the Powers of this Act by the Creation of Shares or by the Exercise of the Power of borrowing shall be applied only to Purposes authorized by this Act.

23. Instead

Power to raise Money by Debenture Stock.

23. Instead of borrowing the Money which the Company are by this Act authorized to borrow, or any Part thereof, on Mortgage, or for the Purpose of paying off any existing Mortgages, the Company, with the Consent of Three Fifths of the Votes of the Proprietors present, in Person or by Proxy, at a General Meeting or General Meetings of the Company convened with special Notice of the Purpose, may from Time to Time raise by the Creation of Stock, to be called "Debenture Stock," which shall not entitle the Holders thereof to the Privileges of voting at Meetings of the Company, such Sum or Sums of Money as they think fit, not exceeding in the whole Thirteen thousand seven hundred Pounds, but with respect to so much of that Amount as the Company cannot raise by Mortgage, pursuant to the Provisions of this Act, until they 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," the Matters herein-before required to be proved to him, it shall not be lawful for the Company, until such Proofs have been given, to raise the same or any Part thereof by Debenture Stock.

Preference on Debenture Stock.

24. The Company, with such Consent as aforesaid, may guarantee such fixed Amount of Dividend on any such Debenture Stock, not exceeding Four Pounds Ten Shillings *per Centum per Annum* on the Amount for the Time being paid thereon, as they think fit, and may attach such other Privileges to any such Debenture Stock, in the way of Preference or Priority in Payment of Dividend, or the Time of paying such Dividend, over all other Shares of the Company, as they may think fit.

Transfer and Registry of Debenture Stock.

25. The several Holders of such Debenture Stock may transfer their respective Interests therein or any Parts of such Interests in the same Manner and subject to the same Regulations and Provisions as or according to which any Shares in the Capital of the Company may be transferred under the Provisions of this Act, and the Company shall cause an Entry to be made in some Book to be kept for that Purpose of every such Transfer, and for every such Entry they may demand any Sum not exceeding Two Shillings and Sixpence.

Register of Holders of Debenture Stock to be kept.

26. The Company shall from Time to Time cause the Names of the several Parties who may be interested in any Debenture Stock, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called "The Register of Holders of Debenture Stock;" and such Book shall be accessible at all reasonable Times to the several Proprietors of Stock or Shares in the Company.

27. The

Mortgages may be taken in exchange for Stock.

27. The Company may take, in exchange for Debenture Stock of equal nominal Amount, any Mortgage granted by the Company before or after the passing of this Act, and for which the Company may be liable at the Time of the Creation of such Stock, or a Release or Acquittance for any Part of the Principal Money secured by any such Mortgage; and every Mortgage so taken in exchange shall be forthwith cancelled, and the Principal Money secured thereby, or for which any Release and Acquittance as aforesaid shall be given to the Directors, shall for the Purposes of this Act be considered as repaid by Money raised by means of the said Debenture Stock.

Application of Monies raised by Debenture Stock.

28. All Monies raised by the Creation and Issue of Debenture Stock under this Act shall be applied in paying off Mortgages granted under the recited Acts or this Act, or to the Purposes to which Money to be raised on the Security of any such Mortgages could be lawfully applied, so far as such Monies have not been raised by Mortgage, and to no other Purpose.

Mortgaging Powers to cease to the Extent of Sums raised by Debenture Stock.

29. The Powers of the Company for borrowing and re-borrowing Money on Mortgage under this Act shall, to the Extent of the Sums raised by means of the said Debenture Stock, cease and determine.

General Meetings.

30. Ordinary Meetings of the Company shall be held half-yearly on such Days in the Months of *February* and *August*, and in such Place in the Town of *Wakefield* or elsewhere, as the Directors may from Time to Time appoint.

Scale of voting.

31. At all General Meetings of the Company every Shareholder shall be entitled to have One Vote for every Twenty-five Pounds of Capital of the Company.

Quorum of General Meetings.

32. The Quorum of General Meetings of the Company shall be Seven Shareholders present, personally or by Proxy, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

33. The Number of the Directors shall be not more than Seven nor less than Five, and the Qualification of a Director shall be the Possession of Fifty Pounds in the Capital of the Company.

Directors to continue in Office till First Ordinary Meeting in February after passing of this Act.

34. The several Persons who were Directors of the Company hereby dissolved at the Time of the passing of this Act shall be and continue in Office as Directors of the Company until the First Ordinary Meeting in *August* to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors continued by this Act or any Number of them,

or

or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors continued by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

35. At the Ordinary Meeting in *August* in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, and at the Ordinary Meeting in *August* in every subsequent Year, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf, and the several Persons elected at any such Meetings, being neither removed nor disqualified, nor having died or resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said last-mentioned Act.

Quorum.

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

Newspaper for Advertisements.

37. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the West Riding of the County of *York*.

Power to purchase Premises for Offices.

38. The Company may from Time to Time contract and agree with any Persons for the Purchase or Erection of any Messuages, Buildings, Lands, Tenements, or Hereditaments for the Purpose of using the same as Offices for the Transaction of the Affairs and for the general Purposes of the Company, and may defray the Expense thereof out of any Monies in their Hands or to be received by them under the Authority of this Act.

Company may maintain and improve their existing Waterworks.

39. Subject to the Provisions of this Act, the Company may maintain and improve their existing Waterworks, and may take Water from the River *Calder*, in like Manner and to the same Extent as they could before the passing of this Act, and may enter upon all such Lands, and do all Things necessary or proper for taking up, altering, enlarging, relaying, or repairing Conduits, Mains, or Pipes, or for laying down new Mains or Pipes, as they could or might have done but for the passing of this Act.

Power of Justices to order Inquiry into State of Reservoirs.

40. In order to provide against Accidents to Life or Property by the bursting of any Reservoir vested in the Company, be it enacted, That whenever any Person interested complains to Two Justices that such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiry into the Truth of the Complaint: Provided always, that any Two Justices, on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint had been made to them.

Order of Justices for immediate Repair.

41. In any such Inquiry the Justices are satisfied that the Complaint is well founded, and that the Reservoir is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they shall order such Persons as they think fit to enter on the Property of the Company held under this Act, and to lower the Water in such Reservoir, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices after Summons on Company to repair Reservoir.

42. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such an imminently dangerous Condition as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Company to answer the Complaint, and upon hearing the Parties the Justices may or upon Default of Appearance of the Company then in their Absence the Justices shall, by Order in Writing under their Hands, order the Company, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the said Reservoir and to do such Works and Things as they think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Company to obey Orders.

43. If in any such Case the Company do not, within such Period as the Justices specify in that Behalf in the Order, do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Fact by the Company, shall order such Persons as such Justices think fit to enter on the Property of the Company held under this Act, and to lower the Water in such Reservoir, and to do all such Works and Things specified in the Order and not done by the Company, and all such other Works and Things (if any) as the Justices think requisite and proper for removing the Cause of the Complaint.

Form of Order.

44. Any such Order of Justices may be in the Form or to the Effect following:

‘ To *A.B.*

‘ *or A.B.* of, *&c.*

‘ WE, the undersigned, Two of Her Majesty's Justices of the Peace
‘ acting for the West Riding of the County of York, do hereby
‘ order and direct you, and such Person or Persons as you may
‘ require to aid and assist you therein, forthwith to lower the Water
‘ in the [*here specify the Reservoir in which the Water has to be low-*
‘ *ered*], and to do all such Works and Things as are requisite to re-
‘ pair and make good [*here specify the Reservoir to be repaired and*
‘ *made good*], and you shall do as little Injury as possible to the Pro-
‘ perty of the Wakefield Waterworks Company or other the Owners
‘ of

‘ of the said Reservoir, and in acting in obedience to the Premises ‘ this shall be your sufficient Warrant.

‘ Given under our Hands this Day of

‘ in the Year of our Lord .’

Persons acting under Order of Justices not deemed Trespassers, &c.

45. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser, and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Justices may impose Penalty on Company for disobeying Order.

46. If the Justices so think fit, they may by any such Order under this Act impose on the Company for not carrying the Order into effect any Penalty not exceeding Ten Pounds for every Day's Default which the Justices think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint.

Order of Justices on Company for Payment of Costs.

47. The Justices may order all or such Part as they may think fit of the Costs of and incidental to the applying for and obtaining of any Order, and also all or such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance of any such Order by any Person other than the Company, to be paid by the Company, and every Amount so to be paid shall be paid by the Company to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Power to Company to appeal against Order.

48. Provided always, That if the Company feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices on any such Complaint, the Company shall have like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repairs of Roads: Provided also, that pending any such Appeal, and except only so far (if at all) as on the Appeal it be quashed or altered, the Order appealed against shall be in full Force.

Company not to be liable for the Consequences of such Orders.

49. Provided always, That the Company shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of or be answerable or accountable for any Diminution or Cessation of any of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act or the Acts incorporated herewith, or any of them, to the contrary notwithstanding.

Limits of Act for Water Supply.

50. The Limits of this Act for the Supply of Water by the Company shall be the Town and Township of *Wakefield*, and the Townships of *Alverthorpe*-

Alverthorpe-with-Thornes, *Stanley-cum-Wrenthorpe*, and *Sandal Magna*, in the West Riding of the County of *York*.

Rents for domestic Supply.

51. The Company shall, at the Request of the Owner or Occupier who shall pay for the necessary Service Pipe and Fittings, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House within Twenty Yards of any Main or other Water Pipe of the Company a sufficient Supply of Water for the domestic Use of every such Occupier, at a Rent not exceeding the Rates following; (that is to say,)

Where the annual Rent or Value of such Dwelling House or Part of a Dwelling House shall not exceed Ten Pounds, Fourteen Shillings *per* Year:

Where such Rent or Value shall be above Ten Pounds and not exceed Twenty Pounds, Twenty-four Shillings *per* Year:

Where such Rent or Value shall be above Twenty Pounds and not exceed Thirty Pounds, Thirty-five Shillings *per* Year:

Where such Rent or Value shall be above Thirty Pounds and not exceed Forty Pounds, Forty-five Shillings *per* Year:

Where such Rent or Value shall be above Forty Pounds and not exceed Sixty Pounds, Sixty Shillings *per* Year:

Where such Rent or Value shall be above Sixty Pounds, Five Pounds *per Centum per Annum* on such Rent or Value:

Provided always, that the Company shall not be obliged to furnish such Supply to any Owner or Occupier for less than Ten Shillings in any One Year.

Rate to be according to the Rack-rent.

52. The Water Rent shall be payable according to the actual Amount of the annual Rackrent or Value of the Premises supplied.

Definition of domestic Purposes.

53. A Supply of Water for domestic Purposes shall not include a Supply for any Watercloset, or for Cattle, or for Horses, or washing Carriages, when such Horses or Carriages are kept for Hire or are the Property of a Dealer, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Charge for Watercloset, &c.

54. In addition to the Rent for the Supply of Water for domestic Purposes which the Company may demand under this Act, the Company may, in all Cases in which there shall be a Watercloset, or where there shall be any Bath in any Dwelling House or Part of a Dwelling House, or Shop or Building used as a Dwelling House, the Occupier of which may be liable to pay Rent for a separate Supply of Water, charge in respect of every Watercloset any Sum not exceeding Six Shillings, and in respect of every Bath capable of holding for Use not more than One hundred Gallons of Water, any Sum not exceeding Eight Shillings, and such additional Sum may be received with and as Part of or by the same Means as the Rent for the domestic Supply from such Occupier.

55. The

For preventing the fouling of Water.

55. The Company shall not be compellable to supply or to continue to supply any Person with Water unless the Apparatus or Pipes provided or to be provided shall be of such Material and so constructed and in such Condition and so used as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air or noisome or impure Matter into the Mains or Pipes belonging to or connected with the Mains and Pipes of the Company.

Supply of Water for other than domestic Purposes.

56. The Company may supply any Person with Water for other than domestic Purposes, and also the West Riding House of Correction at *Wakefield*, the West Riding Pauper Lunatic Asylum at *Stanley*, and any other public Institution, and any Person, for such Remuneration and upon such Terms and Conditions as may be agreed upon between the Company and such Person, or the Persons entitled to contract for Supply of Water to such House of Correction, Asylum, or public Institution.

Settlement of Disputes as to Supply for public Companies.

57. If any Dispute or Difference shall arise between the Company and the Mayor, Aldermen, and Burgesses of the Borough of *Wakefield* or the Local Board of Health, or between the Company and any Inspector appointed by the said Mayor, Aldermen, and Burgesses or Local Board, as to the Supply of Water for public Purposes, as provided for by the Thirty-seventh Section of "The Waterworks Clauses Act, 1847," or as to the placing and Management of the Fireplugs under the Thirty-eighth Section of the same Act, or as to any other Matter connected with the Supply of Water for public Purposes, or as to the Rate of Remuneration of the Company in respect thereof, then such Dispute or Difference shall be decided by Arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845."

As to Supply of Water to Tenements in a Row

58. Where there are several Tenements in a Row, no Tenant or Occupier of any One of the Tenements, nor any Person on his Behalf, shall take or use the Water laid on by the Company to any other such Tenement, unless the Tenant or Occupier be in respect of the Tenement so occupied by him rated under this Act for a Supply of Water, 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 a Sum not exceeding Five Pounds.

Water may be cut off in certain Cases.

59. If any Person supplied with Water by the Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act or of any Act incorporated herewith, or shall wilfully omit or neglect to do any Matter or Thing which under such Provisions ought to be done for the Prevention of the Waste, Misuse, or undue Consumption, or the Contamination of the Water of the Company, the Company may turn or cut off the

Water supplied by them to such Person, and may cease to supply such Person with Water, and also may recover from such Person the Amount of any Loss, Damage, or Injury which the Company may sustain by means or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid, by Action or Suit in any Court having Jurisdiction for the Trial of an Action of Debt of the like Amount: Provided always, that after the Cause of Complaint shall have ceased, and the Person offending shall have made due Compensation to the Company for such Act, Matter, or Thing as aforesaid, such Person shall be again entitled to be supplied with Water by the Company.

Regulations to be made for preventing Waste of Water, &c.

60. The Company from Time to Time may prescribe the Size, Nature, and Strength of the Pipes, Cocks, and other Apparatus whatsoever to be used, and may interdict any Arrangements, and the Use of any Pipes, Cocks, or other Apparatus, which may tend to such Waste or Misuse as aforesaid.

Rate at which Water, &c. may be supplied for public Purposes.

61. The Company shall not be bound to supply Water to the Mayor, Aldermen, and Burgesses of the Borough of *Wakefield* for any public Purpose at a lower Rate of Remuneration than the lowest Rate at which the Company may for the Time being be supplying Water to the largest Consumers of Water.

Penalty for Waste or improper Application of Water, and Recovery of Damages, &c.

62. Provided always, That any Person supplied with Water under this Act who shall wilfully waste such Water, or who shall use or apply such Water for any other Purpose than the Purpose agreed upon, or who shall permit or suffer any other Person to use, take, or waste any such Water, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and shall, in addition to such Penalty, make full Compensation to the Company for or in respect of the Water so used, taken, wasted, or misapplied; and any Justice authorized to impose such Penalty is hereby empowered and required to determine and certify the Amount of such Compensation, which Amount the Company may recover in like Manner as Charges for Water supplied by them may be recovered.

Penalty for extending or enlarging Pipes of Company without Consent.

63. Any Person who shall, without the Knowledge and Consent of the Company, extend or enlarge any Pipe or use other Means or Device for the Purpose of supplying any other Person or any Tenement with Water from the Works of the Company, shall forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Offence shall be continued.

Company may let Meters for Hire.

64. The Company may let for Hire to any Consumer of the Water supplied by the Company for other than domestic Purposes any Meter or

or Instrument for measuring the Quantity of Water consumed and supplied, and any Pipes and Apparatus for the Conveyance, Reception, or Storage of such Water, for such Charge as may be agreed on between the Company and the Person to whom the same is so let for Hire, and such Charge shall be recoverable in the same Manner as the Water Rates or Water Rents by this Act authorized to be levied; and such Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress for Rent of the Premises where the same are used, or to be attached or taken in Execution under any Process of any Court of Law, or under or in pursuance of any Adjudication or Order in Bankruptcy, or under or in pursuance of any other legal Proceeding against the Goods or Effects of the Person in whose Possession the same shall be.

As to ascertaining Quantity consumed by Meter.

65. The Clerk, Engineer, or other Officer of the Company may at all Times between Nine o'Clock in the Morning and Four o'Clock in the Afternoon, but not, except with the Consent of a Justice, at any other Time, enter any House, Building, and Premises supplied by the Company in manner lastly herein-before mentioned, in order to inspect the Meters, Instruments, Fittings, and Works for regulating the Supply of Water, and for the Purpose of ascertaining the Quantity of Water consumed or supplied; and if any Person hinder such Officer as aforesaid from entering and making such Inspection as aforesaid at any reasonable Time he shall for every such Offence forfeit to the Company a Sum not exceeding Five Pounds.

Recovery of Rents.

66. If any Person supplied with Water or a Water Meter by the Company neglect to pay the Rent due for the same to the Company for the Space of Five Days after Demand, it shall be lawful for the Company, or the Directors, or any Person acting under their Authority, to levy the Sum so due or any Part thereof, together with the Costs, by Distress and Sale of the Goods and Chattels of the Person neglecting to pay the same, wherever such Goods and Chattels may be found, in the same Manner as Rents in arrear on common Demise may by Law be recovered, rendering the Surplus (if any) to the Person so neglecting to pay, after deducting the necessary Charges for such Distress and Sale.

Recovery of Sums by Action.

67. Whenever any Person neglects to pay any Rent or Sum due to the Company, the Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedy of the Company under this Enactment shall be in addition to their other Remedies for the Recovery of such Rent or Sum.

Representation of the Company in Cases of Bankruptcy, &c.

68. In all Proceedings against the Estate of any Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency, any Person appointed for that Purpose by the Company under their Common Seal may represent the Company and act in their Behalf in all

all respects as if the Claim or Demand of the Company against such Estate were the Claim or Demand of such Person, and not of the Company.

Gas Pipes hereafter to be laid Four Feet from Water Pipe in a particular Manner.

69. All Pipes which shall hereafter be laid or used for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance, and whenever the Width of the Carriage-way will allow thereof such Pipes shall be laid at a Distance of Four Feet, from the nearest Part of any Pipe laid down for the Conveyance of Water within the said Limits, except in any Case in which it may be unavoidably necessary to lay any Gas Pipe across any such Water Pipe, in which Case the Gas Pipes shall be laid over or under the Water Pipe, as the Case may require, at the greatest practicable Distance therefrom, and shall therewith form a Right Angle, or as nearly such as may be practicable, and in such Case the Gas Pipe so crossing the Water Pipe shall be at least Nine Feet in Length, and be so placed that no Joint of any such Gas Pipe shall be nearer to any Part of such Water Pipe than Four Feet; and in laying down the Gas Pipes the Person or Corporation to whom they belong shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and properly form the Jointing of such Pipe with the other Pipes connected therewith with proper and sufficient Materials, and shall also make and keep all such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, or Openings therein respectively, Air-tight, so as to prevent Gas from escaping therefrom, on pain of forfeiting and paying the Sum of Five Pounds for every such Offence.

Penalty on permitting the Escape of Gas.

70. Whenever any Gas shall be found to escape from any of the Pipes which are or shall be laid down or set up by any Person or Corporation making or supplying Gas within the Limits of this Act, such Person or Corporation shall, at his or their own Expense, immediately after receiving Notice by Parol or in Writing from any Person whomsoever of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case such Person or Corporation shall not within Twenty-four Hours next after such Notice as aforesaid being given effectually prevent the Gas from further escaping, and wholly and satisfactorily remove the Cause of Complaint, such Person or Corporation shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which said Penalty shall be recoverable in a summary Way on the Oath of some credible Witness before a Justice, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of Goods

Goods and Chattels of such Person or Corporation, by the Warrant of any Justice, to be granted in like Manner and subject to the like Provisions as by this or the incorporated Acts is directed touching other Penalties.

Notice to be given to Gaslight Company, and how Loss of Gas accruing from Injury to be provided for.

71. When and as often as the Company, their Servants, Agents, or Workmen, or any other Person, under the Powers or Authority of this Act, shall dig or sink any Trench for laying any Pipe, Plug, Conduit, or other Apparatus, or shall open any Ground for the Purposes of this Act or any of them, in, upon, or near to which any Gas Pipe is or shall be laid or placed for the Purpose of conveying Gas, or any Branch of any such Gas Pipe, for the Service or Supply of any House, Manufactory, public or private Buildings, or any Street Lamp or other Lamp, the Company, their Servants, Agents, or Workmen, or other Person or Persons as aforesaid, shall and they are hereby required to give Notice thereof to the said Gaslight Company, or their Clerk, Engineer, or Agent, Twelve Hours previous to such digging or sinking such Trench or opening such Ground as aforesaid, and on every such Occasion the Company, their Servants, Agents, or Workmen, or other Person or Persons as aforesaid, shall, under the Direction and Inspection of the said Gaslight Company, or their Clerk, Surveyor, Engineer, or Agent, protect and secure such Gas Pipe or Branch Pipe from any Injury or Damage, and also shall repair and make good any Damage that shall or may be done to any such Gas Pipe, Branch, or Lamp, or any Lamp Post or Pillar, on any such Occasion; and in default being made in any of the Matters aforesaid, the Company or other Person aforesaid shall forfeit and pay any Sum not exceeding Twenty Pounds, and shall also pay to the said Gaslight Company the Costs and Expenses which shall have been incurred by them in the securing and protecting, or in the repairing and making good of any Injury or Damage that may be done to such Gas Pipe, Branch, Lamp, or Lamp Post or Pillar by the Means aforesaid, and also all Damage or Loss which shall or may accrue to the said Gaslight Company from Escape of Gas arising from Misfortune or Negligence of the Company, their Engineers, Workmen, Agents, or Servants, or other Person aforesaid, such Costs, Expenses, Damages, and Loss to be ascertained by any Justice, and to be recovered and levied by Distress and Sale of the Goods and Chattels of the Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices, and which Warrant such Justice or Justices is and are hereby empowered to grant.

Saving Rights of Wakefield Gaslight Company.

72. Nothing in this Act contained shall extend or be construed to affect, extinguish, defeat, hinder, obstruct, abridge, impeach, annul, prejudice, or destroy any Rights, Titles, Estates, Interests, Properties, Powers, Privileges, and Advantages which the *Wakefield* Gaslight Company

Company now lawfully have, hold, claim, use, exercise, or enjoy, and which the said Gaslight Company and their Successors at any Time hereafter might, could, or ought lawfully to have had, holden, claimed, used, exercised, or enjoyed, by force or virtue of any Act or Acts of Parliament, or by any other lawful Ways or Means whatsoever, but the said Gaslight Company and their Successors shall from Time to Time and at all Times hereafter have, hold, claim, use, exercise, or enjoy all such Rights, Titles, Estates, Interests, Properties, Powers, Privileges, and Advantages in such and the like Manner and as fully and beneficially to all Intents and Purposes as if this Act had not been passed; and it shall not be lawful for the Company or their Successors, or their Directors or Engineer, or their or any of their Workmen, Agents, or Servants, or Person or Persons acting by or under the Authority of the Company, to remove, take up, alter, disturb, or displace any Mains, Pipes, Stopcocks, Syphons, Plugs, Branches, Posts, Pillars, Pilasters, Lamp Irons, Lamps, Machines, or Apparatus which now are or shall at any Time or Times hereafter be laid, put, erected, set up, placed, or fixed by the said Gaslight Company in, under, across, along, upon, or against any Streets, Squares, Highways, Roads, Bridges, Ways, Lanes, Market Places, Passages, Walls, Buildings, or other Places, public or private, under or by virtue of and in pursuance and exercise of the Powers and for the Purposes of the *Wakefield* Gas Act, 1847, and the *Wakefield* Gas (New Capital) Act, 1856.

Penalties not *cumulative.*

73. Penalties imposed on the Company by several Acts for One and the same Offence shall not be cumulative, and for this Purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Liability to Rates not to disqualify Justices.

74. No Judge of any County Court or Justice shall, except by this Act provided, be disqualified for acting in the Execution of this Act by reason of his being liable to any Rent or Charge under this Act, or of his being a Shareholder in the Company.

Nothing to affect Rights of the Lord of the Manor to work Mines, &c., and saving manorial Rights.

75. Nothing in this Act contained shall affect, extinguish, defeat, abridge, interrupt, impeach, annul, prejudice, or destroy the Right, Title, or Interest of the Lord of the Manor of *Wakefield* for the Time being to all Mines, Coal, Ironstone, and Minerals, of what Nature or Kind soever, lying and being within and under the Commons, Encroachments, and Waste Grounds divided, allotted, and enclosed, or directed to be divided, allotted, and enclosed under and by virtue of an Act of Parliament passed in the Thirty-third Year of His late Majesty King *George* the Third, intituled *An Act for dividing and inclosing the open Common Fields, Ings, Commons, and Waste Grounds within the Townships or Graveships of* Wakefield, Stanley, Wrenthorpe, Alverthorpe, *and* Thornes, *in the Parish of* Wakefield *in the West Riding of the County of* York, and

33 G. 3. c. 11. (*Private.*)

and the Powers of searching for, winning, working, loading, and carrying away the same Mines and Minerals, and of making, laying, and repairing Waggon Ways and other Ways, and of doing all Works, Acts, and Things granted or reserved in and by the said Act for the full and complete Enjoyment of the said Mines and Minerals, nor the Right, Title, or Interest of the Duke of *Leeds*, Lord of the Manor of *Wakefield*, or the Lord of the said Manor for the Time being, of, in, or to the Seigniories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Privileges, Powers, and Authorities appendant, appurtenant, incident, or belonging to the said Manor of *Wakefield* for the Time being, but the said Lord of the Manor, his Heirs and Assigns, shall have, hold, use, exercise, take, and enjoy all the said Mines and Minerals, and all the Powers in and by the said Act granted and reserved for the full and complete Enjoyment thereof, and also the Lord of the said Manor for the Time being shall have, hold, use, exercise, take, and enjoy all and every the Seigniories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever to the said Manor belonging, or incident, appendant, appurtenant, or usually exercised, holden, or enjoyed therewith, with all Powers and Remedies for enforcing Payment thereof, in such and the like Manner and as fully and beneficially to all Intents and Purposes as if this Act had not been passed.

Saving Right of Aire and Calder Navigation Company.

76. Nothing in this Act contained shall extinguish, abridge, interrupt, prejudice, or affect any of the Rights, Powers, Privileges, or Authorities of the Undertakers of the Navigation of the Rivers *Aire* and *Calder* under or by virtue of the several Acts of Parliament now in force relating to the said Navigation, or to repeal or annul any of such Acts or any of the Provisions thereof.

Expenses of Act.

77. All the Costs, Charges, and Expenses of and incident to the Application for and passing of this Act shall be paid by the Company.

Short Title.

78. This Act may for any Purpose be cited as "The *Wakefield* Waterworks Act, 1862."

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