CHAPTER ccxxii.

An Act to authorise the Wakefield Waterworks Company to make a new Pumping Station and other works, and to raise more money; also to extend their limits of supply; and for other purposes. [11th August 1876.]

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WHEREAS "The Wakefield Waterworks Act, 1862," (in this Act called "the Act of 1862,") "The Wakefield Waterworks Act, 1873," (in this Act called "the Act of 1873,") and "The Wakefield Waterworks Act, 1874," (in this Act called "the Act of 1874,") relate to the Wakefield Waterworks Company (in this Act called "the Company"): 25 & 26 Vict. c. xcix. 36 & 37 Vict. c. xix. 37 & 38 Vict. c. cxciii.

And whereas the existing and authorised capital of the Company under the said Acts amounts to the sum of one hundred and ninety-eight thousand seven hundred pounds, and consists of thirty-four thousand seven hundred pounds of ordinary capital, and sixty-four thousand pounds of preference capital (of which thirty thousand pounds are to become ordinary capital at the expiration of five years from the creation thereof), and shares for the remaining one hundred thousand pounds have not been created:

And whereas under the Act of 1873 the Company have power to borrow on mortgage sums amounting to seven thousand five hundred pounds, which power has been exercised, and under the Act of 1874 they have power to borrow sums amounting to twenty-five thousand pounds, which power has not been exercised.

And whereas the limits of the Company for supplying water comprise the town and township of Wakefield, and the townships of Alverthorpe-with-Thornes, Stanley-cum-Wrenthorpe, and Sandal Magna, in the west riding of the county of York, and the said town and townships are greatly in want of an improved supply of water:

And whereas many towns and villages in the neighbourhood of Wakefield, and of the works herein-after described, have of late years arisen or have greatly increased in population, and are also

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greatly in want of an improved supply of water, and it is expedient that the limits of the Company for supplying water should be extended:

And whereas it is expedient that the Company should be authorised to construct a pumping station, with a tank or tanks and other works in connexion therewith, for providing an improved supply of water within their limits as extended by this Act:

And whereas plans and sections showing the lines and levels of the reservoirs and waterworks authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the west riding of the county of York, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas it is expedient that the Company should be authorised to raise more money by the creation of shares or stock, and by borrowing on mortgage:

And whereas the purposes of this Act 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 Wakefield Waterworks Act, 1876."

Recited Acts and this Act construed as one Act.

2. The Act of 1862, the Act of 1873, and the Act of 1874, as respectively varied by this Act, and this Act shall be read and construed and shall have effect as if they were one Act, and shall be in force within the limits of this Act and every part thereof.

Provisions of certain general Acts incorporated.

3. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Waterworks Clauses Act, 1847," "The Waterworks Clauses Act, 1863," the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following, (that is to say,) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for the nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the

conversion of the borrowed money into capital, the consolidation of the shares into stock, the general meetings of the Company and 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, Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock, and "The Companies Clauses Act, 1869," 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, shall, except where expressly varied by this Act, be incorporated with and form part of this Act, and the Acts and parts of Acts so incorporated are in this Act referred to as the incorporated Acts; and the provisions of "The Railways Clauses Consolidation Act, 1845," shall be read so as to apply only to the additional reservoirs by this Act authorised, and the works immediately connected therewith respectively, and as if such reservoirs and works were therein referred to instead of "the railway," and as if the boundaries of the said reservoirs and works were therein mentioned instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from the boundaries of such reservoirs and works respectively.

Interpretation of terms.

4. In this Act—

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

In the incorporated Acts for the purposes of this Act and in this Act—

The expression "superior courts," or "courts of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used was a simple contract debt, and not a debt or demand created by statute;

unless in any of the before-mentioned cases there is something in the subject or context repugnant to such construction.

Limits of Act.

5. The limits of this Act for the supply of water shall comprise and include the Company's present limits, and the townships set forth in the schedule to this Act annexed.

Power to make waterworks according to deposited plans.

6. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the pumping station, reservoirs, or conduits, drain, and waterworks in the west riding of the county

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of York, shown on the said plans; amongst which are comprised the following principal works; (that is to say,)

(1.) A pumping station (in this Act called "the Darfield pumping station"), with a tank or tanks and all other necessary works in connexion therewith, to be situate in the township of Wombwell in the parish of Darfield, near Old Moor Bridge and Gorsepits Bridge:

(2.) A tank or service reservoir (in this Act called "the Swinton reservoir") to be situate in the township and parish of Wath-upon-Dearne, near a certain dwelling-house called Wath Wood Cottage:

(3.) A tank or service reservoir (in this Act called "the Houghton reservoir") to be situate in the township of Houghton Magna in the parish of Darfield, on certain waste ground called Houghton Common, and near a certain dwelling-house called Burnt Wood Hall:

(4.) A tank or service reservoir (in this Act called "the Chevet reservoir") to be situate in the township of Chevet in the parish of Royston, in a certain field near to Chevet Hall:

(5.) A line of pipes (in this Act called "line of pipes No. 1") from the junction of Northgate and York Street in the borough of Wakefield to the Chevet reservoir:

(6.) A line of pipes (in this Act called "line of pipes No. 2") from the Chevet reservoir to the Houghton reservoir:

(7.) A line of pipes (in this Act called "line of pipes No. 3") from the Houghton reservoir to the Darfield pumping station:

(8.) A line of pipes (in this Act called "line of pipes No. 4") from the Darfield pumping station to the Swinton reservoir:

(9.) A line of pipes (in this Act called "line of pipes No. 5") from the Swinton reservoir to a point near to the junction of the highway leading from Wath-upon-Dearne to Mexborough with the highway leading from Swinton to Mexborough, in the township and parish of Mexborough:

(10.) A conduit or drain from the Darfield pumping station to the Bulling Dyke at or near Gorsepits Bridge, in the said township of Wombwell and parish of Darfield;

together with all proper pumping stations, shafts, wells, tanks, driftways, culverts, tunnels, channels, conduits, pipes, filter beds, bridges, roads, approaches, sewers, drains, embankments, engines, machinery, valves, works, and conveniences connected therewith, or incident thereto respectively; and may enter upon, take, and use such of the lands delineated on the deposited plans and de-

scribed in the deposited book of reference as may be required for that purpose; and may take, impound, use, get, and appropriate for the purposes of this Act any water they can obtain by pumping at the said pumping stations.

Limits of lateral and vertical deviation.

7. In the construction of the works authorised by this Act the Company may deviate laterally from the lines thereof as shown on the deposited plans and described in the book of reference, to the extent of the limits of lateral deviation marked thereon, and may deviate vertically from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding five feet either upwards or downwards, and in the case of other works to any extent not exceeding five feet either upwards or downwards: Provided always, that the Company shall not, in the exercise of the power of lateral deviation hereby given, construct any embankment or retaining-wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment or wall, and three feet in addition.

Additional lands.

8. The Company may purchase by agreement for any of the purposes of this Act, in addition to the lands delineated on the deposited plan and referred to in the deposited book of reference, any quantity of land not exceeding in the whole twenty acres; but they shall not upon any land so purchased erect any building except such as may be required for the purposes of the waterworks, including dwelling-houses for officers or men employed in or about the waterworks.

Power to stop up roads, &c.

9. The Company may divert all turnpike and carriage roads marked for that purpose upon the deposited plan, and may stop up all other roads and ways within the limits of deviation defined on the deposited plan which would interfere with the construction, use, and occupation of the works and lands by this Act authorised to be made and taken, and may appropriate for the purposes of this Act the sites of the roads and ways so diverted or stopped up, so far as they are bounded on both sides by lands of the Company.

Period for compulsory purchase of lands.

10. The powers of the Company for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

Owners may grant easements.

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

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respectively, have full power to grant to the Company in fee, either absolutely or in consideration of any yearly or other rent, any easement, right, privilege, power, or authority in, over, or affecting any lands by this Act authorised to be purchased by the Company compulsorily (not being an easement of water), which the Company may from time to time think requisite for any of the purposes of this Act.

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

12. For the purposes of this Act the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

For protection of Calder and Hebble Navigation Company and undertakers of Aire and Calder navigation.

13. Notwithstanding anything in this Act, it shall not be lawful for the Company, without the previous consent in writing of the Company of Proprietors of the Calder and Hebble Navigation (herein-after called "the Calder and Hebble Company"), and also (if and so long as the navigation of that company is let on lease) of their lessees, to enter upon, take, or use, excepting for the purposes and in the manner and subject to the conditions and restrictions herein-after mentioned, any lands or property belonging to the Calder and Hebble Company, or their lessees, nor without the previous consent in writing of the Undertakers of the Navigation of the Rivers Aire and Calder (herein-after called "the undertakers") to enter upon, take, or use, excepting for the purposes and in the manner and subject to the conditions and restrictions herein-after mentioned, any lands or property belonging to the undertakers, nor shall it be lawful for the Company to carry any of the works by this Act authorised across the Calder and Hebble Navigation (unless otherwise agreed in writing with the Calder and Hebble Company), and also (if and while the navigation of that company is let on lease) with their lessees, or across the River Calder, or any mill race connected with the said river, or across the Barnsley Canal (unless otherwise agreed in writing with the undertakers), excepting in the manner and under the following conditions and restrictions; (that is to say,)

The line of main pipes of the Company authorised by this Act shall either be carried within the parapets of the existing bridges over the said River Calder, and the mill race connected therewith, and over the said navigation or canal, but so as not injuriously to interfere with the permanent masonry of such bridges, or shall be carried by means of aqueducts across the said river, mill race, navigation, or canal, alongside of any existing bridge as aforesaid; and such aqueducts shall be

constructed in such manner only as that the same shall be of a single span across such mill race, navigation, or canal, and the towing path thereof, and of the same number and width of spans alongside the bridge across the Calder at Wakefield as now exist in the said bridge:

No part of the waterway of such river, mill race, navigation, or canal, or of any towing path, or lock thereof, shall be interfered with, and no part of the underside of such aqueduct or pipe shall be at a lower level than the highest point of the soffit or underside of the arch of the bridge over or alongside of which such aqueduct or pipe is carried; and in the event of such bridge being at any time thereafter altered, and the height of the arch or arches thereof raised, the Company are hereby required to raise such aqueduct or pipe constructed or laid by them over or alongside such bridge to such a level as that no part of the underside of such aqueduct or pipe shall be lower than the highest point of the soffit or underside of the arch or arches of such bridge when so altered, or shall interfere with the permanent masonry thereof:

The Company shall not, excepting so far as necessary for the above-mentioned purposes, enter upon, take, or use, temporarily or permanently, or otherwise interfere with the said river, mill race, navigation, or canal, or the waterway, banks, or towing paths thereof:

It shall be lawful for the Calder and Hebble Company, or their lessees, or the undertakers, at any time or times, after giving the Company three months notice of their intention so to do, to remove, alter, or renew any bridge over or alongside which any such aqueduct or pipe is carried in the same manner as they might have removed, altered, or renewed such bridge if this Act had not been passed, and such aqueduct or pipe had not been constructed or laid over or alongside such bridge, without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of such removal, alteration, or renewal; and in the event of any such bridge over or alongside which such conduit or pipe is laid being removed, altered, or renewed as aforesaid, the Company shall, at their own expense, alter the position of such aqueduct or pipe and replace the same in such manner only as that no part thereof shall be at a lower level than the highest point of the soffit or underside of the arch or span of such altered or renewed bridge, over or alongside which such aqueduct or pipe is carried, or shall interfere with the

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permanent masonry of such bridge, and so that the clear opening under such altered or renewed bridge shall not be diminished; and the Calder and Hebble Company, or their lessees and the undertakers, shall in altering or renewing any such bridge, make such provision for laying the Company's pipe or pipes in the altered or renewed bridge as the Company may reasonably require, but any additional expense caused thereby shall be borne by the Company; provided always, that the headway intended to be left over the navigation or canal shall not be thereby diminished without the consent of the Calder and Hebble Company, and their lessees, or of the undertakers, (as the case may be,) nor the gradient of the road over the altered or renewed bridge be thereby made steeper, except with the consent of the road authority:

In constructing or laying and maintaining any such conduit or pipe, the Company shall be subject to the following provisions; (that is to say,)

All the works across the Calder and Hebble Navigation, or in close proximity thereto, or otherwise affecting the property of the Calder and Hebble Company, or their lessees, shall be executed at the expense of the Company, under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Calder and Hebble Company, or (if their navigation be at the time let on lease as aforesaid) of their lessees, and according to plans and specifications previously submitted to such engineer, and all the works across the River Calder, or the said mill race, or the Barnsley Canal, or in close proximity thereto, or otherwise affecting the undertakers, shall be executed at the expense of the Company, under the superintendence and to the reasonable satisfaction of the engineer for the time being of the undertakers, and according to plans and specifications previously submitted to such engineer, and if the engineer of the Company and the engineer of the Calder and Hebble Company, or of their lessees, or of the undertakers, (as the case may be,) differ concerning such plans and specifications, or concerning the execution of such works, every such difference shall be settled by an engineer to be appointed by such two engineers, or if they cannot agree upon such appointment, then by an engineer to be appointed by the Board of Trade on the application of either party:

All the works shall be constructed and maintained so that the traffic upon the River Calder, the Calder and Hebble Navi-

gation, and the Barnsley Canal, and the working of the Wakefield Mills, and the discharge of water therefrom, shall not be impeded, interfered with, or diminished:

The Company shall, notwithstanding anything in this Act, acquire only such an easement in and upon such of the works, lands, or property of the Calder and Hebble Company, or the undertakers, as may be necessary for constructing or laying and maintaining the said aqueducts or pipes in the manner herein-before provided, and the amount to be paid to the Calder and Hebble Company and their lessees for the acquisition of any such easement as aforesaid shall, in case of difference, be settled in the manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement:

If, by reason of the construction, laying, or maintenance, failure, want of repair, bursting, or leaking of any of the works by this Act authorised, the said river, mill race, navigation, canal, or any of the works connected therewith shall be damaged or injured, or the traffic along the said river, navigation, or canal impeded, the Company shall compensate the Calder and Hebble Company, and their lessees, or the undertakers, (as the case may be,) for any loss or expense occasioned to them respectively thereby, and shall free and relieve and effectually indemnify them respectively from any claims, demands, damages, costs, and expenses which may be made against or recovered from them in consequence thereof; and the Calder and Hebble Company, and their lessees, and the undertakers, may recover such compensation, damages, costs, and expenses from the Company in any court of competent jurisdiction.

Restrictions as to taking water from River Calder.

14. Notwithstanding anything in this Act, it shall not be lawful for the Company to take or use any water of or from the River Calder, excepting in the like manner and to the same extent and subject to the like provisions and restrictions as and subject to which the company which was by the Wakefield Waterworks Act, 1862, dissolved could, under the authority of the Acts by that Act repealed, have taken and used water of or from that river before the passing of that Act.

Saving rights of Calder and Hebble Navigation and of undertakers of Aire and Calder Navigation.

15. Nothing in this Act shall, except as herein-before specially enacted, affect, alter, or vary any of the powers, rights, or privileges of the Company of Proprietors of the Calder and Hebble Navigation, or of the Undertakers of the Navigation of the Rivers Aire and Calder, or entitle the Company to interfere with the Calder and

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Hebble Navigation, or the Barnsley Canal, or of any of the waters flowing into the same, or by which such navigation or canal is directly or derivatively supplied, or extinguish, abridge, interrupt, prejudice, or affect any of the rights, powers, privileges, or authorities of the Company of Proprietors of the Calder and Hebble Navigation, or 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 Calder and Hebble Navigation, or the Navigation of the Rivers Aire and Calder, or the Barnsley Canal, or to repeal or amend any of such Acts, or any of the provisions thereof.

For protection of Midland Railway Company.

16. In constructing and maintaining the works authorised by this Act, where they will cross the Midland Railway, the Company shall be subject to the following conditions; videlicet,

1. All works crossing or affecting the Midland Railway shall be executed at the expense of the Company, under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company, and according to plans and specifications to be previously submitted to such engineer, and approved by him in writing; provided, that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him, he shall be deemed to have approved thereof:
2. The works shall be constructed and maintained so that the traffic upon the Midland Railway shall not be in anywise impeded or interfered with, and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the Midland Railway Company, and in all things at the expense of the Company:
3. If by reason of the construction or maintenance of the works or any of them, or the failure of any of the works, or of the maintenance thereof, or otherwise, the Midland Railway or the works connected therewith shall be injured or the traffic thereon impeded, the Company shall compensate the Midland Railway Company for all costs to which that company may be put in repairing the said damage, and shall also pay by way of liquidated damages to the Midland Railway Company ten pounds for every hour during which such traffic shall be impeded:
4. The Company shall also indemnify the Midland Railway Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on their railway, or by reason of any accident on the

said railway, which interruption or accident shall have been occasioned by the acts or defaults of the Company, or any of their contractors, or their respective servants, workmen, or employees:

5. The Company shall not acquire any estate or interest in the lands and property of the Midland Railway Company other than an easement or right of constructing or maintaining therein the works by this Act authorised:

6. The amounts to be paid for the acquisition of such easement shall be settled in the manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of lands otherwise than by agreement.

Not to interfere with property of London and North-western Company.

17. The Company shall not enter upon or in any way interfere with the property situate in the parish of Wakefield numbered 6 on the deposited plans, nor that portion of the canal of the Calder and Hebble Navigation whereon the same abuts; and they shall so carry the line of pipes No. 1 along the Wakefield and Sheffield turnpike road, for the length of the abuttal thereon of such property, so as not to be nearer thereto than three feet measured from the western boundary of such property, and so as not in any way to interfere therewith or to interrupt the access of the London and North-western Railway Company thereto, or to their warehouse and premises adjoining, or the conduct of their traffic thereat, and so as not to diminish the water of the said canal, or impede or obstruct the navigation and use thereof.

For the protection of the West Riding and Grimsby Railway Company.

18. Any conduit or other work which shall be made by the Company in or under any road over which the West Riding and Grimsby Railway is carried by a bridge shall be executed under the superintendence and to the reasonable satisfaction of the principal engineer of the West Riding and Grimsby Railway Company, and according to plans and specifications to be previously submitted to such engineer, and approved by him in writing; provided that, if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within fourteen days after the same shall have been submitted to him, he shall be deemed to have approved thereof; and the said works shall be constructed and for ever maintained at the expense of the Company, so as in nowise to interfere with the structure of any such bridge or the foundations thereof, or with the traffic of the railway.

Period for completion of waterworks.

19. If the waterworks by this Act authorised to be constructed shall not be completed within five years from the passing of this Act, then on the expiration of that period the powers of the Company under this Act for making the waterworks, or otherwise in

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relation thereto, shall cease to be exercised, except as to so much as is then completed: Provided always, that subject to the provisions of this Act, the Company from time to time may alter, enlarge, renew, relay, and extend their engines, machinery, pumps, wells, mains, and pipes in such way and manner as shall be necessary for supplying water within the limits of this Act.

As to supplying water in bulk.

20. The Company may from time to time enter into agreements with any corporation, local board, or other local authority having jurisdiction or control within any part of the limits of this Act with reference to any supplies of water to be furnished by the Company, whether in bulk or otherwise, and for the distribution thereof within all or any part or parts of the district, lands, or property of the corporation, local board, or local authority entering into the agreement, and otherwise in relation thereto; provided always, that no such agreement shall diminish or interfere with the supply of water for domestic purposes within the limits of this Act.

Company not to supply water within certain places without consent.

21. Nothing in this Act contained shall authorise or empower the Company to supply water, either directly or indirectly, within the district of the local board of Wombwell, except with the consent of the said local board in writing under their common seal, or within the townships of Wath-upon-Dearne and Brampton Bierlow, except with the consent in writing of the West Melton Waterworks Company, Limited, in writing under their common seal, and in each case subject to such conditions and restrictions as the said local board, so far as relates to the said district, and the West Melton Waterworks Company, Limited, so far as relates to the said townships, shall approve of; but nothing in this section contained shall prevent the Company from laying down pipes through the said district and townships respectively for the purpose of supplying water beyond the same.

Power to apply existing capital.

22. The Company may raise and apply to the purposes of this Act any money which they are authorised to raise by any other Act or Acts, and which is not required for the purposes to which by such Act or Acts it is authorised to be applied.

Power to raise additional capital.

23. 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 eighty 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.

Limiting amount of calls.

24. Twenty per centum shall be the largest amount of a call which the Company may make in respect of any share, and there shall be an interval of not less than three months between any two calls, and the Company shall not call up more than three fourths of the amount of a share in any year.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

25. Except as by this Act otherwise provided, 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.

26. 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: Provided always, that the prescribed rate of dividend on any ordinary shares or stock created under the powers of this Act shall not exceed seven pounds per centum per annum, and the prescribed rate of dividend on any preference shares or stock created under the powers of this Act shall not exceed six pounds per centum per annum.

Restriction as to votes in respect of preferential shares or stock.

27. 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 raised under this Act and any other Act may be of same class.

28. Subject to the provisions of any Act already passed by which the Company are authorised to raise the capital by new shares or stock, and to the provisions of this Act, the Company may, if they think fit, raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

29. The Company may, in respect of the additional capital of eighty thousand pounds which they are by this Act authorised to

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raise, from time to time borrow on mortgage, as herein-after mentioned, such sums as they think fit, not exceeding in the whole twenty thousand pounds; (that is to say,) when ten thousand pounds of the new capital by this Act authorised to be raised has been issued and accepted, and one half thereof is paid up and certified as herein-after mentioned, they may borrow on mortgage any sum of money not exceeding two thousand five hundred pounds, and a like additional sum of two thousand five hundred pounds when every further sum of ten thousand pounds of the said new capital has been issued and accepted, and one half thereof is paid up and certified as herein-after mentioned; but no such borrowing powers shall be exercised by the Company until they shall prove 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 the capital in shares in respect of which the borrowing powers are in each case sought to be exercised have been issued and accepted, and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that stock for one half of the capital in stock in respect of which borrowing powers are in each case sought to be exercised is fully paid up, and the Company have also 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 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 if the said 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 proofs aforesaid have been given, which certificate shall be sufficient evidence thereof.

Mortgages not to be converted into capital with dividend above five per cent.

30. Notwithstanding anything in "The Companies Clauses Consolidation Act, 1845," contained to the contrary, it shall not be lawful for the Company to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, or any part thereof, unless in either case all dividends upon the shares or stock are limited to an amount not exceeding the rate of five pounds per centum per annum.

Debenture stock.

31. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

32. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing thereof, shall, during the continuance of such mortgages, and subject to the provisions of the Acts under which such mortgages 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.

Priority of mortgages over other debts.

33. All money raised or to be raised by the Company on mortgage or debenture stock, under the provisions of this Act, shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred upon the Company.

Application of money raised under the Act.

34. All moneys which the Company are by this Act authorised to raise by new shares, debenture stock, or mortgage shall be applied only to the purposes of the recited Acts and this Act, or one of them.

Penalty for waste, &c. of water by non-repair of pipe.

35. If any person supplied with water by the Company shall cause or suffer any pipe, valve, cock, cistern, bath, soil-pan, water-closet, or other apparatus or receptacle to be out of repair, or

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to be so used or contrived as that the water supplied to him by the Company is or is likely to be wasted, misused, unduly consumed, or contaminated, or as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of the Company, such person shall for every such offence forfeit to the Company any sum not exceeding five pounds, and shall forthwith remove, replace, or alter, or permit to be removed, replaced, or altered, any such pipe, valve, cock, cistern, bath, soil-pan, water-closet, or other apparatus or receptacle to the satisfaction of the Company or their duly authorised officer.

Power to let meters for hire.

36. The Company may let for hire to any consumer of water supplied by them any meter or instrument for measuring any quantity of water consumed and supplied, and any pipes and apparatus for the conveyance, reception, or storage of such water, for such remuneration in money as is agreed upon between the Company and the person to whom the same is so let for hire; and such remuneration shall be recoverable in the same manner as water rates or rents are recoverable under this Act; 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 equity, or under or in pursuance of any adjudication or order in bankruptcy, or under or in pursuance of any other legal proceeding against the person or goods of the person in whose possession the same shall be.

Power for ascertaining quantity consumed by meter and for removing meters, &c.

37. The officers of the Company may enter any house, building, or lands to, through, or into which water is supplied by them by measure, in order to inspect the meters, instruments, fittings, apparatus, and works for conveying, regulating, and measuring the supply of water, and for the purpose of ascertaining the quantity of water consumed or supplied, and may from time to time enter any house, building, or land to which the supply of water has been stopped for any cause except the default of the Company, for the purpose of removing or carrying away any meter, instrument, pipes, fittings, apparatus, or other works, the property of the Company; and if any person hinder any such officer from entering and making such inspection, or effecting such removal, every person so offending shall for every such offence forfeit to the Company any sum not exceeding five pounds: Provided always, that otherwise than with the consent of a justice, such power of entry shall not be exercised except between the hours of nine in the forenoon and five in the afternoon.

Penalty on wrongful use of water.

38. Every person who, not having agreed to be supplied with water by the Company, takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the Company, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or like place containing water belonging to the Company, or supplied by them for the use of any consumer, shall for every such offence forfeit to the Company any sum not exceeding ten pounds; and every person who, having agreed to be supplied with water by the Company, takes or uses any water from any such reservoir, watercourse, conduit, or pipe, or from any such pipe, cistern, or other like place for any purpose other than the purpose for which he so agreed to be supplied, shall for every such offence forfeit to the Company any sum not exceeding ten pounds; and in any of the cases aforesaid the Company shall be entitled in addition to recover from any such person the amount of any loss, damage, or injury sustained by them by or in consequence of any such acts, by action in any court of competent jurisdiction.

Water may be cut off in certain cases.

39. If any person supplied with water by the Company do or cause or permit to be done anything in contravention of any of the provisions of this Act, or fail to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, they may cut off any of the pipes by or through which water is supplied by them to him and for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied, and may also recover from him the amount of any loss, damage, or injury sustained by them by or in consequence of any such act or failure, by action in any court of competent jurisdiction.

Several sums in one summons.

40. Any summons or warrant issued for any of the purposes of the recited Acts or this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of distress.

41. Any justice who issues any warrant of distress for any of the purposes of the recited Acts or this Act may order that the costs of the Company of and incident to the recovery of the money to be levied shall be paid by the person liable to pay the money, and the costs shall be ascertained by the justices, and shall be included in the warrant of distress for the recovery of the money.

Penalties not cumulative.

42. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the incorporated Acts shall be deemed separate Acts.

No justice disqualified by liability to pay water rates.

43. No justice shall be disqualified for acting in the execution of the recited Acts, or this Act, by reason of his being liable to payment of any rent or other charge under this Act.

Expenses of Act.

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

SCHEDULE to which the foregoing Act refers.

Names of the TOWNSHIPS to which the Company's limits of supply are extended by this Act:

Swinton, Adwick-upon-Dearne, Darfield, Wombwell, Wath-upon-Dearne, Brampton Bierlow, Billingley, Houghton Parva, Houghton Magna, Brierley, South Hiendley, Havercroft with Cold Hiendley, Walton, Chevet, Crofton, Warmfield-cum-Heath, Normanton, and Altofts.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.