CHAPTER xiv.

An Act for the granting further powers to the Yeadon Waterworks Company and for other purposes. A.D. 1889.

[31st May 1889.]

WHEREAS by the Yeadon Waterworks Act 1870 (in this Act referred to as "the Act of 1870") the Yeadon Waterworks Company (Limited) (in this Act called "the Limited Company") were dissolved and the members of the Limited Company together with other persons were incorporated into a Company by the name of "the Yeadon Waterworks Company" (in this Act called "the Company") and the undertaking lands waters and property of the Limited Company were vested in the Company and they were authorised to supply with water the township of Yeadon in the parish of Guiseley in the west riding of the county of York and the portion in the Act of 1870 described of the township of Rawden in the same parish and it was by that Act provided that the share capital of the Company should consist of a fully paid up capital stock of £5,991 9*s.* and of the sum of £16,000 additional capital which the Company were thereby authorised to raise in shares and they were authorised to borrow on mortgage the sum of £1,500 in respect of the said capital stock and the further sum of £4,000 in respect of the said additional capital and the Company have issued the whole and have called up the sum of £5 12*s.* on each share of the said additional capital but the Company do not owe any money on mortgage and have not created or issued any debenture stock: 33 & 34 Vict. c. xxiv.

And whereas in view of the increasing population and demand for water within the limits of the Act of 1870 it is expedient that the Company be empowered to construct additional works and obtain a further supply of water:

And whereas it is expedient that the limits within which the Company may supply water be extended so as to include the whole of the said township of Rawden:

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

And whereas it is expedient that the powers of the Company be enlarged and that the Acts relating to the Company be extended and amended:

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

And whereas plans and sections showing the lines situations and levels of the intended works 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 thereof were duly deposited with the clerk of the peace for the said west riding and are herein-after referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 Yeadon Waterworks Act 1889.

Incorporation of general Acts.

2. The following Acts and parts of Acts—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 in this Act called "the Lands Clauses Acts";

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the reservoir and works immediately connected therewith by this Act authorised) and with respect to the crossing of roads or other interference therewith; and

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former Act "with the consent in writing of "the owner or reputed owner of any such house or of the agent "of such owner";

are (so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act) incorporated with and form part of this Act:

And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;
The payment of subscriptions and means of enforcing the payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of the creditors of the Company against the shareholders;
The consolidation of 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 borrowing of money by the Company on mortgage or bond;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

Interpretation.

3. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression—

"Superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute.

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions "the railway" "the work" and "the centre of "the railway" respectively mean the reservoir and works immediately connected therewith and the boundaries thereof respectively by this Act authorised.

Extension of limits of water supply.

4. The limits within which the Company may supply water are hereby extended so as to include that part of the said township of Rawden which is not included within the limits of the Act of 1870 (which part is herein-after referred to as "the additional limits") and for the purposes of such supply and subject to the provisions of this Act the Company shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same

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obligations they now have and may exercise or are subject to under the provisions of the Act of 1870 and the provisions of the Act of 1870 shall subject to the provisions of this Act extend and apply to the additional limits and the supply of water therein: Provided that the Company shall not be compelled to lay down mains or pipes to or to bring a supply of water to any house situate within the additional limits and which shall be at an elevation higher than that at which a supply can be given by gravitation from the service reservoir from which the supply is afforded nor to any house within the additional limits situate at a greater distance than fifty yards from where any main pipe of the Company shall be laid:

Provided that if at the expiration of seven years from the passing of this Act the Company have not made adequate provision for the supply of water throughout the said part of the said township the restriction imposed by section 52 of the Public Heath Act 1875 on the construction of waterworks by the local authority as defined by that Act within the said part of the said township shall cease to apply.

As to water rates.

5. With respect to the rates to be charged by the Company for a supply of water for domestic purposes under and according to the provisions of the Acts of the Company the following provisions shall have effect (that is to say):—

So soon as the Company shall have obtained the certificate of two justices that they have expended on the works by this Act authorised a sum not less than seven thousand pounds they may charge for a supply of water for domestic purposes any sums not exceeding those set forth in the schedule to this Act and upon the production to the said justices of the books of the Company and such other evidence as they shall think sufficient they shall grant such certificate: Provided that if the Company shall not have commenced to supply water from the storage reservoir by this Act authorised at the expiration of four years from the passing of this Act they shall not be entitled thenceforth to charge any higher rates for a supply of water for domestic purposes than are authorised by the Act of 1870 until the quarterly day of payment next following the date when they shall commence to give such supply.

Power to construct works.

6. Subject to the provisions of this Act the Company in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain the aqueducts conduits lines of pipes reservoir and works shown on the deposited plans among which are the following principal works (that is to say):—

No. 1. An aqueduct conduit or line of pipes (No. 1) wholly in the township of Hawksworth in the parish of Otley commencing on a stream known as Middle Beck and terminating in the reservoir herein-after described.

No. 2. A storage reservoir to be formed by means of a curved embankment six hundred and eighty-two yards or thereabouts in length and to be situate in lands in the said township of Hawksworth belonging or reputed to belong to Ayscough Fawkes and occupied as to part by Ann Wild as to other part by George Ramsden and as to the remainder by Albert Holmes.

No. 3. An aqueduct conduit or line of pipes (No. 2) commencing in the said township of Hawksworth at a point near the foot of the inner slope of the embankment of Work No. 2 and terminating in the township of Yeadon in the parish of Guiseley at a point in the road leading from Guiseley to Yeadon about ten yards east of the point where the same is crossed by the "Nun Royd Beck."

No. 4. A waste water conduit or line of pipes (No. 3) wholly in the said township of Hawksworth commencing in and out of the said Reservoir (Work No. 2) and terminating in Hawksworth Beck about sixty-seven yards north of the north-eastern corner of the farm buildings of "Intake Head Farm."

Power to make subsidiary works.

7. The Company in addition to the foregoing works may from time to time upon any lands acquired or to be acquired by them make and maintain all such cuts channels catchwaters aqueducts culverts tunnels drains sluices by-washes weirs gauges reservoirs filter-beds wells tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them.

Power to take lands and waters.

8. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Company the waters of the Black Beck and the Middle Beck and all other springs streams and waters which will or may be intercepted by the works shown on the deposited plans or which may be found in on or under any of the lands for the time being belonging to the Company :

Provided that the Company shall not under the powers of this Act take the water flowing from any land situate to the eastward of

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the fence wall running from the Gaping Goose northward and now forming the eastern boundary of Hawksworth Moor.

For protection of Midland Railway Company.

9. In constructing and maintaining the works authorised by this Act where they will cross over or under 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 reasonably 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 said 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 said 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 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;

(5.) The amounts to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

As to compensation water.

10.—(1.) The Company shall before and as a prior condition to their taking appropriating or using for the supply of their district any of the waters aforesaid during every day of twenty-four hours deliver from the said storage reservoir hereby authorised into the goit which leads from Hawksworth Beck to "the New Dam" at a

point in that goit situate not more than two hundred and twenty yards from the foot of the outer slope of the embankment of the said reservoir not less than one hundred and forty-eight thousand seven hundred and fifty gallons of water. The said delivery shall be as nearly as possible regular and continuous throughout each day;

(2.) The Company shall provide and at all times maintain suitable gauges and other instruments for measuring and recording the quantity of water delivered from the said reservoir into the said goit in pursuance of this section;

(3.) The said gauges and other instruments respectively shall at all reasonable times be open to the inspection and examination of the undertakers of the navigation of the Rivers of Aire and Calder in the west riding of the county of York and also of all persons interested in the flow of the water of the said becks respectively;

(4.) If at any time any of such gauges or instruments be out of repair or in an unfit condition for the purpose for which it is intended the Company shall forthwith put the same in fit repair and condition and if they fail to do so within seven days after notice in writing given to them in that behalf by or on behalf of the said undertakers or any of the persons interested in the flow of the water then the said undertakers or any such person may cause the said gauges or instruments to be put in fit repair and condition and may recover the reasonable cost of so doing from the Company with full costs of the proceeding in any court of competent jurisdiction;

(5.) The Company shall not take appropriate or use any of the said waters until the said storage reservoir hereby authorised shall be completed and fit for use and they have provided the said gauges and other instruments as aforesaid;

(6.) In case of the failure of the Company to permit the said quantity of water so to flow from the said reservoir the Company shall be liable to a penalty not exceeding ten pounds for every day in which any such default shall occur such penalty to be recoverable summarily with the costs of the proceeding by any person interested in the subject matter of his complaint;

(7.) If any difference shall arise between the Company and the said undertakers or any person interested with respect to the construction or use of the said respective gauges or instruments such difference shall be settled and determined by a hydraulic engineer to be nominated (unless otherwise agreed on between the parties in difference) on the application of either party (after seven days notice in writing to the other of them) by the Board of Trade and the costs of and incident to the investigation and determination shall be borne as the said engineer shall direct;

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(8.) The provisions of this section shall be accepted and taken by all persons interested as full compensation for the waters which can be taken appropriated and used as aforesaid under the powers of this Act.

Limits of deviation.

11. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the said reservoir three feet upwards and ten feet downwards and in the case of all the other works two feet upwards and ten feet downwards: Provided that if it be found necessary or expedient in the construction of the said reservoir to alter the situation of the embankment thereof they may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment reservoir and works to an extent not exceeding twenty feet: Provided that the Company shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Period for compulsory purchase of lands.

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

Period for completion of works.

13. If any works authorised by this Act are not completed within the period of seven years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus mains pipes or other works or plant at any time and from time to time as occasion may require.

Power to take additional lands by agreement.

14. The Company may from time to time for the purposes of their undertaking acquire by agreement in addition to lands which they are already authorised to hold under the powers of the Act of 1870 or to take by compulsion under the powers of this Act any lands not exceeding in the whole five acres or any easement right or privilege therein thereunder or thereover not being an easement or privilege of water but the Company shall not deal with such lands so as to create a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

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Power to take easements.

15. Persons empowered by the Lands Clauses Consolidation Act 1845 or otherwise enabled to sell and convey or release lands may subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company in fee either absolutely or in consideration of any yearly or other rent any easement interest right privilege or power (not being an easement of water) required for the purposes of this Act in over affecting or belonging to any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements interests rights privileges and powers as aforesaid respectively.

For protection of the Baildon Local Board.

16. For the protection of the Baildon Local Board (in this section called "the board") the following provisions shall have effect:—

(1.) Nothing in this Act shall authorise the Company to appropriate take or use directly or indirectly the waters of or flowing into the Horncliff Beck;

(2.) If the board apply to Parliament within the period of fifteen years from the passing of this Act for powers to appropriate take or use the said waters the Company shall not directly or indirectly oppose such application;

(3.) If at any time the board shall require a supply of water from the Company the Company shall (subject however to the requirements of their own district for domestic trade and manufacturing purposes and to the reasonable requirements of the local sanitary authorities for the districts of Yeadon and Rawden) sell and supply to the board such quantity of water as they may so require and demand in writing upon terms to be agreed on or failing agreement to be settled by arbitration in manner provided by the Public Health Act 1875 with reference to the settlement of disputes by arbitration and the water so to be supplied to the board shall (subject to the provisions of this Act with respect to the supply of compensation water) be supplied to the board in priority to any user save as aforesaid of the waters by this Act authorised to be taken;

(4.) The water so to be supplied to the board shall be taken from the conduit leading from the storage reservoir by this Act authorised or from the conduit below the filters (if constructed) adjoining the same at a level not being lower than seven hundred feet above ordnance datum.

Sale of superfluous lands.

17. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such

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manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

As to taking houses of labouring class.

18.—(1.) The Company shall not except with the previous consent in writing of the Local Government Board under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Provisions for preventing fouling of water.

19. For the prevention of the pollution of reservoirs streams watercourses and waters over which the Company for the time being have any power of user or in which they are for the time being interested and in the event of the sanitary authority for the district in which the pollution occurs refusing or neglecting within the space of one month after being requested by the Company by notice in writing under the hand of their secretary so to do to enforce with respect to any such reservoirs streams watercourses or waters the provisions of the Rivers Pollution Act 1876 the Company shall have and may if they think fit from time to time exercise such and the like powers as may for the time being be exercised by such sanitary authority under any of the said provisions and the said provisions shall for the purposes aforesaid extend and apply mutatis mutandis to the Company.

Supply of water in bulk.

20. Subject to the provisions of this Act the Company may from time to time enter into and fulfil such contracts and arrangements with any sanitary highway or other local authority and any company or person with respect to the supply of water in bulk without as

well as within the Company's limits of supply as the Company think fit and every such contract and arrangement may be on such terms and conditions as the Company think fit and the Company may by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof and in addition thereto: Provided always that the Company shall not supply water in bulk to any such authority company or person beyond the Company's limits of supply nor to any person within those limits for other than domestic purposes if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the Company's limits of supply.

Domestic supply not to be interfered with.

21. The Company may apply to the purposes of this Act any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole twenty-eight thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes which shares or stock shall for all purposes form part of the general capital of the Company.

Company may raise additional capital.

22. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until the full nominal amount of such share (if the same be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twenty-eight thousand pounds.

As to vesting of shares.

23. The proprietors of any ordinary shares or ordinary stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

As to votes of proprietors of new shares or stock.

24. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect

Limit of dividend on new capital.

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of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum.

Dividends on different classes of shares or stock to be paid rateably.

25. In case in any year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the maximum dividend to which each class of ordinary shares or ordinary stock in the capital of the Company is entitled a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each class.

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

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

Time for paying up shares or stock sold by auction.

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

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

28. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the Yeadon Local Board and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may

be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the township of Yeadon. A.D. 1889.

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

29. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863: Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender subject to and in accordance with the foregoing provisions of this Act with respect to the sale of shares and stock but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares or stock so offered) and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time on failure of any sale or offer.

Application of premium arising on issue of shares or stock.

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

Power to borrow in respect of additional capital authorised by this Act.

31. The Company in respect of the additional capital of twenty-eight thousand pounds which they are by this Act authorised to raise may from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole seven thousand pounds: Provided that in respect of every seven thousand pounds of such additional capital issued and accepted the Company may borrow a sum or sums not exceeding in the whole one thousand seven hundred and fifty pounds: But no part of any of the before-mentioned sums of one thousand seven hundred and fifty pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have

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been issued and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of each portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repealing existing provisions as to receiver.

32. Section 29 (for appointment of a receiver) of the Act of 1870 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending at the passing of this Act under any such provision.

For appointment of a receiver.

33. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture stock.

34. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under any previous Act or this Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

As to conversion of borrowed

35. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the

creation and issue of debenture stock or any part thereof respectively by the creation of shares or stock instead of by borrowing or to convert into capital any money borrowed under the powers of this Act.

money into capital.

36. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of their undertaking being in all cases purposes to which capital is properly applicable.

Application of sums raised under this Act.

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

Costs of Act.

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SCHEDULE of Water Rates referred to in Section 5 of the foregoing Act.

Where the gross estimated rent does not exceed twenty pounds any rate not exceeding ten pounds per centum upon such gross estimated rent; and

Where the gross estimated rent exceeds twenty pounds any rate not exceeding seven pounds and ten shillings per centum on such gross estimated rent:

Provided that the Company shall not be bound to supply any house or part of a house for less than eight shillings and eightpence per annum nor any house or part of a house the gross estimated rent whereof is twenty pounds or more for less than two pounds per annum. The gross estimated rent shall be ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there be no such list in force then by the last rate made for the relief of the poor. Where the water rate is chargeable on the gross estimated rent of a part only of any hereditament entered in the valuation list or poor rate such gross estimated rent shall be a fairly apportioned part of the gross estimated rent of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

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