



## CHAPTER cxcii.

An Act to authorise the Wakefield Waterworks Company to raise more Money; and for other purposes. [7th August 1874.] A.D. 1874.

**W**HEREAS by "The Wakefield Waterworks Act, 1862," the existing Acts relating to the Wakefield Waterworks Company (in this Act called "the Company") were repealed, and the share capital of the Company was fixed at twenty-eight thousand five hundred pounds, divided into eight hundred and forty ordinary shares of twenty-five pounds each and six hundred shares of twelve pounds ten shillings each, entitled to preference dividends at the rate of four pounds per centum per annum, and they were authorised to raise a further sum of twenty-six thousand five hundred pounds by the creation of shares with preference dividends at a rate not exceeding five pounds per centum per annum, and to raise thirteen thousand seven hundred pounds by mortgage of their undertaking, inclusive of their existing mortgages, and to convert the borrowed money into capital, and to maintain and improve their existing waterworks, and to supply water within 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 : 25 & 26 Vict. c. xcix.

And whereas the Company raised the whole of the said additional capital of twenty-six thousand five hundred pounds by the creation of two thousand one hundred and twenty preference shares of twelve pounds and ten shillings each, entitled to preference dividends at the rate of four pounds ten shillings per centum per annum, and borrowed on mortgage the whole of the said sum of thirteen thousand seven hundred pounds, which they afterwards converted into ordinary capital by the creation of one thousand and ninety-six additional shares of twelve pounds and ten shillings each, and the sums so raised, amounting together to thirty-nine thousand five hundred pounds, have been expended upon their undertaking :

And whereas by "The Wakefield Waterworks Act, 1873," (in this Act called "the Act of 1873,") the Company were authorised to 36 & 37 Vict. c. xix.



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make a reservoir near their existing reservoirs at Field Head in the township of Stanley-cum-Wrenthorpe, and to raise an additional capital of thirty thousand pounds by the creation of new ordinary shares or stock, the dividends upon which were not to exceed seven pounds per centum per annum, or new preference shares or stock, the dividend upon which was not to exceed five pounds per centum per annum for a period of five years, after which such preference shares or stock were to become ordinary shares or stock; and the Company were also authorised to borrow seven thousand five hundred pounds on mortgage, as therein mentioned:

And whereas under the powers of the Act of 1873 the Company have created additional capital to the amount of thirty thousand pounds, in shares of ten pounds each, entitled to preferential dividends at the rate of five pounds per centum per annum for five years, and have thereby raised and expended upon their undertaking sums amounting to six thousand pounds, but have not exercised their power of borrowing on mortgage:

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 that certain of the provisions of "The Wakefield Waterworks Act, 1862," should be amended, and that further powers should be granted to the Company:

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 authority of the same, as follows:

Short title.

1. This Act may be cited as "The Wakefield Waterworks Act, 1874."

Recited Acts and this Act construed as one Act.

2. The recited Acts, as varied by this Act, and this Act shall be read and construed and shall have effect as if they were one Act.

Provisions of certain general Acts incorporated.

3. "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, and 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, 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. A.D. 1874.

4. In this Act—

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

Interpretation.

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 were a simple contract debt, and not a debt or demand created by statute;

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

5. The Company shall, in laying down their mains and pipes in the streets within the borough of Wakefield, place the same, where practicable, under the flagged footpaths of such streets, except where otherwise agreed with the persons under whose control or management the streets may be. Pipes in Wakefield to be laid under footpaths.

6. For the purpose of preventing the waste, misuse, or undue consumption or contamination of the water of the Company, the Company may from time to time make such rules and regulations as they think necessary to be observed by the persons supplied with such water, and may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair, of the pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for conveying, delivering, receiving, and using such water, and may thereby interdict any arrangement, and the use of any pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles which would be likely to occasion any such waste, misuse, undue consumption, or contamination, and shall not be bound to supply or continue to supply water to any such person unless such rules and regulations be and continue to be duly observed: Provided always, that no such rules or regulations shall have effect until they have been approved by the Court of Quarter Sessions or the Local Government Board. For preventing waste, &c. of water.



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Power to raise additional capital.

7. 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 one hundred 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.

8. 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.

9. 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.

10. 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.

11. 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

12. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, the Company may, if they think



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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.

—  
any other  
Act of past  
or present  
sessions may  
be of same  
class.

Power to  
borrow on  
mortgage.

13. The Company may, in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage, as herein-after mentioned, such sums as they think fit, not exceeding in the whole twenty-five thousand pounds, (that is to say,) when twenty 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 five thousand pounds, and a like additional sum of five thousand pounds when every further sum of twenty 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.

14. 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

Mortgages  
not to be  
converted  
into capital  
unless  
dividends  
limited to



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five pounds  
per cent.

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.

Arrears may  
be enforced  
by appoint-  
ment of a  
receiver.

**15.** 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. 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 one tenth of the amount which the Company are for the time being authorised to borrow on mortgage.

Debenture  
stock.

**16.** 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.

**17.** 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 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.

**18.** 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 rent-charge 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 under-

taking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred upon the Company. A.D. 1874.

**19.** 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. Application of money raised under this Act.

**20.** The sixty-third section of "The Wakefield Waterworks Act, 1862," is hereby repealed, and instead thereof be it enacted that any person who shall without the knowledge and consent of the Company extend or enlarge any pipe for supplying water for any purpose except the purposes already agreed upon, or use other means or device for the purposes 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. Penalty for extending or enlarging pipes of the Company without consent.

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

**22.** 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. Costs of distress.

**23.** 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. Penalties not cumulative.

**24.** No justice shall be disqualified for acting in the execution of the recited Acts or this Act by reason of his being a shareholder in the Company, or by being liable to payment of any rent or other charge under this Act. No justice to be disqualified by being a shareholder, &c.

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