

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. XX.

An Act to authorize the *Brompton, Chatham, Gillingham, and Rochester* Waterworks Company to raise further Capital; and for other Purposes.

[29th *May* 1868.]

WHEREAS by the "*Brompton, Chatham, Gillingham, and Rochester* Waterworks Act, 1860," the *Brompton, Chatham, Gillingham, and Rochester* Waterworks Company (in this Act called "the Company") was incorporated for better supplying with Water the Inhabitants, Houses, Buildings, and Lands within the Limits of that Act, with a Capital of Thirty thousand Pounds in Six thousand Shares of Five Pounds each, with Power to borrow on Mortgage any Sum not exceeding in the whole Seven thousand Pounds: And whereas the whole of the Capital authorized by the said recited Act has been raised and expended, and the Company have exercised their borrowing Powers to the Extent allowed by the said Act by the Creation of new Shares of the Company to the Amount of Five thousand four hundred Pounds (making the total Share Capital raised under that Act Thirty-five thousand four hundred Pounds), and by borrowing on Mortgage One thousand six hundred Pounds: And whereas the Population within the Limits of the said Act has much increased and is still increasing, and with a view to meet the increased Demand for Water it is expedient that the Company should be empowered to purchase further Lands by Agreement, and to raise a further Sum of Money: And whereas the Objects

23 & 24 Vict. c. xxxviii.

aforesaid cannot be attained 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; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Brompton, Chatham, Gillingham, and Rochester* Waterworks Act, 1868."

8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Waterworks Clauses Acts, 1847," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Parts Two and Three of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Further Interpretation of Terms.

4. The Construction of Words enacted in the Third Section of the recited Act shall for the Purposes of that Act and this Act be extended and applied to the Second and Third Parts respectively of "The Companies Clauses Act, 1863."

Power to raise additional Share Capital.

5. In addition to the Capital authorized by the recited Act, the Company may from Time to Time by virtue of this Act raise such further Sums as they from Time to Time think requisite, not exceeding in the whole Thirty thousand Pounds.

Mode of raising additional Capital.

6. The additional Capital by this Act authorized shall be raised by the Creation and Issue of new Ordinary Shares or Stock, at the Option of the Company, and at any Premium over and above the nominal Value of such Shares or Stock that the Company may think proper or may be able to obtain for such Shares or Stock, and in such Case the Amount of Premium so obtained shall be deemed to be general Assets of the Company.

New Share Capital to be subject to same Powers &c. as existing Share Capital.

7. Except so far as by or under the Authority of this Act or any Act incorporated herewith is otherwise provided, the additional Share Capital to be created by the Company under this Act, and the Shares therein, and the Holders of those Shares respectively, shall be

be entitled and subject to the same Powers, Rights, Privileges, and Liabilities in all respects as if that new Capital were Part of the ordinary Share Capital of the Company subsisting at the passing of this Act, and those Shares were Shares in that ordinary Capital.

Shares not to issue until One Fifth paid up.

8. The Company shall not issue any Share or Stock created under the Authority of this Act, nor shall any Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share or Stock shall have been paid in respect thereof.

Power to borrow on Mortgage.

9. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Seven thousand five hundred Pounds, but no Part thereof shall be borrowed until the whole additional Capital of Thirty thousand Pounds is subscribed for, issued, and accepted, and One Half thereof 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 the whole of such Capital has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share or Portion of Stock in such Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their 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 shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

10. 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 authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than One thousand Pounds in the whole.

Application of Monies.

11. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

Existing Mortgages to have Priority.

12. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

Power to take additional Lands.

13. The Company may from Time to Time for the Purposes of their Undertaking purchase by Agreement, in addition to the Lands which

which they are by the recited Act authorized to purchase, any Lands not exceeding in the whole Five Acres.

Owners may grant Easements.

14. The Persons empowered by the "Lands Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Acts Amendment Act, 1860," respectively to sell or convey Lands shall, subject to the Provisions of these Acts respectively, have Power, but by Agreement only, and not by Compulsion, to grant to the Company any Easement, not being an Easement of Water, in, over, or affecting any Lands by the recited Act and this Act authorized to be purchased by the Company, and all the Provisions of the said Acts with respect to the Purchase of Lands by Agreement and to Rentcharges shall extend and apply to such Easements and to Rentcharges granted for the same.

Recovery of Debts due to the Company.

15. Section 57 of the recited Act is hereby repealed, and in lieu thereof it is hereby enacted, That if any Person shall neglect to pay any Sum or Sums of Money due from him to the Company for the Supply of Water, or for the Hire or fixing of Meters or Fittings, after Demand thereof made in Writing, and left at the Premises where such Water has been supplied or in which such Meter or Fittings may have been fixed, it shall and may be lawful for the Company, or any Servant of the Company, to summon such Person before any Justice of the Peace within whose Jurisdiction the said Premises may be situate; and such Justice, upon Proof of any Sum being due and owing from the said Person so summoned, may issue a Distress Warrant, and thereby order that the Sum so due and owing, or any Part thereof, together with the Costs and Charges of the Proceedings for the Recovery of the same, be levied by Distress and Sale of the Goods and Chattels of the said Person, wherever such Goods and Chattels may be found, and such Goods and Chattels shall be distrained according to such Warrant, provided that the Overplus (if any), after the Payment of the Sum so due to the Company, and such Costs and Charges, including the Costs and Charges of their Distress and Sale, be rendered to such Person.

Application of Sections 58 & 59 of 23 & 24 Vict. c. xxxviii.

16. The Powers and Provisions contained in Sections 58 and 59 of the recited Act shall be applied to all Proceedings under the last preceding Section of this Act.

Expenses of Act.

17. All the Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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