CHAP. cxviii.

An Act to grant further Powers to "The Chesterfield Waterworks and Gaslight Company." [13th July 1871.]

A.D. 1871.

WHEREAS the Chesterfield Waterworks and Gaslight Company (who are herein-after referred to as the Company) were incorporated by an Act passed in the year one thousand eight hundred and fifty-five for supplying with water the borough and town of Chesterfield and certain other places therein named, in the parishes of Brampton and of Chesterfield in the county of Derby, and also for manufacturing and selling gas and lighting therewith the said places, and further powers were granted to the Company by an Act passed in the year one thousand eight hundred and sixty-five: 18 & 19 Vict. c. xxix. 28 & 29 Vict. c. xxxvi.

And whereas the authorised capital of the Company is stated in the schedule to this Act:

And whereas it is expedient that the Company should be authorised—

To make the new conduit and works herein-after described;

To divert a footpath near their gasworks;

To supply water in bulk to places in the neighbourhood of their works; and

To increase their capital;

and that the said Acts should in other respects be varied and the powers thereof extended:

And whereas plans and sections describing the lines, situation, and levels of the intended works, and a book of reference to those plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands in the line of the proposed works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Derby, and the same are in this Act referred to respectively as the deposited plans, sections, and book of reference:

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And whereas the objects of this Act cannot be obtained without the authority of Parliament:

May it therefore please Your Majesty that it 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 Chesterfield Waterworks and Gaslight Company's Act, 1871."

Provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts (as far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; namely,

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The Waterworks Clauses Acts, 1847 and 1863:

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the 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 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; and

The consolidation of the shares into stock; and with respect to the provision to be made for affording access to the special Act:

Parts I., II., and III. of the Companies Clauses Act, 1863 (relating to cancellation and surrender of shares, additional capital, and debenture stock):

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof.

Interpretation of terms.

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 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 term "court of competent jurisdiction" shall have effect as if the debt or demand with respect

to which it is used was a common simple contract debt, and not a debt or demand created by statute.

Power to make waterworks and take lands, &c.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections,

An aqueduct or conduit between their Upper Linacre Reservoir in the parish of Brampton in Derbyshire, which reservoir was constructed by the powers conferred by the Company's Act of 1855, together with such tanks, valves, sluices, and other works as shall be necessary;

and the Company may enter upon, take, and use such of the lands described in the deposited plans and book of reference as they require for the purposes of such works; all the said works will be in the said parish of Brampton and township of Newbold, or one of them.

Limits of lateral and vertical deviation.

5. 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, to the extent of the limits of lateral deviation marked thereon, but not further except with the consent of the owner of the lands through or in which a deviation is made, and the Company may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or five feet downwards.

Period for completion of works.

6. If the works authorised by this Act are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for executing the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this Act shall restrict the Company from exercising the powers already vested in them of extending, enlarging, altering, or removing any of their mains or pipes at any time and from time to time as occasion requires.

Powers for compulsory purchases limited.

7. 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 of this Act.

Power to agree for easements, &c.

8. The Company may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell lands, may grant to them any term, estate, easement, interest,

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right, or privilege therein, not being an easement, right, or privilege of water, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Power to apply existing capital.

9. The Company may apply for purposes of this Act any money raised or authorised to be raised by them by or under any former Act, and not required for other purposes of their undertaking.

Power to raise additional share capital.

10. In addition to the existing share capital of the Company, they may from time to time by virtue of this Act raise such sums as they think requisite, not exceeding in the whole the sum of fifty-three thousand pounds, by the creation and issue of new ordinary shares or new ordinary stock, or new preference shares or new preference stock, and the provisions contained in the seventh, eighth, ninth, and tenth sections of the said Act of 1865 shall be extended and apply to such new capital.

Power to borrow on mortgage.

11. The Company may from time to time by virtue of this Act borrow on mortgage any sums not exceeding in the whole the sum of thirteen thousand two hundred and fifty pounds; but no part of the sums shall be borrowed until 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 the additional capital hereby authorised to be raised 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.

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 subsisting at the passing thereof, shall, during their respective continuance, have priority over any mortgages granted by virtue of this Act.

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Arrears may be enforced by appointment of a receiver.

13. The mortgagees of the Company under this or any former Act 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 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 two thousand pounds in the whole.

Application of money.

14. All money raised under this Act, either as additional share capital or by borrowing, shall be applied for purposes of this Act and for the general purposes of the Company's undertaking, and not otherwise.

As to diversion of footpath in Newbold.

15. The Company may divert a footpath leading from the Hernstone Lane Head turnpike road to the Ashgate Road, across a field in the township of Newbold, contiguous to the gasworks of the Company, provided that before the closing of the existing footpath they provide another footpath to the satisfaction of the surveyor of the highways of the township of Newbold.

Power to sell water in bulk.

16. Subject and without prejudice to the rights of the inhabitants within the limits of the said Acts of 1855 and 1865 to the prior adequate supply of water under the provisions of the said Acts for all purposes, the Company may sell to any local board, local authority, or other public body or company constituted for any district situate wholly or in part within or adjoining to the said limits such quantity of water in bulk at such prices and on such terms and conditions as may be agreed on between the Company and the persons purchasing the same.

Repeal of section 20 of Act of 1855.

17. The twentieth section of the said Act of 1855, relating to the remuneration of directors, is hereby repealed.

As to reserve fund.

18. The fifteenth section of the Act of 1865, limiting the reserve fund of the Company to five thousand pounds, is hereby repealed, and the provisions of the Waterworks Clauses Act, 1847 (section seventy-six), and the Gasworks Clauses Act, 1847 (section thirty-one), with respect to a reserve fund, shall apply to the Company.

As to auditors.

19. Notwithstanding anything contained in the one hundred and second section of the Companies Clauses Consolidation Act, 1845, it shall not be necessary for an auditor of the Company to hold any share in the undertaking.

Expenses of Act.

20. All the costs, charges, and expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company.

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SCHEDULE,

CONTAINING A STATEMENT OF THE AUTHORISED CAPITAL OF THE COMPANY.

Authority.	Share Capital.	Maximum Dividend.	Mortgage.
	£		£
18 Vict. cap. 29. (1855) sec. 13.	11,200	10 per cent. -	10,500, one third of paid-up capital (sec. 18).
„ sec. 14 -	8,000	5 per cent. (guaranteed).	
„ sec. 15 -	20,000	5 per cent. (preference).	
28 & 29 Vict. (1865) secs. 6 and 10 - -	21,200	5 per cent. (preference).	
	5,800	7 per cent. -	7,000 (sec. 11).
	£66,200		£17,500

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