ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxxvii.

An Act to authorize the *Chorley* Waterworks Company to raise a further Sum of Money.

[24th *July* 1851.]

9 & 10 Vict. c. 287.

WHEREAS by "The *Chorley* Waterworks Act, 1846," a Company was incorporated under the Name of "The *Chorley* Waterworks Company," for supplying with Water the Inhabitants within the Limits by the said Act defined, and the said Company have proceeded, in the Exercise of the Powers conferred on them, to construct their Works, and to supply with Water a large Part of the District within such Limits: And whereas the Company are by the said Act authorized to raise a Capital of Fifteen thousand Pounds, divided into One thousand five hundred Shares of Ten Pounds each, and to borrow on Mortgage or Bond any Sum not exceeding Five thousand Pounds; and such Capital has been subscribed and paid, and the Amount authorized to be borrowed has been raised on Mortgage or Bond, and the whole of such Two Sums has been expended by the Company in and upon the Purposes authorized by the said Act: And inasmuch as it has been found that additional Pipes and other Works are required effectually to supply the said Town with Water, and the aforesaid Sums are insufficient for the Completion of the said Waterworks: And whereas it is expedient that the Capital of the said Company should be increased, but the same cannot be done 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,)

The Chorley Waterworks Act, 1851.

Recited Act and this Act construed as One.

I. That the recited Act and this Act shall be incorporated together and be construed as One Act.

Short Title.

II. That in citing this Act it shall be sufficient to use the Expression "The *Chorley* Waterworks Act, 1851."

Power to raise Money by Creation of new Shares.

III. That the Company may raise, for the Purposes authorized by the recited Act, by the Creation of new Shares, in addition to the Sums which they have raised under the Powers of that Act, any Sum not exceeding in the whole Twelve thousand Pounds.

New Shares to be considered same as original Shares.

IV. That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital.

If old Shares at a Premium new Shares to be offered to original Shareholders.

V. That if at the Time of any Augmentation of Capital taking Place by the Creation of new Shares, the then existing Shares be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum to be raised shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, and the new Shares shall be offered to the then Shareholders in the Proportion aforesaid, and the Offer shall be made by Letter under the Hand of the Secretary of the Company, given to or sent by Post addressed to each Shareholder, according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Shares to vest in Parties accepting, otherwise to be disposed of by Company.

VI. That the said new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of the Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

If existing Shares not at a Premium new ones may be issued as Company think fit.

VII. That if at the Time of any such Augmentation of Capital taking place the existing Shares be not at a Premium, then the new Shares may be of such Amount and may be issued in such Manner and on such Terms as a Majority consisting of not less than Three Fifths of the Shareholders of the Company present, personally or by Proxy, shall think fit.

Votes in respect of new Shares

VIII. That the Proprietors of such new Shares shall be entitled to such Number of Votes in respect thereof as the nominal Amount

represented

represented by such Shares would have entitled them to if they had been possessed of original Shares.

Power to borrow Money on Mortgage.

IX. That after the whole of the additional Capital of Twelve thousand Pounds shall have been subscribed, and One Half of the Money by the recited Act and this Act authorized to be raised by Shares shall have been paid up, the Company may borrow on Mortgage or Bond such Sums of Money as shall be from Time to Time authorized to be borrowed, by Order of any Ordinary or Extraordinary Meeting of the Company, not exceeding in the whole Three thousand Pounds, in addition to the Sum which they are at present authorized to borrow; but all Mortgages and Bonds granted by the Company before the passing of this Act, and which shall be in force when this Act is passed, shall until they are paid off have Priority over any Mortgage or Bond to be created under this Act.

Former Mortgages &c. to have Priority.

Company not to be exempt from Provisions of 11 & 12 Vict. c. 63.

X. That nothing herein contained shall be deemed or construed to exempt the said Company from the Provisions of "The Public Health Act, 1848," or of any General Act relating thereto, or to the Subject Matter thereof, which may pass during the present or any future Session of Parliament.

Application of Monies.

XI. That the Monies to be raised by virtue of this Act shall be applied in carrying the Purposes of the recited Act and this Act into execution.

Expenses of Act.

XII. That the Costs and Expenses of this Act, and incident thereto, shall be paid by the Company.

As to Supply of Water from the Anglezark Reservoir.

XIII. Whereas by the *Liverpool* Corporation Waterworks Act, 1847, after reciting that by the *Chorley* Waterworks Act, 1846, the Company therein mentioned were empowered to lay Pipes across certain Lands intended to be taken for the Purposes of the said *Liverpool* Corporation Waterworks Act, 1847, and that such Pipes or a Part thereof would be covered with the Water of the Reservoir delineated on the Plans referred to in such Act, and therein described as the *Anglezark* Reservoir, it was enacted, that nothing in that Act contained should be construed to prevent the said Company from laying such Pipes in the Manner the same might have been laid if that Act had not been passed, and that before the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* should commence filling such Reservoir with Water, they should at their own Expense cause to be laid down above the Top-water Level of such Reservoir an Iron Pipe of not less than Fifteen Inches Diameter, with all proper Valves, Stopcocks, and Apparatus thereto, for the Purpose of conveying and continuing a Supply of Water for the Purposes of the said *Chorley* Waterworks Act, in case the said first-mentioned Pipe should decay, or the Flow of Water therein become by Leakage or otherwise interrupted or diminished, and that such last-mentioned Pipe should be laid across the

northerly

northerly Embankment of the said Reservoir, and be made to communicate with the said first-mentioned Pipe, and should be for ever after maintained, and if needful for the Purposes of the said Company enlarged, by and at the Expense of the said Mayor, Aldermen, and Burgesses, to the Satisfaction of the President for the Time being of the Institution of Civil Engineers, and should be under the Control of the said *Chorley* Waterworks Company; provided always, that it should be lawful for the said Mayor, Aldermen, and Burgesses to enter into any Agreement with the *Chorley* Waterworks Company for securing to the said Company an adequate Supply of Water from the said *Anglezark* Reservoir, in lieu of laying down such Pipes as aforesaid: Be it enacted, That if no Agreement shall be entered into between the Company and the Mayor, Aldermen, and Burgesses for securing to the Company a Supply of Water from the *Anglezark* Reservor, it shall be lawful for the Mayor, Aldermen, and Burgesses, subject to the Provisions of the *Liverpool* Corporation Waterworks Act, 1847, and the *Liverpool* Corporation Waterworks Amendment Act, 1850, respectively to construct in and upon any of the Lands which they are authorized to take for the Purpose of their Undertaking, all such Works as may be necessary or proper for preventing any Water from passing or percolating from or out of the *Anglezark* Reservoir; provided that when such Works are executed the Water Supply of the Company, as granted to them in their former Act, be not thereby injured, interrupted, or prevented; and in the event of any Dispute arising between the respective Engineers of the Mayor, Aldermen, and Burgesses, and of the Company, as to the Manner in which the Tunnel which has been formed by the Company is to be closed, the same shall be done in such Manner as shall be determined on by the President for the Time being of the Institution of Civil Engineers, or if the Works first made shall prove insufficient to prevent the Water from passing or percolating from the said *Anglezark* Reservoir, or shall interrupt the Water Supply of the Company as aforesaid, any future Works that may be required for effecting the Objects above mentioned shall be done in such Manner as shall from Time to Time be determined on by the President of the said Institution.

Saving Rights of Corporation of Liverpool.

XIV. That nothing in this Act contained shall be held or construed to abridge, alter, vary, affect, or in anywise interfere with any of the Powers, Rights, or Privileges of the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* under and by virtue of the *Liverpool* Corporation Waterworks Act, 1847, and the *Liverpool* Corporation Waterworks Amendment Act, 1850, or either of them.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.