ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. vii.

An Act for enabling the Company of Proprietors of the *East London* Waterworks to raise a further Sum of Money; and for other Purposes.

[3d *May* 1852.]

WHEREAS by the Act of the Forty-seventh Year of *George* the Third, Sess. 2., Chapter 72. (Local and Personal), the Company of Proprietors of the *East London* Waterworks were authorized to raise Sixty thousand Pounds in Shares of One hundred Pounds each, and also to raise the further Sum of Forty thousand Pounds in like Shares, or on the Credit of their Undertaking: And whereas by the Act of the Forty-eighth Year of *George* the Third, Chapter 8. (Local and Personal), the Company were authorized to raise the further Sum of Two hundred and eighty thousand Pounds in like Shares: And whereas by the Act of the Tenth Year of *George* the Fourth, Chapter 117. (Local), the Company were authorized to raise the further Sum of One hundred and twenty thousand Pounds in like Shares: And whereas the Company have accordingly raised the aggregate Sum of Five hundred thousand Pounds in Five thousand Shares of One hundred Pounds each, and have expended the same for the Purposes of their Undertaking: And whereas the Company are desirous of rendering, by means of Filtration

or otherwise, the Water which they supply of the best Quality, and a further Sum is required by them for that Purpose and other Purposes of their Undertaking, and it is expedient that they should be authorized to raise such Sum; but the same 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 the Authority of the same,

Power to raise additional Capital by new Shares;

I. That the Company may from Time to Time, with the Sanction of any General or Special General Assembly thereof, raise, for the Purposes of the said recited Acts and this Act, by new Shares, any further Sums, not exceeding in the whole Three hundred thousand Pounds; and all Money to be raised under or by virtue of this Act shall be applied to the Purposes of the Undertaking authorized by the said Acts of the Forty-seventh *George* the Third, the Forty-eighth *George* the Third, and the Tenth *George* the Fourth, and this Act, and to no other Purpose.

and to be Part of general Capital.

II. That the new Capital shall be Part of the general Capital of the Company.

New Capital to be subject to same Powers as original Capital.

III. That (except as by this Act otherwise provided) the new Capital and the new Shares respectively, and the Subscribers and Proprietors of the new Capital and the new Shares respectively, shall be subject and entitled to the same Powers, Provisions, Forfeitures, Liabilities, Rights, Privileges, and Incidents whatsoever, in all respects, as if the new Capital were Part of the original Capital, and the new Shares were Shares in the original Capital.

Regulations as to Creation of new Shares.

IV. That, except as by this Act otherwise provided, the Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any Assembly to be held for that Purpose, create the new Shares, either of One Class and with the like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively with any fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Dividend or Interest, as the Company from Time to Time think fit, and may from Time to Time fix as they think fit the Amounts and Times of Payment of the Calls on the new Shares: Provided always, that the Amount of every Share shall be One hundred Pounds, or an aliquot Part (not less than Twenty Pounds) of One hundred Pounds, and all the Shares of the same Class shall be of like Amount, and all the Shares of the same Class shall confer like Privileges, and bear the like Dividend or Interest.

V Pro-

As to Calls on new Shares.

V. Provided always, That the Amount of any Call on any new Share shall not exceed the Rate of Fifteen Pounds *per Centum* on the Amount of such new Share, and the Interval between any Two Calls shall not be less than Two Months, and the aggregate Amount of Calls to be made on any One Share in any Year shall not exceed Four Fifths of the Amount of such Share.

If old Shares at a Premium, new ones to be offered to existing Share-holders;

VI. Provided always, That if at the Time of raising any new Capital by new Shares the then existing Shares are at a Premium, the new Capital to be then 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 such new Shares shall be offered to them at par in such Proportion, and such Offer shall be made by Letter under the Hand of the Chief Clerk of the Company, given to every Shareholder, or sent by Post addressed to him according to his Address in the Share Register Book, or left for him at his usual or last known Place of Abode in *England*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the due Course of Delivery ought to reach the Place to which it is addressed.

and to vest in Shareholders accepting.

VII. That the new Shares so offered shall vest in and belong to the Shareholders who shall accept the same.

If Shareholders fail to accept, they may be offered to others.

VIII. Provided always, That if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, the Company may dispose of such Shares to any other Persons.

Power to enlarge Time for accepting new Shares by existing Shareholders.

IX. Provided always, That the Directors, if they think proper, but not otherwise, may permit any Shareholder who, from Absence abroad or other Cause satisfactory to the Directors, may have omitted to signify within the Time limited by this Act his Acceptance of the new Shares offered to him, to accept such Shares, notwithstanding such Time may have elapsed.

Power to dispose of new Shares as Company think fit.

X. That, except as by this Act provided with reference to new Shares to be offered to existing Shareholders as aforesaid, the Company may from Time to Time dispose of the new Shares in such Manner and on such Terms as the Company think fit.

Power to cancel unissued new Shares.

XI. That if after having created any new Shares the Company shall determine not to issue the whole of the said new Shares, the Company may cancel the unissued new Shares, and may from Time to Time thereafter create in lieu thereof other new Shares of an aggregate Amount equal to that of the new Shares so cancelled.

XII. That

Dividends on new Shares.

XII. That every Person who shall become entitled to any new Share shall in respect of the same be a Shareholder in the Undertaking, and shall (unless the Rate of Dividend or Interest thereon be at the Time of the Creation thereof otherwise ordered by the Company) be entitled to a Dividend with the other Shareholders proportioned to the whole Amount for the Time being paid on such Share.

Votes and Qualifiation in respect of new Shares.

XIII. That the new Shares shall confer on the respective Holders thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number of or the Amount paid on such Shares, and for such Purposes every entire Sum of One hundred Pounds of such nominal Value shall be considered as equivalent to One Share of One hundred Pounds created under the recited Acts; and any Shareholder shall not have any Right of voting or Qualification in respect of any Number of new Shares constituting in nominal Value an Interest in the Capital less than an entire Sum of One hundred Pounds.

Power to borrow Money on Mortgage, instead of raising it by new Shares.

XIV. That, if the Company think fit, they may borrow any Part, not exceeding Forty thousand Pounds, of the new Capital, on Mortgage of their Undertaking, but not on Bond, instead of raising the whole thereof by new Shares, and for such Purpose the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company on Mortgage or Bond, shall be incorporated with and form Part of this Act: Provided always, that the total Amount of Money which shall be due and owing by the Company on Mortgage or Bond at any One Time, under the Authority of the said recited Acts and this Act or either of them, shall not exceed the Sum of Forty thousand Pounds.

Company may, to pay off borrowed Money, issue new Shares.

XV. That if, after having so borrowed any Money, the Company shall be desirous of paying off the same, they may raise the necessary Amount by new Shares.

Amount raisable not to exceed 300,000*l.*, except to pay off borrowed Money.

XVI. Provided always, That, except only so far as may be essential for enabling the Amount necessary for paying off any Money borrowed to be raised by new Shares, the whole Sum to be raised under the Authority of this Act shall not exceed Three hundred thousand Pounds.

Application of Capital if it exceed 300,000*l.*

XVII. Provided also, That if the Company shall at any Time, for enabling them to pay off any Money borrowed, raise any Sum which, with the total Amount theretofore raised under the Authority of this Act, shall exceed Three hundred thousand Pounds, the whole of such Excess shall be applied forthwith and exclusively in paying off Money borrowed.

XVIII. And

Certain Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

XVIII. That the Clauses of "The Waterworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, shall be and the same are hereby incorporated with this Act.

Clause in first-recited Act as to Limitation of Actions repealed.

XIX. And whereas by the first-recited Act it is enacted, "That if "any Action or Suit shall be brought or commenced against any "Person or Persons for anything done in pursuance of this Act, every "such Action or Suit shall be brought or commenced within Six Calen- "dar Months next after the Fact committed, or in case there shall be a "Continuation of Damages, then within Six Calendar Months next "after the doing or committing such Damage shall have ceased, and "not afterwards, and shall be laid and brought in the County or Place "where the Matter in dispute or Cause of Action shall arise, and not "elsewhere; and the Defendant or Defendants in such Action or Suit "shall or may plead the General Issue, and give this Act and the "special Matter in Evidence at any Trial to be had thereupon, and that "the same was done in pursuance and by the Authority of this Act; "and if it shall appear to have been so done, or if any such Action or "Suit shall have been brought before the Expiration of Twenty-one "Days next after such Notice shall have been given as aforesaid, or "after sufficient Satisfaction made or tendered as aforesaid, or after "the Time so limited for bringing the same, or shall be brought in any "other County or Place than as aforesaid, then and in every such "Case the Jury shall find for the Defendant or Defendants; or if the "Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinu- "ance of his, her, or their Action or Suit after the Defendant or "Defendants shall have appeared, or if a Verdict shall pass against "the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judg- "ment shall be given against the Plaintiff or Plaintiffs, the Defendant "or Defendants shall have Double Costs, and shall have such Remedy "for the same as any Defendant hath for Costs of Suit in other Cases "by Law:" And whereas it is expedient that such Enactment should be repealed: Be it enacted, That the said Enactment shall be and the same is hereby declared to be repealed.

Clause in first-recited Act as to Penalty on destroying Works repealed.

XX. And whereas by the first-recited Act it is enacted, "That if "any Person or Persons shall knowingly, wilfully, or maliciously "break, throw down, damage, or destroy any Banks or other Works "erected, made, or maintained by virtue of this Act, then and in "every such Case every such Person shall be judged guilty of "Felony, and the Court by and before whom such Person or Persons "shall be tried and convicted shall have Power and Authority to "cause such Person or Persons to be transported for the Term of "Seven Years, or, in mitigation of such Punishment, such Court "may award such Sentence as the Law directs in Cases of Petit Lar- "ceny:"

" ceny:" And whereas it is expedient that such Enactment should be repealed: Be it enacted, That the said Enactment shall be and the same is hereby declared to be repealed.

Penalty on Persons destroying Works.

XXI. That every Person who shall wilfully break, throw down, damage, or destroy any Banks or other Works belonging to the Company shall be liable to a Penalty not exceeding Five Pounds for every such Offence, such Penalty to be recoverable in the Manner provided by " The Companies Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and Penalties.

Company not exempt from Provisions of Public Health Acts.

XXII. That this Act or anything therein contained shall not exempt the Company from the Provisions of " The Public Health Act, 1848," or of any General Act supplemental thereto, or extending any of the Provisions thereof, which may pass during the present or any future Session of Parliament.

Company to be subject to Provisions of any future Act for Supply of Metropolis with Water.

XXIII. That the Company shall be and they are hereby subjected to all and every the Provisions, Conditions, Regulations, and Restrictions which shall or may be contained in any Act to be passed during the present or any future Session of Parliament for making better Provision respecting the Supply of Water to the Metropolis, or for regulating such Supply.

Expenses of Act.

XXIV. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

Short Titles.

XXV. That in citing the recited Acts and this Act respectively in Acts of Parliament and otherwise howsoever it shall be sufficient to use the Expressions following; that is to say, in citing the first-recited Act, to use the Expression " *East London* Waterworks Act, 1807;" in citing the secondly-recited Act, to use the Expression " *East London* Waterworks Act, 1808;" in citing the thirdly-recited Act, to use the Expression " *East London* Waterworks Act, 1829;" in citing this Act, to use the Expression " *East London* Waterworks Act, 1852."

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