ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lix.

An Act to enable the Company of Proprietors of the *Kent* Waterworks to raise a further Sum of Money; and to alter and amend the former Acts relating thereto. [15th *July* 1850.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for supplying with Water the Inhabitants* 49 G.3.c.189. *of* Deptford, Greenwich, *and several other Parishes and Places in the Counties of* Kent *and* Surrey, whereby certain Persons therein named, and their Successors, were made One Body Politic and Corporate by the Name of "The Company of Proprietors of the *Kent* Waterworks," for the making, completing, and maintaining certain Waterworks, Reservoirs, Aqueducts, and other Works and Conveniences, and the said Company were thereby authorized to raise among themselves for the Purposes of the said Act, in such Proportions as they should think proper, any Sum or Sums of Money not exceeding in the whole the Sum of One hundred thousand Pounds, to be divided into Shares of One hundred Pounds each, and also, in case the said Sum should be found insufficient for the making, completing, and maintaining of the said Reservoirs and Aqueducts, and other the Works thereby authorized to be made, and all necessary Charges and Expenses relating thereto, to raise and contribute in manner aforesaid, or by the Ad-

mission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Fifty thousand Pounds; and the said Company of Proprietors were thereby also authorized to borrow all or any Part of the said Sum of Fifty thousand Pounds on the Credit of the said Undertaking, and to assign, in manner and form and subject to the Regulations therein expressed and contained, the Property of the said Undertaking, and the Sums of Money arising or to arise to the said Company of Proprietors by virtue of the said Act, or any Part thereof, as a Security for any Sum or Sums of Money so be borrowed, with Interest, as therein expressed: And whereas another Act of Parliament was passed in the Fifty-first Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to enable the Company of Proprietors of the* Kent *Waterworks to raise a further Sum of Money; and to alter and enlarge the Powers of an Act of His present Majesty for making the said Waterworks, and to extend the same;* and the said Company were thereby authorized to extend their Works, as therein mentioned; and the said Company were thereby also authorized, by the Ways and Means therein mentioned, to raise the further Sum of One hundred thousand Pounds: And whereas the said Company have by virtue of the Powers of the said Acts issued Two thousand three hundred and ten Shares of One hundred Pounds each, and have borrowed the Sum of Nineteen thousand Pounds on Mortgage of the said Undertaking, and have expended the Monies raised by the Ways and Means aforesaid upon or for the Purposes authorized by the said Acts: And whereas a further Sum of Money is required to enable the said Company completely to carry into effect the Purposes of the said Acts: And whereas it is expedient that Power should be granted to the said Company to raise such further Sum of Money, and it is also expedient that some of the Provisions and Powers of the said recited Acts should be amended and enlarged; but the Purposes aforesaid 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, That the said recited Acts, as amended by each other and by this Act, and this Act, shall be One Act, and be carried into execution accordingly.

51 G. 3. c. 145.

Recited Acts and this Act to be as One Act.

Power to raise additional Money by Creation of new Shares.

II. And be it enacted, That it shall be lawful for the said Company from Time to Time, by an Order of any General or Special General Assembly thereof, to raise for the Purposes of the said Acts and this Act, by the Creation of new Shares, in addition to any Sums which they have raised or are entitled to raise under and by virtue of the said recited Acts or either of them, any Sum or Sums of Money

not exceeding in the whole the further Sum of One hundred thousand Pounds.

New Shares to be considered same as original Shares.

III. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company, and such new Capital and new Shares shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if such Capital had been Part of the original Capital, except as to the Times of making Calls for such additional Capital and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit, and except as herein otherwise provided: Provided always, that the Amount of any Call to be made upon the Proprietors of the said new Shares by this Act authorized to be created shall not exceed the Rate of Five Pounds *per Centum* on the Amount of any such Share, and there shall be an Interval of not less than Three Calendar Months between every Two successive Calls.

Power to apply Monies in Payment of Mortgages.

IV. And be it enacted, That it shall be lawful for the said Company from Time to Time to apply any Monies to be raised by virtue of this Act in Payment off of any Debts secured by Mortgages already existing or hereafter to exist of or upon the said Undertaking.

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

V. And be it enacted, That if at the Time of any Augmentation of Capital taking place by the Creation of new Shares the then existing Shares of the Capital of the Company shall be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so 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 such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter, under the Hand of the Chief Clerk of the Company, given to or sent by Post addressed to each Shareholder according to his Address as entered in the Share Register Books of the said Company, or left 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 shall be addressed.

Shares to vest in Partiesaccepting, otherwise to be disposed of by the Company.

VI. And be it enacted, That such new Shares so to be created shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company, at the Time or Times and by the Instalments which shall be fixed by the Company;

pany; and if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, and to pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares, to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

Directors may permit Shareholders to take new Shares after Time specified, in case of their being absent, abroad, &c.

VII. Provided always, and be it enacted, That it shall be lawful for the Directors, in case they shall think proper so to do, but not otherwise, to permit any Shareholder who from Absence abroad, or from any other Cause satisfactory to the Directors, may have omitted or neglected (within the Time limited by this Act) to signify his Acceptance of the new Share or Shares which may have been offered to him, or to which he may be entitled by virtue of this Act, to accept such Share or Shares, and to pay for each such Share the Sum at which the same shall have been allotted to him, notwithstanding the Time limited for such Acceptance or for the Payment of such Sum may have expired.

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

VIII. And be it enacted, That if at the Time of any such Augmentation of Capital taking place the existing Shares of the Capital of the Company shall not be at a Premium, then such new Shares may be of such Amount, and may bear such annual Sums for Interest or Dividends on the same, for such Period, and may be issued in such Manner, and may be sold and disposed of at such Price, payable at such Times and by such Instalments, as the Company shall think fit.

Rights of new Shareholders to be proportionable to the Value of new Shares.

IX. And be it enacted, That every Person who shall become entitled to any new Share to be created under this Act shall, in respect of the same Share, be a Shareholder in the Undertaking, and shall, unless the Rate of Interest or Dividend payable in respect of such Share shall on the issuing thereof be otherwise ordered by the said Company, be entitled, when such Share shall have been paid up, to a Dividend with the other Shareholders proportioned to the nominal Value of such Share, and until such Share shall be fully paid up shall be entitled in respect of such Share to a Dividend in such Proportion to the Dividend which would be payable in respect of such Share if fully paid up as the Amount for the Time being paid on such Share shall bear to the full Sum payable in respect thereof; and such new Shares shall also confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number thereof, 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 said recited Acts; and no Shareholder shall vote

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in respect of any Number of such new Shares which shall constitute a less Interest in the Capital of the Company than One hundred Pounds.

Power to borrow Money on Mortgage.

X. And be it enacted, That in case the said Company of Proprietors shall think it advisable to borrow Part of the said Sum of One hundred thousand Pounds at Interest, instead of raising the whole thereof by the Creation of new Shares, then and in such Case it shall be lawful to and for the said Company of Proprietors to borrow and take up at Interest, on the Credit of the Rates and Duties by the said recited Acts and this Act payable to the said Company for Water, any Sum or Sums of Money, in addition to any Sum or Sums of Money already borrowed or taken up at Interest, so as the whole to be so borrowed under the Authority of this Act shall not exceed the Sum of Thirty-three thousand Pounds, and so as the whole Sum to be raised under the Authority of this Act shall not exceed the Sum of One hundred thousand Pounds; and in order to the raising of the said Sum of Thirty-three thousand Pounds or any Part thereof the said Company of Proprietors shall and may, at the Costs and Charges of the said Company, assign over the Property of the said Undertaking, and the Sums of Money arising or to arise to the said Company of Proprietors by virtue of the said recited Acts and this Act, or any Part or Parts thereof respectively, as a Security for the Repayment of any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons as shall so advance the same, his, her, or their Trustee or Trustees, Nominee or Nominees, Executors or Administrators; and all such Assignments and Securities, and the Transfers thereof, shall be made and executed in the same Manner and Form, and the Monies so to be borrowed, and the Interest thereof, and the Person lending the same or entitled thereto, shall be subject to all the same or the like Provisions relative to Preference or Priority, Memorials, Entry with the Clerk to the said Company, Payment of Interest, Proprietorship, Notice of Payment, and all other Provisions, Regulations, and Directions whatsoever, in all respects and to all Intents and Purposes as are in and by the said first-recited Act prescribed and directed concerning the Assignments, Securities, and the Transfers of the Assignments and Securities, to be made and given for the Monies thereby authorized to be borrowed, and concerning such last-mentioned Monies, and the Interest thereof, and the Persons lending such Money or entitled thereto.

Company may pay off borrowed Monies by the Creation of new Shares.

XI. And be it enacted, That it shall be lawful for the said Company of Proprietors, after they may have borrowed any Monies under the Authority of this Act, from Time to Time to raise, by the Ways and Means aforesaid, under the Authority of this Act, so much Money as shall be sufficient to pay off the Monies so borrowed or any

any Part thereof, and to apply the Money so to be raised accordingly, so that the total Amount of the Monies to be ultimately raised by virtue of this Act do not exceed the Sum of One hundred thousand Pounds.

Qualification of a Director.

XII. And whereas by the said first-recited Act it is provided, that no Person shall be capable of being chosen or of serving upon the Committee of the said Company unless he shall hold and be possessed of Five Shares at the least in the said Undertaking, and by the said secondly recited Act it is enacted, that from and after the passing thereof the Committee of the said Company shall be and be styled the Directors thereof: And whereas it is expedient to raise the Number of Shares necessary for the Qualification of a Director: Be it enacted, That no Person shall be capable of being chosen or of serving as a Director of the said Company unless he shall hold and be possessed of Ten Shares at least in the said Undertaking.

As to Appointment of Chairman at General Assemblies.

XIII. And whereas by the said first-recited Act it is enacted, that the said Company of Proprietors, at their General and Special General Assemblies, shall and may appoint a Chairman, and such Chairman shall not only vote as Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote; but no Person serving upon the Committee of the said Company shall be capable of sitting or presiding as Chairman of any General or Special General Assembly of the said Company of Proprietors during the Time he shall be so serving upon such Committee: Be it enacted, That the said Enactment shall be and is hereby repealed, and that the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the Chairman at General Meetings, shall be applicable to the Chairman of the General and Special General Assemblies of the said Company.

Appointment of Times of meeting of future General Assemblies of the Company.

XIV. And whereas by the said secondly before-recited Act it is enacted, that all future General Assemblies of the said Company, after the First General Assembly therein mentioned, except Special General Assemblies, shall be held on the First *Monday* in the Months of *March* and *September* in every Year, at the Hour of Twelve at Noon: And whereas those Periods have proved inconvenient for holding the said half-yearly General Assemblies: Be it therefore enacted, That from and after the passing of this Act all future half-yearly General Assemblies of the said Company shall be holden on the First *Monday* in the Months of *February* and *August* in every Year; and such General Assemblies shall be subject to the same and the like Provisions relative to the Place or Places where the same shall be held, the previous Notice to be given thereof, the Duty of the said Directors to report thereto, the Manner of voting, and all other

other Matters and Things, except such as are by this Act repealed or altered, as are in and by the said first-recited Act or the said secondly-recited Act prescribed and directed in respect of General Assemblies of the said Company; and the Provisions in the said secondly-recited Act contained with respect to the Directors and Auditors going out of Office on the First *Monday* in the Month of *March* in every Year, and with respect to the Election of Directors and Auditors at the General Assembly of the said Company to be holden on the said First *Monday* in the Month of *March* in every Year, shall be applicable to the General Assembly of the said Company of Proprietors to be holden on the First *Monday* in the Month of *February* next after the passing of this Act and on the First *Monday* in the Month of *February* in every succeeding Year.

Power to convene Special General Assemblies of the Company of Proprietors.

XV. And be it enacted, That it shall be lawful for the Directors of the said Company, when and so often as they shall think it expedient so to do, to convene a Special General Assembly of the said Company of Proprietor at such Time and Place within the City of *London* as they shall think fit, and that Twenty-one Days Notice at least of such Special General Assembly, signed by the Chief Clerk or Secretary for the Time being of the said Company, specifying in such Notice the Reason and Intention of convening the same, and the Time when and the Place where the same shall be holden, shall be published in like Manner as by the said first-recited Act specified of and concerning the Notice thereby required to be given for convening Special General Assemblies of the said Company by Proprietors not being less than Ten in Number, and possessing in the whole Fifty Shares in the said Undertaking; and such Special General Assemblies to be convened by the said Directors in manner aforesaid shall be subject to such and the same Provisions, Restrictions, and Regulations as are in the said first-recited Act contained relative to Special General Assemblies to be convened by virtue of the Powers thereof, save so far as such Provisions, Restrictions, and Regulations are in anywise by the said secondly-recited Act or by this Act repealed or altered.

Former Mortgages to have Priority.

XVI. Provided always, and be it enacted, That all Mortgages granted by the said Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall have Priority over all Mortgages granted under the Powers of this Act.

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

XVII. And be it enacted, 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.

XVIII. And

Mortgages, Transfers, &c. to be stamped.

XVIII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, anything herein or in the said recited Acts contained to the contrary notwithstanding.

Provisions of 49G.3.c.189. as to Limitation of Actions repealed.

XIX. And whereas by the said first-recited Act it is enacted, that no Plaintiff or Plaintiffs should recover in any Action to be commenced against any Person or Persons for anything done in pursuance of that Act, unless Notice in Writing should have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action should be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor should the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends should have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and that in case no such Tender should have been made it should be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action should depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they should think fit, whereupon such Proceeding, Order, and Judgment should be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court; and it is further enacted, that if any Action or Suit should be brought or commenced against any Person or Persons for anything done in pursuance of that Act, every such Action or Suit should be brought or commenced within Six Calendar Months next after the Fact committed, or in case there should be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage should have ceased, and not afterwards, and should be laid and brought in the County or Place where the Matter in dispute or Cause of Action should arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit might plead the General Issue, and give that 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 that Act; and if it should appear to have been so done, or if any such Action or Suit should have been brought before the Expiration of Fourteen Days next after such Notice should 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 should be brought in any other County or Place than as aforesaid, then and in every such Case the Jury should find for the Defendant or Defendants;

dants; or if the Plaintiff or Plaintiffs should become nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants should have appeared, or if a Verdict should pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff or Plaintiffs, the Defendant or Defendants should have Treble Costs, and should have such Remedy for the same as any Defendant had for Costs of Suit in other Cases by Law: And whereas it is desirable that the last-mentioned Enactments should be repealed: Be it enacted, That the same last-mentioned Enactments shall be and the same are hereby repealed.

Notice to be given to Metropolitan Commissioners of Sewers of Interference with Drains.

XX. And be it enacted, That where any of the Works to be done under or by virtue of this or the recited Acts may pass over, under, or by the Side of or in any other Manner so as to interfere with any Sewer, Drain, or Watercourse under the Management or Control of the Metropolitan Commissioners of Sewers, the said Company shall not proceed therein until the said Company shall have given to the said Metropolitan Commissioners of Sewers Twenty-one Days previous Notice in Writing of their Desire, and a full particular Plan or Plans of the Works so affecting any Sewers, Drains, or Watercourses aforesaid, and until the said Commissioners shall have sanctioned and approved the Mode of crossing, passing, or interfering with such Sewers, Drains, or Watercourses; and the said Company shall and they are hereby required to adhere to and comply with such Orders and Regulations as the said Commissioners may make with reference to the said Company's providing, by new, altered, or substituted Works, for the proper Drainage of and the preventing Injury to the Sewage of the District, and for guarding against any Impediment to the Drainage of the District or Districts through which any of the intended Works shall pass, and also saving harmless the said Commissioners against Expense; and all such Works as may be so required shall be done under the Direction and Control of the Surveyor or other Officer or Officers of the said Commissioners to be appointed for that Purpose; and when any new, altered, or substituted Sewers as aforesaid, or any other Works connected with Sewers, shall be completed by the said Company, under the Provisions of this Act, the same shall be as fully and completely under the Direction and Control and Management of the said Metropolitan Commissioners as any other Sewers, Drains, and Watercourses are or may be, and all the Rights, Powers, Privileges, and Authority of the said Commissioners shall remain in full force and virtue with reference to all such Sewers, Drains, and Watercourses for all Purposes, and shall not be prejudiced or affected by this Act.

Saving Rights of Commission-

XXI. And be it enacted, That nothing in this or the said recited Acts contained shall in any way extend or be construed to extend to interfere

ers of Sewers to Water.

interfere with or prevent the Metropolitan Commissioners of Sewers purchasing, taking on Lease, drawing, obtaining, or procuring any Streams or Springs of Water, or from sinking or forming Wells, Aqueducts, Watercourses, or other Works, and obtaining a Supply of Water for any Works, according to the Provisions of the "Metropolitan Sewers Act, 1848."

Expenses of Act.

XXII. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company out of the Monies that shall come to their Hands belonging to the said Company.

Short Title for former Acts and this Act.

XXIII. And be it enacted, That in citing the following Acts and this Act respectively in other Acts of Parliament, in legal Instruments and all other Proceedings, it shall be sufficient to use the Expressions set opposite the Dates and Titles of the said Acts, and the Reference of this present Act, mentioned in the Schedule following; (that is to say,)

An Act passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for supplying with Water the Inhabitants of* Deptford, Greenwich, *and several other Parishes and Places in the Counties of* Kent *and* Surrey - - - - -	"The *Kent* Waterworks Act, 1809."
An Act passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act to enable the Company of Proprietors of the* Kent *Waterworks to raise a further Sum of Money, and to alter and enlarge the Powers of an Act of His present Majesty for making the said Waterworks, and to extend the same* - - - -	"The *Kent* Waterworks Acts Amendments Act, 1811."
This present Act - - - -	"The *Kent* Waterworks Acts Amendment Act, 1850."

Public Act.

XXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.