ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. cclxxvii.

An Act for extending the Limits within which the *Stockport* District Waterworks Company may supply Water, and for authorizing them to raise further Monies; and for other Purposes.

[25th *July* 1864.]

WHEREAS by "The *Stockport* District Waterworks Act, 1861," (in this Act called "the Act of 1861,") the *Stockport* District Waterworks Company (in this Act called "the Company") were incorporated, and were authorized to make and maintain Waterworks and to supply Water within the following Limits; (that is to say,) the Borough of *Stockport* in the Counties of *Chester* and *Lancaster*, the Townships of *Stockport*, *Bramhall*, *Bredbury*, *Brinnington*, *Disley*, *Marple*, *Norbury*, *Offerton*, and *Torkington*, in the Parish of *Stockport*, the Townships of *Cheadle Bulkeley*, *Cheadle Moseley*, and *Handforth-cum-Bosden*, in the Parish of *Cheadle*, the Townships of *Lyme Handley*, *Lyme*, and *Poynton*, in the Parish of *Prestbury*, all in the County of *Chester*, and the Townships of *Heaton-Norris* and *Reddish* in the Parish of *Manchester* in the County of *Lancaster*: And whereas by the "Act of 1861" the Company were authorized to raise a Capital of One hundred 24 & 25 Vict. c. ccxi.

hundred thousand Pounds in Ten thousand Shares of Ten Pounds each, and to borrow on Mortgage not exceeding Twenty-five thousand Pounds: And whereas the Company have proceeded to put the "Act of 1861" in execution: And whereas by "The *Stockport* District Waterworks Act, 1863," in this Act called the "Act of 1863," Provision was made for the Amalgamation of the Undertaking, Works, Property, and Effects of the *Stockport* Waterworks Company (in this Act called "the old Company") with the Undertaking, Works, Property, and Effects of the Company, and the Company were authorized for the Purposes of such Amalgamation to raise additional Capital in their Undertaking by the Creation and Issue of new Shares or Stock, or by borrowing on Mortgage, but the Sum which the Company were authorized to raise by borrowing was not to exceed the Mortgage Debt of the old Company at the Time of such Amalgamation: And whereas it is expedient that the Limits within which the Company may supply Water be extended so as to include all or some of the Places following; (that is to say,) the Township of *Stockport Etchells* in the Parish of *Stockport*, the Township of *Woodford* in the Parish of *Prestbury*, the Townships of *Bollin Fee*, *Pownall Fee*, *Fallshaw*, and *Chorley*, in the Parish of *Wilmslow*, and the Township of *Nether Alderley* in the Parish of *Alderley*, all in the County of *Chester*: And whereas it is expedient that the Company on the one hand, and other public and local Bodies and Companies within the Limits of this Act respectively on the other hand, be authorized to enter into and carry into effect Contracts with respect to Supplies of Water: And whereas it is expedient that the Company be authorized to raise further Monies for the Purposes of this Act, and also for the general Purposes of their Undertaking: And whereas the Objects of this Act 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 the Authority of the same, as follows; (that is to say,)

26 & 27 Vict. c. lxxxvii.

Short Title.

1. This Act may for all Purposes be cited as "The *Stockport* District Waterworks Act, 1864."

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 93. & 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part 1 (relating to Cancellation and Surrender of Shares), and Part 2 (relating to additional Capital), of "The Companies Clauses Act, 1863," and "The Waterworks Clauses Acts, 1847 and 1863," save so far as any of the Sections and Provisions of those Acts and Parts respectively are by this Act expressly varied or excepted, are incorporated with this Act.

3. The

Parts of 8 & 9 Vict. c. 16. incorporated.

3. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares:

With respect to the Transfer or Transmission of Shares:

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls:

With respect to the Forfeiture of Shares for the Nonpayment of Calls:

With respect to the Remedies of Creditors of the Company against the Shareholders:

With respect to the borrowing of Money by the Company on Mortgage or Bond:

With respect to the Conversion of the borrowed Money into Capital:

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested.

Same Meanings to Words in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided that the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act, 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; and the Words "Shares" and "Shareholders" include "Stock" and "Stockholders."

Extended Limits for Supply of Water by Company.

5. The Limits within which the Company after the passing of this Act may supply Water are by this Act extended so as to include the following Townships in addition to the several Places now included within the present Limits of Supply of the Company; (that is to say,)

The Township of *Stockport Etchells* in the Parish of *Stockport*:

The Township of *Woodford* in the Parish of *Prestbury*:

The Townships of *Bollin Fee*, *Pownall Fee*, *Fulshaw*, and *Chorley* in the Parish of *Wilmslow*:

The Township of *Nether Alderley* in the Parish of *Alderley*, all in the County of *Chester*.

Act of 1861 to apply to extended Limits.

6. The "Act of 1861" shall be in force within the Limits of this Act for the Supply of Water by the Company in like Manner and as fully as if those Limits had been the original Limits of the "Act of 1861," and the "Act of 1861" and this Act shall accordingly be read and executed as One Act.

7. The

Provision as to Supply of Water to District of Chorley.

7. The Company shall, within Fifteen Months after the passing of this Act, cause Pipes to be laid down and Water to be supplied to such of the Places included within the Limits of this Act as are now under the Jurisdiction of the Local Board for the District of *Chorley* in the County of *Chester* as shall be reasonably required by the said Local Board: Provided, that if at the End of any Year after the Commencement of such Supply the aggregate Amount of Water Rate payable to the Company for such Supply shall not amount to Seven hundred and fifty Pounds, the said Local Board shall, for a Period of Four Years from the Commencement of such Supply, pay to the Company such a Sum (if any) as will be necessary to make up the Amount to the Sum of Seven hundred and fifty Pounds, and in case of Default by the said Local Board the Amount payable by them may be recovered by the Company in any Court of competent Jurisdiction.

Provision, in case of Failure by the Company, to supply District of Chorley.

8. If the Company shall not, within Eighteen Months after the passing of this Act, have supplied such Part of their District within the Limits of this Act as is comprised within the Limits of the District of the said Local Board of *Chorley* with an adequate Supply of pure and wholesome Water, the Powers hereby given to the Company to supply Water within the Limits of the District of such Local Board shall not prejudice or affect the Powers of such Board under the "Public Health Act, 1848," or any other Act relating to the Public Health, to provide their District with a Supply of Water, but such Powers may, notwithstanding the passing of this Act, be exercised by such Local Board to the same Extent and for the same Purposes and as fully and effectually in all respects as if this Act were not passed, and the Company were not authorized or established to supply Water within the Limits of the District of such Local Board.

Works affecting London and North-western Railway to be constructed to the Satisfaction of their Engineer.

9. Whenever the Company, in the Execution of the Powers of this Act or the "Act of 1861," shall require to lay down, alter, or replace any Mains or Pipes upon, across, or under, or to construct any Works adjoining or in close Proximity to the *London and North-western* Railway, or upon any Lands of the *London and North-western* Railway Company, such Mains or Pipes shall be laid and such Works constructed to the reasonable Satisfaction of the Engineer for the Time being of that Company, and according to Plans previously approved by such Engineer and the Engineer of the Company, or, in case of Dispute, in such Manner as shall be settled by Arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

10. It

Limiting compulsory Power to purchase Lands or Easements of the London and North-western Company.

10. It shall not be lawful for the Company, without the Consent of the *London and North-western* Railway Company, to purchase or take any Lands or Works belonging to them, or any Estate, Right, Easement, Privilege, Power, or Authority whatsoever in, over, or upon any such Lands or Works, except such Easement therein as may be necessary for laying down, examining, regulating, cleansing, maintaining, renewing, and keeping in good Repair, Order, and Condition the Main Pipes shown upon the deposited Plans.

Company not to construct or use any Culvert which shall communicate with Bridgewater Canal;

11. Nothing in this Act contained shall authorize or empower the Company to construct, maintain, or use any Drain or Culvert which shall or may communicate directly or indirectly with the Canal of the Trustees of *Francis* late Duke of *Bridgewater* (hereafter called the *Bridgewater* Canal) without the Consent in Writing of the said Trustees.

nor any Plug upon any Bridge over the Canal.

12. The Company shall not construct, maintain, nor use any Plug or other Work whereby Water can be made or permitted to flow or escape from the Mains, Pipes, or other Works of the Company upon any Bridge now or hereafter to be erected over the *Bridgewater* Canal, or upon any Road or Path over the same Bridge.

Battlements of Bridges over Bridgewater Canal to be raised before Roads raised.

13. In the Execution of the Powers of this Act it shall not be lawful for the Company to raise any Footpath or Carriageway upon, across, or along any Bridge over the *Bridgewater* Canal until the Company shall in every such Case have previously raised the Battlements or Parapets of every such Bridge to the whole Length, and on both Sides thereof, to the entire Satisfaction of the Engineer for the Time being of the said Trustees of the late Duke of *Bridgewater*, or other the Owners for the Time being of the *Bridgewater* Canal, to a Height which shall be as much above the Level of such Footpath or Carriageway (as the Case may be) when so raised as the Battlements or Parapets previously existing of such Bridge were above the Level of the existing Footpath or Carriageway (as the Case may be) prior to such raising thereof.

Certain Works to be executed so as not to injure Bridges.

14. All Works authorized by this Act upon, over, or along any Bridge over the *Bridgewater* Canal, or in connexion therewith, shall be made and executed in such Manner as not to injure, affect, or interfere with the Fabric or Main Structure or Support of such Bridge.

As to Alteration of Bridges over Bridgewater Canal.

15. If, in the Opinion of the Trustees of the late Duke of *Bridgewater* or other the Owners for the Time being of the *Bridgewater* Canal, it shall at any Time hereafter, for the Purpose of repairing or altering any Bridge over the *Bridgewater* Canal upon, over, or along which any of the Company's Pipes or other Works may be placed, become

become necessary or expedient to alter the Course or Level of any such Pipes, the Company shall, upon receiving One Calendar Month's Notice in Writing so to do, and under the Direction and to the Satisfaction of the Engineer for the Time being of such Trustees or Owners, alter the Course or Level of such Pipes or Works of the Company accordingly, but so, nevertheless, as not to prevent a Supply of Water being given as the Company may by their Act be empowered to give; and the said Trustees or Owners shall repay to the Company all such reasonable Costs, Damages, and Expenses as the Company may incur or be put unto by or by reason or in consequence of such Alteration or Removal.

Saving Rights of the Bridgewater Trustees.

16. Nothing in this Act contained, save as is therein expressly provided, shall in any Manner take away or prejudice any of the Rights, Powers, and Authorities vested in the Trustees of the late Most Noble *Francis* Duke of *Bridgewater*.

Contract between Company and other local Bodies and Companies.

17. The Company on the one hand, and all other public and local Bodies and Companies or any of them on the other hand, from Time to Time may enter into and carry into effect all such Contracts and Arrangements as the respective contracting Parties think fit for and with respect to the Supply of Water by the Company, and all Matters incidental or accessory thereto; and every such Contract may be for such Period and on such Terms and Conditions whatsoever as the contracting Parties mutually agree on.

Power to Company to raise additionalCapital by new Shares, &c.

18. The Company from Time to Time may raise additional Capital not exceeding the Sum of Fifty thousand Pounds in their Undertaking by the Creation and Issue of new Shares or Stock, either ordinary or preferential, or both: Provided always, that no Share shall be issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount thereof shall have been paid thereon.

Power to attach Preference or Guarantee toauthorized ordinary Capital.

19. The Company, with the Sanction of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at a General Meeting specially convened for the Purpose, may create and issue in preferred Half Shares and deferred Half Shares all or any Part of the Share Capital by the recited Acts, or either of them, or this Act authorized, and for the Time being remaining to be raised; and if the Company, with the like Sanction on the Part of their Shareholders, shall determine that Shares already issued shall be divided into preferred Half Shares and deferred Half Shares, then, on the Application of the registered Holders of any Shares in the Capital of the Company, the Company shall divide such Shares into preferred Half Shares and deferred Half Shares.

20. Forthwith

Half Shares to be registered and Certificates issued.

20. Forthwith after the Creation of any Half Shares the same shall be registered by the Directors, and every Two Half Shares issued together shall bear the same Number (which, in the Case of Half Shares substituted for any entire Share previously issued, shall be the Number of such entire Share), and the Directors shall issue Certificates of the Half Shares accordingly, with such Variations from the Form of the Certificate of entire Shares as the Directors think proper for denoting the respective Nature of the Half Shares, and the Directors shall make in the Register of Shares Entries of all Conversion of entire Shares into Half Shares.

Certificates of divided Shares to be delivered up and cancelled.

21. Provided always, That the Directors shall not be bound to issue a Certificate of any Half Share created by Division of an entire Share until the Certificate of the entire Share be delivered to them to be cancelled, or it be shown to their Satisfaction that the Certificate of the entire Share is destroyed or lost, and on any such Certificate being delivered up the Directors shall cancel it.

Name of Half Shares.

Extent to which they shall be deemed paid up.

22. Of every Two Half Shares created under the Powers of this Act one shall be called "preferred Half Share," and the other shall be called "deferred Half Share;" and in every Case in which any Two Half Shares are substituted for any entire Share previously issued, then if such entire Share was fully paid up, both such Half Shares shall be deemed fully paid up; and if not more than Half of the Amount of the entire Share was paid up, then the whole Sum paid up on the entire Share shall be credited to the deferred Half Share, and deemed to have been paid up thereon; and if more than Half of the Amount of the entire Share was paid up, then the deferred Half Share shall be deemed fully paid up, and the Balance paid upon the entire Share beyond One Half of the Amount of such entire Share shall be credited to the preferred Half Share, and be deemed to have been paid up thereon.

Dividends on Half Shares.

23. The whole of the Interest and Dividends which shall accrue in each Year on every Two Half Shares bearing the same Number shall be applied in or towards the Payment, in the first place, of Interest or Dividend after such Rate not exceeding Six *per Centum per Annum* (as shall be determined by a General Meeting of the Company) on the Amount paid upon the Half Share so denominated "preferred Half Share," and the Remainder (if any) in Payment of Interest or Dividend on the deferred Half Share.

Dividend on Two Half Shares not to exceed Dividend on One entire Share.

24. Provided always, That the Company shall not pay any greater Amount of Dividend on any Two Half Shares than they might from Time to Time have paid on any entire Share of Amount equal to the aggregate Amount of such Two Half Shares, and that no preferred Half Share shall be entitled to any Priority in Payment of Dividend which affects any Share excepting the deferred Half Share bearing the same Number.

25. Provided

Transfer of deferred and preferred Half Shares.

25. Provided also, That no deferred Half Share shall be transferable until at least Fifty *per Centum* of the Amount thereof has been paid up thereon or credited thereto, nor shall any preferred Half Share be transferable until at least Ten *per Centum* of the Amount thereof has been paid up thereon or credited thereto.

Half Shares to be Shares in Capital.

26. The several Half Shares created under this Act shall be Shares in the Capital of the Company, and all such Rights, Privileges, Liabilities, and Incidents shall attach and be incident to and be conferred by the Half Shares as to and by any entire Shares.

Power to borrow on Mortgage.

27. When the whole of the additional Share Capital of the Company by this Act authorized is subscribed for or taken, and One Half thereof is paid up, and the Company shall have proved to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of that additional Capital is subscribed for or taken, and that Shares for the whole of the said additional Capital have been issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares are *bonâ fide* held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence), the Company from Time to Time may borrow on Mortgage (in addition to the Sums which they are now authorized to borrow) any Sums not exceeding in the whole Twelve thousand Pounds.

Priority of existing Mortgages.

28. Provided always, That all Mortgages granted by the Company under the Act of 1861 and the Act of 1863 respectively shall, during the Continuance thereof, have Priority over all Mortgages from Time to Time granted by the Company under this Act.

Application of Monies.

29. All Monies raised by the Company under this Act by new Shares or Stock and by borrowing shall be applied to the Purposes of this Act, and to the general Purposes of their Undertaking, and not to any other Purpose.

Expenses of Act.

30. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

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