



CHAPTER ccxii.

An Act to enable the Gravesend and Milton Waterworks Company to raise additional Capital and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS by the Gravesend and Milton Waterworks Act 1846 (in this Act called "the Act of 1846") the Gravesend and Milton Waterworks Company (in this Act called "the Company") were incorporated with a share capital of forty thousand pounds and power to borrow ten thousand pounds on mortgage or bond and were authorised to supply water within the parishes of Gravesend and Milton next Gravesend and Northfleet all in the county of Kent :

And whereas the Company require and it is expedient that they be authorised to raise further capital :

And whereas the Company have expended out of their revenue the sum of eight thousand and thirty pounds for purposes to which capital was properly applicable and it is expedient that they be authorised to repay that sum out of any premiums to be obtained upon the sale by auction or otherwise of capital to be created under the powers of this Act :

And whereas it is expedient that subject as herein-after provided the provisions of the Waterworks Clauses Acts 1847 and 1863 be incorporated with this Act and the Act of 1846 be otherwise amended :

And whereas the purposes of this Act 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 as follows :—

[Ch. ccxii.] *Gravesend and Milton Waterworks* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

Short title.

Incorporation of
general
Acts.

1. This Act may be cited as the Gravesend and Milton Waterworks Act 1897.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (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 non-payment 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 ;

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ;

The provision to be made for affording access to the special Act by all parties interested :

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Power
to raise
additional
capital.

3. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise in addition to the capital which they are authorised to raise by the Act of 1846 any capital not exceeding in the whole twenty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to

produce including any premium which may be obtained on the sale thereof the sum of twenty-eight thousand and thirty pounds. A.D. 1897.

4. Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares or stock.

5. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

6. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

7. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on such capital which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Profits of the Company on the additional share capital limited.

8. In case in any year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividend on different classes of stock or shares to be paid proportionately.

9. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers

New shares or stock to be offered

[Ch. ccxii.] *Gravesend and Milton Waterworks* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

by auction
or tender.

of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase
money of
capital sold
to be paid
within three
months.

10. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to
be given
as to sale
of shares or
stock.

11. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Gravesend (herein-after called "the borough") and to the clerk of the urban district council of Northfleet and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the borough.

Shares or
stock not
sold by
auction or
by tender
to be offered
to share-
holders.

12. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within

the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold. A.D. 1897.

13. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall subject as hereinafter provided be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend. Provided always that out of any moneys so arising by way of premium the Company may from time to time deal with as divisible profits any sum or sums not exceeding in the whole eight thousand and thirty pounds such sum or sums being debited to the profit and loss account net revenue and credited to the shareholders dividend account. Application of premium arising on issue of shares or stock.

14. The Company may in addition to the moneys which they are authorised to borrow by the Act of 1846 from time to time subject to the provisions of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realized on the sale thereof shall have been fully paid up and the Company shall 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 such shares and stock and premium (if any) have been issued and fully paid up 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 certificate shall be sufficient evidence thereof. Power to borrow in respect of additional capital.

A.D. 1897.

As to conversion of borrowed money into capital.

15. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Priority of principal moneys secured by existing mortgages.

16. The principal moneys secured by 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 hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Repeal of provisions of former Acts with respect to appointment of receiver.

17. Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

For appointment of receiver.

18. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

19. Subject to the provisions of Part III. of the Companies Clauses Act 1863 the Company may create and issue debenture stock but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

20. The Company shall offer any mortgages [to be issued or any debenture stock created under the powers of this Act for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the directors shall determine Provided that at any such sale no single lot shall comprise more than one hundred pounds of the nominal amount of such mortgages or debenture stock and the reserve price put upon such mortgages or debenture stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner Any sum of money which shall arise from the issue of any such mortgages or the creation of any such debenture stock by way of premium after deducting therefrom the expenses of and incident to such issue or creation shall be dealt with in the like manner as premiums arising from the issue of shares and stock as provided in the section of this Act the marginal note whereof is "Application of premium arising on issue of shares or stock."

A.D. 1897.
—
Mortgages
and debenture
stock
to be offered
by auction.

21. It shall be one of the conditions of every sale of mortgages or debenture stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale in respect thereof shall be paid to the Company at the times or time to be named in the conditions under which the same shall be offered but so that the whole of such nominal amount and premium shall be payable not later than three months from the time of sale.

Purchase-
money of
mortgages or
debenture
stock to
be paid
within three
months.

22. The intention to sell any mortgages or debenture stock by auction or by tender under the provisions of this Act shall be communicated by the Company in writing to the secretary of the committee of the London Stock Exchange and to the town clerk of the borough and to the clerk to the Northfleet Urban District Council at least seven days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be advertised by the Company once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply.

As to notice
to be given
of sale of
mortgages
or debenture
stock.

23. When any mortgages or debenture stock have been offered for sale by auction or tender under the provisions of this Act

Mortgages
or debenture
stock not

[Ch. ccxii.] *Gravesend and Milton Waterworks* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

—
sold by
auction to be
re-offered.

Receipt in
case of
persons not
sui juris.

Priority of
money raised
on mortgage
or debenture
stock over
other claims.

Application
of moneys.

Incorpo-
rating
Waterworks
Clauses Acts
1847 and
1863.

Constant
supply need
not be given
till after
three years.

and not sold the same may again be offered for sale by auction or tender in manner by this Act provided for the sale of such mortgages or debenture stock.

24. If any money is payable to a shareholder or stockholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

25. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

26. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the purposes of the Company's undertaking to which capital is properly applicable.

27. The provisions of the Waterworks Clauses Acts 1847 (except section 68 of that Act) and 1863 (except section 12 of the last-mentioned Act) shall from and after the 29th day of September 1897 but subject as herein-after provided be incorporated with and form part of this Act and such of the provisions of the Act of 1846 as are inconsistent with any of the provisions so incorporated shall as from that date be by this Act repealed.

28. Notwithstanding anything in the Waterworks Clauses Acts 1847 and 1863 the Company shall not be bound to give a constant supply of water in any part of their limits of supply until after the lapse of three years from the passing of this Act after which lapse they shall be bound to give a constant supply under pressure

within the meaning of the first-mentioned Act in every part of their said limits Provided that water to be supplied by the Company need not in any event be laid on under greater pressure than would be afforded by gravitation from the service reservoir of the Company on the top of the East Hill in the parish of Milton next Gravesend or some reservoir of at least equal altitude therewith. A.D. 1897.

29. Notwithstanding anything in the Act of 1846 a supply of water to a dwelling-house for domestic purposes shall include a supply to one water-closet in such dwelling-house free of charge. First water-closet not to be charged for.

30. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall be in force and have effect (that is to say) :— Regulations for preventing waste &c. of water.

- (1.) The Company may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :
- (2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :
- (3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit :
- (4.) A copy of all such regulations in force for the time being shall be kept at the office of the Company and all persons may at reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy

A.D. 1897.

of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof :

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing given by or on behalf of the Company enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable Provided always that no such notice as is mentioned in this sub-section (6) shall be given by or on behalf of the Company until after the expiration of eighteen months from the passing of this Act :

(7.) Any person who shall offend against any of such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

Company
not to be
liable for
conse-
quences of
giving con-
stant supply.

31. The Company shall not be liable to make compensation for or in respect of any injury to person or to property which may result from the overflowing of any cesspool into which the sewage drainage or water from any house or premises may pass by reason of their giving to such house or premises a constant supply of water.

[60 & 61 VICT.] *Gravesend and Milton Waterworks* [Ch. ccxii.]
Act, 1897.

32. All costs charges and expenses of and incident to the A.D. 1897.
preparing and applying for and the obtaining and passing of Costs of Act.
this Act or otherwise in relation thereto shall be paid by the
Company.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.