



CHAPTER lxxviii.

An Act to authorise the Maidstone Waterworks Company to construct new works and to raise additional capital to confirm the construction of certain existing works and the acquisition of certain lands and for other purposes. A.D. 1927.

[29th July 1927.]

WHEREAS the Maidstone Waterworks Company (in this Act called "the Company") were incorporated by the Maidstone Waterworks Act 1860 :

And whereas the several Acts and Provisional Orders confirmed by Parliament mentioned in the schedule to this Act (save so far as any of them is amended by any later Act or Order among the same) are in force in relation to the Company which Acts and Orders are in this Act referred to collectively as "the former Acts and Orders" and each of them separately as an Act or Order of the year in which the same was passed or made :

And whereas the Company are supplying water to the town of Maidstone and adjacent places in the county of Kent under the powers of the former Acts and Orders :

And whereas the demand for water within the limits of supply of the Company has increased and is increasing and for enabling the Company to meet such demand and to supply water in such limits it is expedient

A.D. 1927. that the Company should be empowered to make and maintain the works hereinafter described :

And whereas it is expedient that the acquisition of certain lands and the construction of certain works by the Company should be sanctioned and confirmed :

And whereas by the former Acts and Orders and by the Maidstone Water (Capital Issues) Consent 1923 the Company are authorised to raise capital to the amount in the aggregate of one hundred and twenty-nine thousand pounds and to borrow on mortgage or raise by the issue of debenture stock in respect of their capital issued at the passing of this Act sums not exceeding in the whole sixty thousand five hundred and fifty-five pounds :

And whereas the Company have raised capital (including premiums) to the extent of one hundred and twenty-one thousand five hundred and seventy pounds by the creation and issue of ordinary and preference shares and have borrowed on mortgage or raised by the creation and issue of debenture stock sums amounting in the aggregate to sixty thousand five hundred and fifty-five pounds :

And whereas it is expedient that the existing ordinary capital of the Company should be converted and consolidated as provided by this Act :

And whereas it is expedient that the Company should be authorised to raise additional capital and to borrow further moneys for the purposes of this Act and of their undertaking and that such other financial provisions should be made as are in this Act contained :

And whereas it is expedient that such further powers should be conferred upon the Company and that such other provisions should be made as are in this Act contained :

And whereas plans and sections of the works authorised by this Act showing the lines or situation and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the land required or which may be used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent

and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1927.

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 King'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) :—

PRELIMINARY.

1. This Act may be cited as the Maidstone Waterworks Act 1927 and this Act and the former Acts and Orders may be cited together as the Maidstone Water Acts and Orders 1860 to 1927. Short and collective titles.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the Maidstone Water Acts and Orders 1860 to 1927) are hereby incorporated with this Act (namely) :— Incorporation of Acts.

(1) The Waterworks Clauses Acts 1847 and 1863 except the words "with the consent in writing" of the owner or reputed owner of any such "house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847 :

(2) The Lands Clauses Acts except the clauses and provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry on lands by the promoters :

(3) The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

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 ;

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The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

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

- (4) Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) except the provisions thereof which limit the rate of dividend on preference capital and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act—

“The Company” means the Maidstone Waterworks Company;

“The former Acts and Orders” means the Acts and Provisional Orders confirmed by Parliament set out in the schedule to this Act except any part of any such Acts or Orders repealed by any subsequent Act or Order and each of such Acts and Orders is in this Act referred to as the Act or the Order of the year in which the same was passed or made;

“The limits of supply” means the area within which the Company are for the time being authorised to supply water;

“The new waterworks” means the works described or referred to in the section of this Act of

which the marginal note is "Power to make works"; A.D. 1927.

"The existing waterworks" means the works described or referred to in the section of this Act of which the marginal note is "Confirming construction of works and acquisition of lands";

"The date of conversion" means the first day of January nineteen hundred and twenty-eight;

"The undertaking" means the undertaking of the Company as authorised by the Maidstone Water Acts and Orders 1860 to 1927;

"The directors" means the directors of the Company.

WORKS AND LANDS.

4.—(1) Subject to the provisions of this Act the Company may in the county of Kent in the lines or situation and upon the land delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain— Power to make works.

Work No. 1 A well and pumping station to be situate in the parish of Aylesford in the rural district of Malling in the enclosure numbered 21 in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Kent sheets XXXI. 10 and 11 at a point 6.7 chains or thereabouts measured in a south-easterly direction from the north-eastern corner of the enclosure numbered 109 in the said parish on the said Ordnance map Kent sheet XXXI. 10 and 7.8 chains or thereabouts measured in a north-easterly direction from the south-eastern corner of the said enclosure numbered 109.

(2) In addition to the foregoing work the Company may upon the said land make and maintain all such cuts channels adits aqueducts culverts drains sluices byewashes gauges wells filter beds tanks buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned work but nothing in this subsection shall exonerate the Company from

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any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Confirming
construction
of works and
acquisition
of lands.

5. The construction by the Company of the works next hereinafter described is hereby sanctioned and confirmed and the Company may maintain and from time to time alter improve enlarge extend renew reconstruct or discontinue all or any of the same and may retain hold and use for the purposes and as part of the undertaking all or any of the lands or any interest in the lands in this section described which have been already acquired by the Company for the purposes of or in connection with the said works and the acquisition of such lands by the Company is hereby sanctioned and confirmed.

The works and lands hereinbefore referred to are situate in the county of Kent and are:—

Work No. 2 A well and pumping station situate in the parish of Boxley in the rural district of Hollingbourne on land comprising 2.259 acres or thereabouts being the whole of the enclosures numbered 386 in that parish and 168 in the parish of Aylesford in the rural district of Malling on the $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Kent sheet XXXI. 14;

Work No. 3 A well and pumping station situate in the said parish of Boxley in the said enclosure numbered 386;

Work No. 4 A service reservoir situate in the parish of Detling in the rural district of Hollingbourne on land comprising 3.95 acres or thereabouts being the whole of the enclosure numbered 31 in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Kent sheet XXXI. 16;

Work No. 5 An aqueduct conduit or line or lines of pipes situate in the said parish of Detling commencing in the service reservoir (Work No. 4) hereinbefore described and terminating in the road leading from Detling to Maidstone at the point where the boundary between the parishes of Detling and Boxley crosses the said road and situate partly in public

roads and partly in land comprising 1·4 acres or thereabouts being part of the enclosure numbered 41 in the said parish of Detling on the said Ordnance map Kent sheet XXXI. 16; A.D. 1927

Work No. 6 A service reservoir situate partly in the borough of Maidstone and partly in the parish of Loose in the rural district of Maidstone with approach road on land now fenced in comprising 3·126 acres or thereabouts being part of the enclosures numbered 62 62a and 63 in the parish of Maidstone and 164 and 165 in the said parish of Loose on the $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Kent sheet XLII. 11;

Work No. 7 An aqueduct conduit line or lines of pipes situate in the said borough of Maidstone commencing in the service reservoir (Work No. 6) hereinbefore described and terminating at the public road leading from Maidstone to Loose at a point 0·7 chain or thereabouts measured in a south-westerly direction from the southern corner of the enclosure numbered 61 in the said parish of Maidstone on the said Ordnance map Kent sheet XLII. 11 and situate in the said enclosures numbered 62 and 63;

Work No. 8 A water tower situate in the parish of East Barming in the rural district of Maidstone on land now fenced in comprising 0·2 acre or thereabouts being part of the enclosure numbered 41 in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition of 1909) Kent sheet XLII. 5.

6. Subject to the provisions of this Act the new waterworks and the works and lands mentioned in the section of this Act of which the marginal note is "Confirming construction of works and acquisition of lands" shall for all purposes whatsoever form part of and be comprised in the undertaking. Works to form part of undertaking.

7. In the construction of Work No. 1 by this Act authorised the Company may subject to the provisions of this Act deviate laterally to any extent Limits of deviation.

A.D. 1927. not exceeding the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

Power to
take waters.

8. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all such streams springs and waters which will or may be taken or intercepted by means of the existing waterworks and the new waterworks.

Limiting
powers of
Company to
abstract
water.

9. The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Period for
completion
of works.

10. If Work No. 1 by this Act authorised is not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

Purchase of
certain
lands by
Company
confirmed.

11. The Company may retain hold and use for the general purposes of the undertaking the lands hereinafter mentioned which have already been acquired by the Company and are shown on the plans signed in duplicate by the Right Honourable James Fitzalan Hope the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plans one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords and one copy in the Committee and Private Bill Office of the House of Commons and thereon coloured red and the acquisition of such lands by the Company is hereby sanctioned and confirmed.

The lands hereinbefore referred to are:—

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In the county of Kent—

(a) All that piece of land situate on the south side of Ashford Road in the borough of Maidstone comprising 0·1155 acre or thereabouts together with the messuage and premises erected thereon being and known as 48 Ashford Road Maidstone;

(b) All that triangular piece of land now fenced in abutting on the north-western side of Square Hill and on the south bank of the River Len in the borough of Maidstone comprising 0·0108 acre or thereabouts;

(c) All that piece of land now fenced in situate in the parish of Aylesford in the rural district of Malling comprising 22·605 acres or thereabouts being the whole of the enclosures numbered 4A and 20 and part of the enclosures numbered 4 21 22 and 23 in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Kent sheets XXXI. 10 and 11;

(d) All that piece of land situate in the parish of Boxley in the rural district of Hollingbourne comprising 0·126 acre or thereabouts being part of the enclosure numbered 384 in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Kent sheet XXXI. 14 together with three cottages erected thereon being the three western cottages in the terrace fronting the public road and opposite to the Forstal pumping station of the Company.

12. In addition to any lands which the Company are by any other provisions of the Maidstone Water Acts and Orders 1860 to 1927 authorised to acquire the Company may by agreement purchase or take leases of and hold further lands for the purposes of the undertaking or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands or otherwise but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed twenty-five acres

Acquisition
of lands by
agreement.

A.D. 1927. — Provided that the Company shall not create or permit any nuisance on any such land nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

Powers for protection of waters and waterworks.

13.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Company may by agreement purchase take on lease and acquire any lands in or over which any waters which the Company are for the time being authorised to collect impound take use divert or appropriate arise or flow and may hold such lands so long as they shall deem it necessary or expedient for those purposes. Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except such as are required for or connected with or incident to the purposes of the undertaking.

(2) The Company may in and upon any lands so acquired by them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within any area in or through which any waters which may be taken by the Company arise or flow subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The powers conferred by this section shall not authorise the grant or enclosure of common without the consent of the Minister of Agriculture and Fisheries.

Power to agree as to drainage of lands &c.

14. The Company may make and carry into effect agreements with the owners lessees or occupiers of any land within the drainage area of any of their waterworks with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised

to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into any of such works. A.D. 1927.

15. The Company may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the undertaking and may erect maintain and let dwelling-houses for and to such persons upon any lands for the time being belonging to the Company for the purposes of the undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Company for the purposes of the undertaking. Dwelling-houses for persons in Company's employ.

16. Notwithstanding anything in the Lands Clauses Acts the Company may retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Power to sell lease &c. lands.

17.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any reservoir well conduit or line of pipes or other works of the Company the Company may cause the water in any such reservoir well conduit or line of pipes or other works to be discharged into any available stream or watercourse. Discharge of water into streams.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

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As to
exercise of
powers of
section 12 of
Waterworks
Clauses
Act 1847.

18. The Company may on all or any of the lands for the time being held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for the taking and intercepting of water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

CONVERSION AND CONSOLIDATION OF
ORDINARY CAPITAL.

Conversion
and con-
solidation of
ordinary
shares.

19.—(1) As from the date of conversion the two thousand six hundred and sixty ordinary shares of the Company of ten pounds each bearing a maximum dividend at the rate of ten pounds per centum per annum and the two thousand six hundred ordinary shares of the Company of ten pounds each bearing a maximum dividend at the rate of seven pounds per centum per annum shall be converted and consolidated into eighty-nine thousand six hundred pounds of stock forming one class of stock to be called "consolidated ordinary stock" and ranking in all respects as one stock and conferring upon the holders thereof the same rights in all respects inter se.

(2) As on the date of conversion there shall be by virtue of this Act created eighty nine thousand six hundred pounds of consolidated ordinary stock for the purposes of this section and the consolidated ordinary stock so created shall be deemed to be fully paid up and shall be divided among and shall as from the said date be vested without payment in the persons who immediately before the said date are entitled to be the holders of the existing ordinary capital according to their respective holdings as follows:—

For each ordinary share bearing a maximum dividend at the rate of ten pounds per centum per annum twenty pounds of consolidated ordinary stock;

For each ordinary share bearing a maximum dividend at the rate of seven pounds per centum per annum fourteen pounds of consolidated ordinary stock.

(3) The consolidated ordinary stock so to be created and divided as aforesaid shall as soon as practicable

after the date of conversion be registered in the books of the Company in the respective names of the persons entitled thereto and shall rank for dividend as from the date of conversion and as from that date the said shares shall cease to bear any dividend. A.D. 1927.

20. All consolidated ordinary stock of which the holders of existing ordinary shares of the Company are pursuant to the foregoing provisions of this Act registered as holders shall after registration thereof be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the existing ordinary shares for which the consolidated ordinary stock is substituted were held immediately before the date of conversion and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing ordinary shares and trustees executors administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the consolidated ordinary stock of which they are pursuant to the foregoing provisions of this Act registered as holders in substitution for the existing ordinary shares held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

Consolidated stock to be held on same trusts &c. as shares for which the same is substituted.

21. The Company shall call in the certificates of the existing ordinary shares for which consolidated ordinary stock shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective holders thereof free of charge certificates of consolidated ordinary stock to the amount to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may

Certificates of existing ordinary shares to be called in and others issued.

A.D. 1927. require Provided always that until the issue of new certificates the existing certificates shall (according to the amount of consolidated ordinary stock to be issued by virtue of this Act in substitution for the existing ordinary shares which such certificates respectively represent) have and possess the same rights and privileges as if they were certificates for the amount of consolidated ordinary stock so to be issued but if any holder of existing ordinary shares neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of nine months after notice in writing sent by post to the address appearing in the "shareholders' address book" the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock to which he is entitled until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate or certificates as the directors may require.

Transfers of existing ordinary shares to operate as transfers of consolidated ordinary stock.

22. All transfers or other dispositions of any existing ordinary shares shall after the date of conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of consolidated ordinary stock which represent the shares thereby expressed to be transferred or disposed of and are substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before that date and the bequest of or any covenant or provision of any deed or agreement relating to any specific amount of any of the existing ordinary shares shall be held to apply to an amount of consolidated ordinary stock equal to that into which such specific amount of shares shall have been converted or which shall be substituted for the same under the provisions of this Act.

As to unexercised powers of

23. The powers of the Company remaining unexercised at the date of conversion of raising money by the creation and issue of new ordinary shares or

stock or new preference shares or stock shall be exercisable by the Company at any time after that date by the creation and issue of additional amounts of consolidated ordinary stock or by the creation and issue of new preference shares or stock or wholly or partially by any one or more of those modes respectively.

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—
raising
capital.

ADDITIONAL CAPITAL &C.

24. The Company may from time to time raise additional capital to such nominal amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue or re-issue thereof an amount not exceeding in the whole twenty thousand pounds by the creation and issue of further consolidated ordinary stock or by the creation and issue of new preference shares or stock or wholly or partially by any one or more of those modes respectively.

Additional
capital.

25. Any consolidated ordinary stock created under the sections of this Act of which the marginal notes are respectively "As to unexercised powers of raising capital" and "Additional capital" 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 such consolidated ordinary stock were part of the consolidated ordinary stock created by virtue of this Act for the purpose of carrying into effect the conversion of ordinary capital effected by this Act.

New
ordinary
capital to
rank with
existing
capital of
same class.

26. Except as by this Act otherwise provided the capital in new preference 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 preference capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

New prefer-
ence shares
or stock
to be subject
to same
incidents
as other
shares or
stock.

27. The capital in new preference shares or stock so created shall form part of the capital of the Company.

New preference
shares or stock
to form part of
capital of
Company.

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

28. 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.

New and existing preference shares or stock may be of same class.

29. Subject to the provisions of any Act or Order already passed by which the Company are authorised to raise capital by new preference shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new preference shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act or Order and this Act respectively authorised to raise by the creation and issue of new preference shares or stock.

Dividends on new preference shares or stock.

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

New shares or stock to be sold by auction or tender.

31.—(1) All shares or stock created under the powers of the sections of this Act of which the marginal notes are respectively "As to unexercised powers of raising capital" and "Additional capital" shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the directors shall from time to time determine Provided as follows :—

(a) Notice of the intended sale shall be given in writing to the clerk of each local authority having jurisdiction within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;

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- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of ordinary or preference shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company;
- (e) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees and to the consumers of water supplied by the Company in such proportions as the directors may think fit or one or more of those classes of persons only:

Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of each class of shares or stock sold the total amount obtained as premium (if any) and the highest and lowest price obtained for each class of shares or stock.

Voting rights.

32. At all general meetings of the Company held after the date of conversion every holder of consolidated ordinary stock of the nominal value of ten pounds or more shall be entitled to one vote in respect of every sum of ten pounds of the nominal value of such consolidated ordinary stock.

Dividends on consolidated ordinary stock.

33. The maximum dividend payable on the consolidated ordinary stock of the Company shall be at the rate of five per centum per annum which rate shall be deemed to be the prescribed rate for the purposes of the Waterworks Clauses Act 1847.

Limit of dividend on preference capital.

34. The Company shall not in any year pay out of their profits any larger dividend on the preference capital raised by them after the passing of this Act than six pounds in respect of every one hundred pounds of such capital.

Minimum holdings of consolidated ordinary stock.

35.—(1) Consolidated ordinary stock shall be issued and be held in amounts of one pound or of any multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of such stock which would reduce the holding of the transferor below or make the holding of the transferee less than one pound of stock.

(2) Notice of this enactment shall be stated in all certificates of consolidated ordinary stock issued after the passing of this Act.

36. The Company may without being required to obtain the certificate of a justice of the peace under the fortieth section of the Companies Clauses Consolidation Act 1845 raise by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock any sum not exceeding (together with the moneys which at the passing of this Act have been so raised) seventy-nine thousand two hundred and eighty-five pounds.

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Borrowing
powers in
respect of
issued
capital.

37. The Company may from time to time subject to the provisions of this Act raise by borrowing on mortgage of the undertaking any sum or sums not exceeding in the whole one half of the amount of any consolidated ordinary stock and of any preference capital which at the time of borrowing has been created and issued by or under the powers of the sections of this Act of which the marginal notes are respectively "As to unexercised powers of raising capital" and "Additional capital" but no sum shall be borrowed in respect of any capital so raised until the Company shall have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of the shares or stock at the time issued have been fully paid up.

Power to
borrow.

38. 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 and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by the Company by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing
mortgages
to have
priority.

39. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and of section 14 (Power to create debenture stock) of the Order of 1906 Notice of the effect of the said section 14 shall be endorsed on all mortgages and certificates of debenture stock.

Power to
create
debenture
stock.

40. All money to be raised by the Company on mortgage or debenture stock under the provisions of this

Priority of
money

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—
 raised on
 mortgage or
 debenture
 stock over
 other
 claims.

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 rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved 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 undertaking and works of the Company or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Appoint-
 ment of
 receiver.

41. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 ten thousand pounds in the whole.

Redeemable
 preference
 shares or
 stock and
 debenture
 stock.

42.—(1) The directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable at such times and in such manner and on and subject to such terms and conditions as the directors at the time of the issue thereof determine any preference shares or stock or debenture stock (all of which are in this section included in the expression "stock") created by the Company under the powers of the Maidstone Water Acts and Orders 1860 to 1927.

(2) The Company may for the purpose of providing money for paying off the stock create and issue (subject as regards preference shares or stock to the provisions of the section of this Act of which the marginal note is "New shares or stock to be sold by auction or tender") or for the purpose of providing substituted stock in exchange for stock issued under the powers of this section create and issue (free from the said provisions) new stock (either redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid;

Provided that the creation and issue for that purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

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

Receipt in case of persons not sui juris.

44. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act (after deducting therefrom the expenses of and incident to such issue) shall not be considered as part of the capital of the Company entitled to dividend. Provided that all such sums shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to any reserve or other fund but for no other purpose be reckoned as part of the paid up capital.

Application of moneys.

45. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Application of existing capital.

SUPPLY OF WATER &C.

46. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Company be read and construed as if one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Amendment of section 35 of Waterworks Clauses Act 1847.

47. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the

Meters &c. to measure water or detect waste.

A.D. 1927.

Company and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus Provided that the Company shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

Power to
sell meters.

48. The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to
supply
fittings.

49.—(1) The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations or byelaws and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Power to
remove
meters and
fittings.

50. The Company by their agents or workmen after forty-eight hours' notice in writing to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or

land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal. A.D. 1927.

51. Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to Company of connecting or disconnecting meters.

52. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the Company. Provided always that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be primâ facie evidence.

53.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. Injuring meters.

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(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to
Company to
repair
communica-
tion pipes.

54. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner

as the water rates in respect of the premises are recoverable
Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter. A.D. 1927.

55. Notwithstanding anything in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt. Company to connect communication pipes with mains.

56.—(1) The Company shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. Separate communication pipes may be required.

(2) If the owner of any house supplied with water by the Company when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Company may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

57. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company. Maintenance of common pipe.

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Opening of
ground by
persons
liable to
maintain
pipes &c.

58.—(1) For the purposes of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made.

Penalty for
closing
valves and
apparatus.

59. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Byelaws for
preventing
waste &c. of
water.

60.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Company in fact afford or are prepared on demand to afford a constant supply.

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of

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the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter the premises of or occupied by such person and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

61. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Act :

Power to lay pipes in private streets.

Provided that the powers of this section shall not be exercised in regard to any street or road belonging to or forming the approach to any station or depôt of the Southern Railway Company except with the consent of that company but such consent shall not be unreasonably withheld nor shall the Company in carrying out any works authorised by this section unreasonably obstruct or interfere with the access to any such street or road :

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Provided also that with respect to any such street which is situate within the borough of Maidstone the mayor aldermen and burgesses of that borough shall for the purposes of the said Act be deemed in addition to any other persons to be persons having the control or management of such street.

Notice of
discontinu-
ance.

62. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company or be given personally at the office of the Company.

Contracts
for sup-
plying
water in
bulk.

63. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply. Provided also that nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

Purchase of
water in
bulk.

64. The Company may enter into and carry into effect agreements with any company or person supplying water under Parliamentary authority for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purpose of the undertaking.

Water rates
to be paid
half-yearly.

65. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 contained the Company shall be entitled to demand payment of water rates in advance by equal half-yearly payments on the first day of January and the first day of July in each

year Provided that no person shall be compellable to pay water rates so demanded for any longer period in advance than three months.

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66.—(1) Where the rateable value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rates payable by owners of small houses.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

67.—(1) The Company shall not be bound to supply with water otherwise than by meter (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse hospital asylum or sanatorium.

Supply to houses partly used for trade &c.

(2) Where water supplied by the Company to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by this Act.

(3) Nothing in this section shall prejudice or affect the rights of the committee of visitors of the Kent Lunatic Asylum or their successors under section 22 (As to the supply of water to the Kent County Lunatic Asylum and to the county gaol) of the Act of 1860.

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Price of
supply by
measure.

68. The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons.

Price of
supply to
Corporation.

69. Notwithstanding anything contained in this Act or any other Act or Order relating to the Company or the undertaking the price to be charged for a supply of water to the mayor aldermen and burgesses of the borough of Maidstone for any purpose shall not exceed the price for the time being charged by the Company in respect of a supply of water to any other consumer to whom a supply of water by meter is afforded by the Company.

Amending
section 24 of
Act of 1860.

70. Section 24 (Providing for additional supply of water for use of asylum and gaol) of the Act of 1860 shall be read and have effect as if the words "a sum not exceeding one shilling" were inserted therein instead of the words "the sum of sixpence."

Charges for
hose pipes.

71. Notwithstanding anything in section 47 (Rates at which water to be supplied for domestic purposes) of the Act of 1860 where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

Any sums charged under this section shall be recoverable in the same manner as water rates.

Special
terms for
supplies to
caravans
shacks
and huts.

72.—(1) Notwithstanding anything in any Act or Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet

the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure. A.D. 1927.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

73.—(1) Any urban or rural district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district. Guarantees by district councils.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section.

(3) Nothing in this section shall be deemed to authorise any such urban or rural district council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other authority supplying water under parliamentary authority without the consent of such other authority.

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MISCELLANEOUS.

Meetings of
Company.

74. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Company the Company may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine and the Company may from time to time in like manner alter or rescind any such resolution.

Notices of
meetings.

75. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each shareholder or stockholder instead of by public advertisement. Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder or stockholder prepaid and posted not later than seven clear days before the date of the meeting. In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office as a prepaid letter not later than the time hereby prescribed.

Interim
dividends
and annual
accounts.

76. If and so long as the ordinary meetings of the Company shall be held once only in each year—

(a) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company on the ordinary and preference capital of the Company without the sanction of a general meeting. Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one half of the amount of the maximum dividend on the ordinary capital or one half of the annual dividend assigned to the preference capital in respect of which the interim dividend is declared;

(b) The balance sheet and accounts made up by the Company in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall so far as the same relate to the

profit or loss of the Company relate to the transactions of the Company in the course of the preceding year.

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77.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper circulating in the limits of supply.

Closing of
transfer
books.

(2) Any transfer of shares or stock or mortgages or debenture stock made during the time when the register of transfers of such shares stock or security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequent to the declaration of any such dividend or the payment of any such interest as the case may be.

78. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract :

Director
may hold
another
office or
place of
trust.

Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined or if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

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Notice of
candidature
of or of
opposition
to re-
election of
director.

79.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election or except in the case of a director being elected by the board of directors to fill a casual vacancy no person shall be capable of being elected a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the day of election and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office.

(2) In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of shares or stock for at least two months prior to his election.

As to
appoint-
ment of
managing
director.

80.—(1) The directors may appoint any member of their body to be a managing director of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or any of such powers.

81.—(1) As from the date of conversion the qualification of a director of the Company shall be the possession in his own right of consolidated ordinary stock and preference shares and stock or any of them of the nominal value of at least one hundred pounds.

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Qualifica-
tion of
directors.

(2) As from the date of conversion so much of section 15 (Number and qualification of directors) of the Act of 1860 as relates to the qualification of directors shall be repealed.

82. It shall be lawful for the Company at any time by resolution passed at a general meeting to decide that the audit of the Company's accounts shall be made by a single auditor qualified as hereinafter provided or by a firm of accountants the members whereof are so qualified and from and after the passing of such resolution the following provisions shall apply:—

Auditors.

(a) Such auditor or the members of such firm shall be a member or members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Board of Trade;

(b) Such auditor or the members of such firm need not hold shares or stock in the capital of the Company;

(c) Nothing in this section shall prevent any person who at the date of the passing of such resolution is an auditor of the Company from continuing to act as such auditor if duly appointed.

83. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Act 1845 or the Companies Clauses Act 1863 or any Act amending the same they may from time to time determine the remuneration of the secretary and auditors of the Company.

Directors
may deter-
mine re-
muneration
of secretary
and
auditors.

84. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company to authenticate by the affixing of their common seal or otherwise the register of shareholders or stockholders.

As to
register of
shareholders
&c.

85. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing may

As to ap-
pointment
of proxies.

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appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy. Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint holders.

86. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any shares or stock stands shall for the purposes of this section be deemed joint holders thereof.

Power to make superannuation and other allowances.

87. It shall be lawful for the Company to make superannuation and other allowances and to pay or contribute towards pensions or gratuities to any officers servants or employees of the Company and for that purpose to apply the funds and revenues of the Company.

Power to directors to make donations subscriptions &c.

88. The directors may subscribe or make donations to infirmaries and hospitals and convalescent homes and other similar institutions and objects or to industrial exhibitions or to the benevolent accident or sick funds of the officers servants and employees of the Company and may for any of those purposes apply the funds and revenues of the Company.

Authentication and service of notices by Company.

89. Any notice to be served by the Company on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending

the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

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90. Where the payment of more than one sum by any person is due under any Act or Order for the time being relating to the Company any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several
sums in one
summons.

91. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order for the time being relating to the Company by reason of his being liable to any water rate.

Liability to
water rate
not to
disqualify
justices.

92. Penalties imposed under any Act or Order for the time being relating to the Company for one and the same offence shall not be cumulative.

Penalties
not cumu-
lative.

93. Save as otherwise by this Act expressly provided all offences against any Act or Order for the time being relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
penalties &c.

94. Proceedings for the recovery of any demand made under the authority of any Act or Order for the time being relating to the Company whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of
demands.

A.D. 1927.
—
Repeal &c.

95.—(1) The following provisions of the under-mentioned Acts and Orders are hereby repealed (that is to say):—

The Act of 1860—

- Section 10 (Votes of shareholders);
- Section 13 (Power to borrow on mortgage);
- Section 16 (Directors not to be disqualified by being commissioners under local Acts);
- Section 31 (Supply of water to commissioners for public purposes);
- Section 51 (Persons using water to provide stop-cock);
- Section 52 (Persons using water for waterclosets to provide cisterns and cocks);
- Section 53 (Penalty for using water for other than domestic purposes without agreement);
- Section 54 (Penalty for affixing tubes to Company's pipes without their consent);
- Section 55 (Power to turn off water in certain cases);
- Section 56 (Recovery of sums not exceeding fifty pounds);
- Section 57 (Undisputed rates may be recovered by distress);
- Section 58 (Several names in one warrant);
- Section 59 (Costs of distress);
- Section 60 (Liability to rates not to disqualify justices).

The Act of 1863—

- Section 32 (Power to borrow on mortgage).

The Order of 1873—

- So much of section 5 (Power to raise additional capital) as empowers the Company to borrow on mortgage.

The Order of 1879—

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So much of section 5 (Additional capital) as empowers the Company to borrow on mortgage;

Section 14 (Limit of interest on moneys borrowed).

The Act of 1885—

Section 25 (Power to borrow in respect of additional capital);

Section 37 (For appointment of a receiver).

The Order of 1896—

So much of section 6 (Additional capital) as empowers the Company to borrow on mortgage;

Section 10 (New shares or stock to be offered by auction or tender);

Section 11 (Purchase money of capital sold by auction to be paid within three months);

Section 12 (Notice to be given as to sale &c. of shares or stock);

Section 13 (Where proprietor tenders same amount as any other person proprietor to be declared the purchaser);

Section 14 (Shares or stock not sold by auction or by tender to be offered to shareholders);

Section 22 (Limit of interest on money borrowed).

The Order of 1899—

So much of section 6 (Additional capital) as empowers the Company to borrow on mortgage;

Section 9 (New shares or stock to be offered by auction or tender);

Section 10 (Purchase money of capital sold by auction to be paid within three months);

Section 11 (Notice to be given as to sale &c. of shares or stock);

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Section 12 (Where proprietor tenders same amount as any other person proprietor to be declared the purchaser);

Section 13 (Shares or stock not sold by auction or by tender to be offered to shareholders);

Section 21 (Limit of interest on money borrowed);

Section 22 (Voting at general meetings).

The Order of 1906—

So much of section 6 (Additional capital) as empowers the Company to borrow on mortgage;

Section 9 (New shares or stock to be offered by auction or tender);

Section 10 (Purchase money of capital sold by auction to be paid within three months);

Section 11 (Notice to be given as to sale &c. of shares or stock);

Section 12 (Shares or stock not sold by auction or by tender to be offered to shareholders);

Section 16 (For appointment of receiver);

So much of section 17 (Limits of dividend on new capital) as limits the dividend on such capital as may be issued under the Order of 1906 as preference capital to five pounds in respect of every one hundred pounds actually paid up of such preference capital;

Section 19 (Limit of interest on moneys borrowed).

(2) The Maidstone Water (Capital Issues) Consent 1923 is hereby revoked.

Costs of Act.

96. All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1927.

FORMER ACTS AND ORDERS RELATING TO THE COMPANY.

Session and Chapter.	Short Title.
23 Vict. c. xcvi - -	The Maidstone Waterworks Act 1860.
26 Vict. c. xliv - -	The Maidstone Waterworks Act 1863.
36 Vict. c. xlii - -	The Maidstone Water Order 1873 confirmed by the Gas and Water Orders Confirmation Act 1873.
37 & 38 Vict. c. lxxxvii	The Maidstone Water Order 1874 confirmed by the Gas and Water Orders Confirmation Act 1874.
42 & 43 Vict. c. clix -	The Maidstone Water Order 1879 confirmed by the Gas and Water Orders Confirmation Act 1879.
45 & 46 Vict. c. vi -	The Maidstone Waterworks Act 1882.
48 & 49 Vict. c. xlii -	The Maidstone Waterworks Act 1885.
59 & 60 Vict. c. clxi -	The Maidstone Water Order 1896 confirmed by the Water Orders Confirmation Act 1896.
62 & 63 Vict. c. cxliv -	The Maidstone Water Order 1899 confirmed by the Water Orders Confirmation Act 1899.
6 Edw. VII. c. cxxxvi	The Maidstone Water Order 1906 confirmed by the Water Orders Confirmation Act 1906.

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