ANNO UNDECIMO

VICTORIÆ REGINÆ.

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Cap. vi.

An Act for supplying the Parish and Township or Borough of *Folkestone* with Water.

[9th *June* 1848.]

WHEREAS the better supplying with Water the Parish and Township or Borough of *Folkestone* in the County of *Kent* would be of great public and local Advantage, and would be conducive to the Health and Comfort of the Inhabitants thereof: And whereas such Supply may be obtained from certain Lands, Springs, Brooks, and Streams situate in the Parish of *Folkestone* in the said County of *Kent:* And whereas the several Persons herein-after named are willing, at their own Expense, to carry into execution the before-mentioned Undertaking, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts of Parliament following, *viz.*, The Companies Clauses Consolidation Act, 1845, The Lands Clauses Consolidation Act, 1845, and The Waterworks Clauses Act, 1847, shall apply to the Undertaking hereby authorized, and shall be incorporated with this

8 & 9 Vict. cc. 16. and 18. and 10 & 11 Vict. c. 17. incor-

porated with this Act. this Act, save so far as the same are expressly varied or excepted by this Act.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Folkestone* Waterworks Act, 1848."

Limits of this Act. III. And be it enacted, That the Limits of this Act shall comprise and include the Parish of *Folkestone* and the Township or Borough of *Folkestone*.

Subscribers incorporated. IV. And be it enacted, That *Samuel Mackie* and *Christopher Porter*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the said Limits, and for making Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained, and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Folkestone* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Capital. V. And be it enacted, That the Capital of the said Company shall be Twelve thousand Pounds.

Shares. VI. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be One thousand and two hundred, and the Amount of each Share shall be Ten Pounds.

Calls. VII. And be it enacted, That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders at any One Time, and Six Pounds shall be the greatest aggregate Amount of Calls on each Share in any One Year, and Two Months at least shall intervene between the making of any Two successive Calls.

Number and Qualification of Directors. VIII. And be it enacted, That the Number of Directors of the Company shall be Six, and the Qualification of a Director shall be the Possession by him in his own Right of Ten Shares at the least in the said Undertaking, except in the Case of any Director nominated and appointed on behalf of the Right Honourable *William* Earl of *Radnor*, as herein-after mentioned, who need not be a Holder of any Shares in the Company hereby incorporated.

First Directors. IX. And be it enacted, That *Sydney Smirke*, *Samuel Mackie*, *Daniel Baker*, *Thomas Lucas*, *James Rose*, and *William Bennett* shall be the first Directors of the Company.

X. And

Power to the Earl of Radnor to appoint One Director.

X. And whereas the said Earl of *Radnor* is a large Landowner in the said Parish of *Folkestone*, and has subscribed One Fourth of the Capital of the Company hereby incorporated, and is now the Owner of One Fourth of the Shares in the said Company; be it enacted, That so long as the said Earl, his Executors, Administrators, or Assigns, shall continue the Owner or joint Owners of One Fourth of the Shares in the said Company, the said Earl, his Executors, Administrators, and Assigns, shall be entitled to nominate and appoint, by Writing under his or their Hands, as in this Act after mentioned, One Person to be a Director of the said Company, whether such Director so to be appointed by him be a Shareholder in the Company hereby incorporated or not, and the other Directors of the Company shall be elected as in this Act after mentioned.

As to Election of Directors by the Shareholders.

XI. And be it enacted, That the Directors by this Act appointed shall continue in Office until the first Ordinary Meeting to be held in the Year One thousand eight hundred and forty-nine and at such Meeting the Shareholders present, personally or by Proxy, (to the Exclusion and without the Interference of the said Earl of *Radnor*, his Executors, Administrators, or Assigns, except as after mentioned,) shall elect Five Directors, and the Directors, or any of them, appointed by this Act, shall be eligible as such new Directors; and at the first Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, as aforesaid, (exclusive of the said Earl, as aforesaid, his Executors, Administrators, or Assigns,) shall elect Persons to supply the Places of the Directors who may have been elected by the Shareholders then retiring from Office.

As to Appointment of Director by the Earl of Radnor.

XII. And be it enacted, That at or before the said first Ordinary Meeting to be held in the Year One thousand eight hundred and forty-nine as aforesaid the said Earl of *Radnor*, his Executors, Administrators, or Assigns, shall nominate and appoint some Person to be a Director of the said Company, so as to make up the Directors of the Company hereby incorporated to Six in Number; and when the said Director so to be appointed by the said Earl shall go out of Office by Rotation, then and in every such Case the said Earl shall nominate and appoint, at or before the Meeting at which such last-mentioned Director will go out of Office, a Director to supply the Place of such last-mentioned Director: Provided always, and be it enacted, that such Director so going out by Rotation shall be eligible to be nominated and appointed by the said Earl, his Executors, Administrators, or Assigns, a Director of the said Company as and from such General Meeting at which the said Director will go out by Rotation, and that until any Appointment by the said Earl of *Radnor*, his Executors, Administrators, or Assigns, either before the said first Ordinary Meeting or afterwards, the Six Directors appointed by this Act, or the Directors to be elected as before provided, shall exercise all the Powers of this Act.

For filling up occasional Vacancies among Directors.

XIII. And be it enacted, That if any Director die or resign, or become disqualified to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid,

aforesaid, then, in case such Director be one of those elected by the Shareholders in the Company hereby incorporated, the remaining Directors shall, if they think proper so to do, elect in his Place some other Shareholder duly qualified to be a Director; and in case such Director be the Director so appointed by the said Earl of *Radnor*, his Executors, Administrators, or Assigns, it shall be lawful for the said Earl, his Executors, Administrators, or Assigns, to nominate and appoint some other Person to be a Director in his Stead and the Shareholder or other Person so elected or nominated and appointed to fill up such Vacancy shall continue in Office as a Director so long only as Person in whose Place he shall have been elected or nominated and appointed would have been entitled to continue if he had remained in Office.

In case the Earl of Radnor ceases to hold One Fourth of the Shares, Directors to be elected according to 8 & 9 Vict. c. 16.

XIV. Provided always, and be it enacted, That if the said Earl of *Radnor*, his Executors, Administrators, or Assigns, shall at any Time hereafter cease to be the Owner or joint Owners of One Fourth of the Shares in the said Company, then the special Provisions in this Act contained with respect to the Election, Nomination, and Appointment and Rotation of Directors shall cease and determine, except that the Directors then in Office shall continue in Office until they would according to the special Provisions of this Act go out of Office by Rotation, or cease to be a Director or Directors from any other Cause, and the Election and Rotation of Directors of the said Company shall for ever thereafter (except as aforesaid) be governed by and conducted in all respects according to the Companies Clauses Consolidation Act, 1845, herein-before mentioned.

The Earl of Radnor to enjoy same Privileges in respect of any Excess over One Fourth as other Shareholders.

XV. And be it enacted, That in case the said Earl of *Radnor*, his Executors, Administrators, or Assigns, shall become possessed of more than One Fourth of the Shares in the said Company, he shall be entitled in respect of any Excess over the said One Fourth of the said Shares to the same Rights and Privileges as any other Shareholder in the Company, including the Right of voting personally or by Proxy, in the Election of the said Directors to be elected by the Shareholders as aforesaid.

Quorum of Directors.

XVI. And be it enacted, That a Quorum of a Meeting of Directors shall be Three.

Power to borrow Money.

XVII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Four thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Twelve thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to Company to take Springs, &c. for the Purposes of this Act.

XVIII. And be it enacted, That, subject to the Provisions and Restrictions in this and the said recited Acts contained, it shall be lawful for the Company to take and use for the Purposes of the Undertaking a certain Stream in the said Parish of *Folkestone* delineated on the said Plan herein-after mentioned, and flowing from the *Cherry Orchard* in the said Parish, and to take, divert, and use all

all Water from all Springs and Streams, and Land or Surface Drainage, which will flow into or be intercepted by the Reservoir, Tunnels, Shafts, Cuts, Conduits, and other Works by this Act authorized to be made: Provided always, and be it enacted, that the said Company shall leave a Quantity of Water flowing in the Brooks and Streams at all Times sufficient for the agricultural Purposes (excepting for the Purposes of Irrigation) of the Owners and Occupiers of the Lands contiguous or adjoining the said Brooks or Streams.

Power to make Waterworks according to deposited Plans.

XIX. And whereas Plans and Sections showing the Line and Levels of the Waterworks, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, have been deposited with the Clerk of the Peace of the County of *Kent;* be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Waterworks in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands, Streams, and Waters mentioned in the said Plans and Book of Reference as shall be necessary for that Purpose, or to agree for a Lease of such Lands and Streams, and to take therefrom such Water as the Company may require for the Purposes of this and the said incorporated Acts.

Company not to be compelled to supply Water above the working Levels of their Reservoir.

XX. Provided always, and be it enacted, That nothing in this Act, or in the said "Waterworks Clauses Act, 1847," contained, shall compel the said Company to supply Water above the working Level for the Time being of their Reservoir, or to use any Pressure beyond what may arise from the Body of Water for the Time being in the Reservoir of the said Company.

Owners may grant Leases.

XXI. And be it enacted, That the Persons empowered by the said Lands Clauses Consolidation Act to convey Lands shall have full Power to grant Leases of any Lands and Streams for the Purposes of this Act, or to grant or lease any Easements, Power, or Authority in or over such Lands or Streams; and such Leases may be made for any Terms of Years, and at such Rent or Rents, or for a Sum in gross, or partly for a Sum in gross and partly at a Rent or Rents, as the Parties hereby empowered to grant Leases and the said Company may agree upon: Provided always, and be it enacted, that such Sum in gross, such Rent, or such Sum in gross and Rent, shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Promoters, and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall, upon the Application of either Party, after Notice to the other, nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration in Writing, subscribed by him or them, of the Correctness thereof: And provided further, that all

such Sums in gross shall be subject to all the Clauses and Provisions of the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making a Title.

Power to Company to carry out Agreement with Wm. HarveyStace.

XXII. And whereas *Sydney Smirke*, *Samuel Mackie*, and *Daniel Baker*, on behalf of the said Company, have entered into an Agreement with *William Harvey Stace*, by Articles of Agreement dated the Fourth Day of *March* One thousand eight hundred and forty-eight, whereby it was agreed between the said Parties that the said Company hereby incorporated should, subject to the Provisions of the Lands Clauses Consolidation Act, 1845, purchase a certain Mill, Lands, and Premises, consisting of Three Acres or thereabouts, with the Water Rights and other Appurtenances thereto belonging, situate in the said Township or Borough of *Folkestone* in the said County of *Kent*, and of which the said *William Harvey Stace* is or claims to be the Owner, in case the said *William Harvey Stace*, on or before the First Day of *October* next after the passing of this Act, shall give Notice to the said Company requiring them so to do; be it enacted, That it shall be lawful for the said Company to carry into execution and complete the said Agreement for the Purchase of the said Mill, Lands, and Premises, with the Water Rights and other Appurtenances thereto belonging, and that the said Company shall afterwards sell, under the Provisions of this Act, the said Mill, Lands, and Premises, and the Water Rights and other Appurtenances thereto belonging, or such Part or Parts thereof as shall not be required for the Purposes of this Act.

Rates at which Water to be supplied for domestic Purposes.

XXIII. And be it enacted, That the Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Company shall be laid, or of any Person who under the Provisions of this Act, or any Act incorporated therewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses at the Rates herein-after specified; (that is to say,)

If there be no Watercloset in the Dwelling House or Part of the Dwelling House to be supplied with Water, at any Rate *per Centum per Annum* not exceeding Seven Pounds upon the annual Value of the Premises so supplied with Water:

If there be a Watercloset or Waterclosets in such Premises, then, in addition to the Rates above specified, any Rate not exceeding Ten Shillings *per Annum* for each Watercloset.

What shall be domestic Purposes.

XXIV. And be it enacted, That a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Horses, Cattle, or for washing Carriages, or for any Trade or Business whatsoever.

Water for other than domestic Purposes to

XXV. And be it enacted, That it shall be lawful for the Company to supply any Person with Water for Shipping, and for other than domestic Purposes, at such Rent and upon such Terms and Conditions

ditions as shall be agreed upon between the Company and the Person being desirous of having such Supply of Water. be supplied by Agreement.

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

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