# CHAP. xxvi.

An Act to enlarge the powers of "The Folkestone Water-works Company." [25th May 1871.] A.D. 1871.

WHEREAS "The Folkestone Waterworks Company" are acting under the powers of the Acts described in the schedule to this Act, in which schedule the powers of the Company as to raising money by shares and by borrowing, and the extent to which those powers have been exercised, are set forth:

And whereas the population of Folkestone and the houses and other buildings there have of late years greatly increased and are still increasing:

And whereas it is expedient, with a view to meet the requirements of the town and neighbourhood, that the Company should be empowered to acquire further lands and construct additional waterworks and to raise further capital:

And whereas plans and sections showing the line and levels of the proposed new works, and showing the lands to be acquired, with a book of reference to the plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, have been deposited with the clerk of the peace for Kent, which plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

**1.** This Act may be cited for all purposes as "The Folkestone Waterworks Act, 1871." Short title.

**2.** "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and the clauses of "The Waterworks Clauses Act, 1847," Provisions of Lands and Waterworks

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with respect to the construction of the waterworks, and "The Waterworks Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with this Act.

Clauses Acts incorporated.

Certain provisions of Companies Clauses Acts extended to this Act.

**3.** The clauses and provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the distribution of the capital of the Company into shares;

With respect to the transfer or transmission of shares;

With respect to the payment of subscriptions and the means of enforcing the payment of calls;

With respect to the forfeiture of shares for nonpayment of calls;

With respect to remedies of creditors of the Company against the shareholders;

With respect to the borrowing of money by the Company on mortgage or bond;

With respect to the conversion of the borrowed money into capital;

With respect to the consolidation of the shares into stock; and

With respect to the provision to be made for affording access to the special Act by all parties interested;

and Part I., Part II., and Part III. of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," are, so far as the same are not inconsistent with or varied or otherwise provided for by the provisions of this Act, incorporated with and form part of this Act.

Interpretation of terms.

**4.** 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. The word "waterworks" means the reservoirs, aqueducts, and other works by this Act authorised to be constructed and maintained; the expression "the Company" means the Folkestone Waterworks Company; and the expression "court of competent jurisdiction" in this Act, or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to make new waterworks according to deposited plans.

**5.** Subject to the provisions in this Act contained, and to the powers of deviation hereby given, the Company may maintain and make and maintain the waterworks shown on the deposited plans, with all necessary and proper works and conveniences connected therewith, in the lines and situation and upon the lands delineated on the said plans and described in the deposited book of reference,

and on the levels defined on the deposited sections, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the book of reference as the Company deem necessary for the purposes of the works by this Act authorised, and they may also sink such wells and shafts, and find and take water by means of the same, and do all such other matters and things for the purpose of obtaining and supplying water as are authorised to be done by the 12th section of "The Waterworks Clauses Act, 1847."

Power to deviate.

**6.** In constructing the waterworks the Company may, notwithstanding any provisions in the Waterworks Clauses Acts or this Act, deviate to any extent not exceeding the limits of deviation shown on the said plans, and may also deviate from the levels shown on the said sections to any extent not exceeding three feet in respect of the reservoirs and five feet in respect of the aqueducts.

Power to purchase lands for extraordinary purposes.

**7.** The Company may from time to time, by agreement, purchase and hold for the purposes of this Act and of their existing Acts, any quantity of land not exceeding five acres, in addition to the lands which by this Act they are authorised to take by compulsion, and to the lands which they are by their previous Acts authorised to purchase.

Persons authorised to convey lands may grant easements.

**8.** The persons by "The Lands Clauses Consolidation Act, 1845," authorised to convey lands may by agreement, and subject to the provisions of such Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Company for the purposes of this Act, or of the Act of 1860, any lands, or the right of user thereof, or any easement (not being an easement for the taking of the water), liberty, privilege, power, or authority in or over the same.

Application of Lands Clauses Consolidation Acts to easements.

**9.** For the purposes of this Act the several provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to land and rentcharges, so far as the same respectively are applicable in that behalf, extend and apply to easements and rentcharges reserved by grants and leases of easements respectively.

Powers for compulsory purchases limited.

**10.** The powers by this Act granted to the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

**11.** If the waterworks shown upon the deposited plans shall not be completed within ten years from the passing of this Act, then and in such case, on the expiration of the said period, all the powers hereby given to the Company to make the said waterworks shall

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cease to be exercised, except as to so much of the said works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from altering, enlarging, and extending their works, mains, pipes, and conduits from time to time, whenever it shall be necessary for the purpose of obtaining a supply of water for the use of the inhabitants and other persons requiring the same within the limits of the Company's Acts, and for distributing the same.

Supply of water at pressure.

**12.** The Company shall furnish a sufficient supply of pure water, turned on in districts at such pressure as will make the water reach the top storey of the highest houses for the time being supplied by the Company within so much of their district as is coloured red upon the map referred to in "The Folkestone Waterworks Amendment Act, 1864," as having been deposited with the town clerk of Folkestone on the 4th day of March 1864, and such supply shall be afforded for at least two hours every day, and the main pipe of the Company shall be constantly charged throughout its whole length, from the Company's reservoirs to the town hall of Folkestone, and thence to the limits of the borough at Sandgate; but nothing in this enactment contained shall affect the present obligations of the Company in respect of a supply of water to the remaining part of their district.

Company not to interfere with the stream in the Town Dyke, or any stream or spring belonging to the Corporation.

**13.** The Company shall not, in the execution or maintenance of any of the works authorised by this Act, or otherwise howsoever, take, use, divert, or interfere with, either directly or indirectly, the stream of water now flowing in the Town Dyke upon, through, or in some of the lands delineated on the said plans and described in the deposited book of reference, nor intercept or divert or by sinking a well or otherwise tap or injure any stream or spring of water which now ordinarily or naturally supplies or feeds the stream flowing in the Town Dyke, or any other stream or spring of water belonging to the corporation, or of which they in any corporate capacity are the owners or conservators, or they or the inhabitants generally of the said borough, or of the said parish respectively, or either of them, are interested in preserving, protecting, and preventing being misappropriated, and shall not do or suffer to be done anything whereby the quantity or purity of the water now usually flowing in any such spring or stream as aforesaid may be diminished or injuriously affected. If in the execution of any of the works authorised by this Act it shall be necessary for the Company to interfere temporarily with the said springs or streams, or any of them, the Company shall, during the period of such interference, by means of glazed earthenware pipes, mains, and other sufficient means, under the direction and to the reasonable satisfaction of the corporation, convey the

water into and through some other proper course or courses equally convenient and beneficial to the inhabitants, and shall keep such pipes, mains, and watercourses in good repair and condition.

Additional share capital may be raised.

**14.** In addition to the moneys which the Company are already authorised to raise, they may from time to time raise by the creation of new ordinary shares or stock, or of preference shares or stock, or by any one or more of those modes, any sums not exceeding thirty thousand pounds.

Shares not to issue until one fifth paid up.

**15.** The Company shall not issue any such new share, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share is paid up in respect thereof.

Power to borrow on mortgage.

**16.** The Company may from time to time raise under this Act by borrowing on mortgage (in addition to the sums which they are already authorised to borrow) such sum or sums of money as may by an order of any meeting of the shareholders be authorised to be so borrowed, not exceeding the following, that is to say, when ten thousand pounds of the additional capital by this Act authorised to be raised shall have been subscribed for, issued, and accepted, and one half thereof is paid up and certified as herein-after mentioned, two thousand five hundred pounds, and a sum not exceeding two thousand and five hundred pounds in respect of each ten thousand pounds when each remaining ten thousand pounds of the said additional capital has been subscribed for, issued, and accepted, and one half thereof is paid up and certified as herein-after mentioned, but no part of any such moneys shall be borrowed until the Company have from time to time proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the required amount of additional capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or portion of stock has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production from time to time to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

**17.** The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to

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authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Existing mortgages to have priority.

**18.** All mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall, during the continuance of such mortgages, have priority over any mortgages to be granted by virtue of this Act.

Application of moneys.

**19.** All moneys raised under this Act, whether by shares or stock, or by borrowing, shall be applied for the purposes of this Act and the existing Acts of the Company.

Rates at which water shall be supplied for domestic purposes.

**20.** Notwithstanding the 23rd section of "The Folkestone Waterworks Act, 1848," and the 22nd section of "The Folkestone Waterworks Amendment Act, 1864," or any other provisions in any of the Company's Acts, or of any Acts incorporated therewith, the Company shall, from and after the passing of this Act, 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 the said Acts or any of them 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 domestic use 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 one watercloset and no more in such premises, then, in addition to the rate above specified, any rate not exceeding three shillings per annum for such watercloset:

If there be more than one watercloset in such premises, then, in addition to the rate above specified, any rate not exceeding three shillings per annum for one, and eight shillings per annum for each other of such waterclosets.

Expenses of Act.

**21.** All the costs, charges, and expenses incurred in applying for and obtaining this Act, and incidental thereto, shall be defrayed by the Company.

## SCHEDULE referred to in the foregoing Act.

| Name of Act. | Shares. | Loan. | Total. |
|---|---|---|---|
| "The Folkestone Waterworks Act, 1848" - | £12,000 in shares of £10 each. | £4,000 | £16,000 |
| "The Folkestone Waterworks Amendment Act, 1855." | £6,000 in shares of £10 each. | £2,000 | £8,000 |
| "The Folkestone Waterworks Acts Amendment Act, 1858." | £6,000 in shares of £10 each. | £2,000 | £8,000 |
| "The Folkestone Waterworks Acts Amendment Act, 1864." | £8,000 | £2,000 | £10,000 |
| Total - - - - - | £32,000 | £10,000 | £42,000 |
| Amount raised - - - | £31,400 | *£8,000 | £39,400 |

* This has been paid off and been converted into capital.

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