ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. CXXV.

An Act for better supplying with Water the Gaol and House of Correction at *Maidstone* in and for the County of *Kent*, and the Lunatic Asylum at *Barming Heath* in and for the said County; and for other Purposes. [7th *July* 1862.]

WHEREAS an Act was passed in the Thirteenth Year of King *George* the Second, intituled *An Act to revive, explain, and amend an Act made in the Sixteenth and Seventeenth Years of the Reign of His late Majesty King* Charles *the Second, intituled* "*An Act for making the River of* Medway *navigable in the Counties of* Kent *and* Sussex," whereby it was (among other things) enacted, that certain Persons therein named, their Successors, Heirs, and Assigns, should be united into a Company for the Purpose therein described, and should for that Purpose be One Body Politic and Corporate, by the Name of "The Company of Proprietors of the Navigation of the River *Medway*:" And whereas the said Company, herein-after called "The *Medway* Navigation Company," have claimed, as they now claim, certain Powers, Rights, and Interests over and in the *Medway* in and above *Maidstone*: And whereas the Asylum for the Pauper Lunatics of the County of *Kent*, situate at *Barming Heath* in that County, herein-after called "the Asylum," stands about a Mile from and at an Elevation of about Two hundred and fifty Feet above a Lock constructed by the *Medway* Navigation Company near *East Farleigh*, on the *Medway* about Two Miles above *Maidstone*, herein-after called "*Farleigh* 13 G. 2. c. xxvi.

Lock:" And whereas in the Year One thousand eight hundred and fifty-six the Committee of Visitors of the Asylum, having occasion to obtain a Supply of Water for the Use of the Asylum, agreed with the *Medway* Navigation Company to pay them the Sum of Five Pounds a Year for their Permission to take from the *Medway* above *Farleigh* Lock a sufficient Supply of Water for the Use of the Asylum, and for working Machinery necessary for raising the Supply to the Asylum: And whereas in order to effect the Object of taking such Supply of Water from the *Medway* as aforesaid the Committee of Visitors agreed with the *South-eastern* Railway Company to purchase Land and Easements requisite in that Behalf, and erected a Water Wheel and Pumps, and laid down a Pipe into the *Medway* through which Water flowed from the *Medway* into a Cistern, whence a sufficient Portion thereof was pumped up by means of the said Water Wheel and Pumps and other Machinery (worked by Part of the Water which flowed from the *Medway*), and was conveyed by a Pipe to a Reservoir at the Asylum, the Residue thereof being returned into the *Medway* below the Lock along or through a Culvert or Channel constructed for that Purpose; all which Works were constructed with the Knowledge of the General Manager employed by the *Medway* Navigation Company, and according to a Plan approved of by him on the Part of that Company: And whereas the Gaol and the House of Correction for the County of *Kent* are situated together in *Maidstone* about Three Miles from *Farleigh* Lock, and the same together are herein-after designated the Gaol, and the Visiting Justices of the Gaol, by Order of the Court of General Sessions, with the Concurrence of the Committee of Visitors of the Asylum, have laid down Pipes from the Asylum to the Gaol: And whereas the supplying of Water to the Asylum and Gaol in manner aforesaid was and would be of great public Advantage, and it is expedient that such Supply should be renewed and continued, and, if need be, increased, and that for those Purposes the Visiting Justices of the Gaol for the Time being and the Committee of Visitors of the Asylum for the Time being, which Visiting Justices and Committee are herein-after called "the Joint Committee," should be empowered, subject to the Control of the Justices for the County of *Kent* at their Court of General Sessions, to maintain the said existing Works, and to construct and maintain other Works for conveying Water from the Reservoir at the Asylum to the Gaol, with necessary and proper Powers relative thereto, on Payment to the *Medway* Navigation Company of such Compensation as herein-after mentioned: And whereas the Agreement made by the Committee of Visitors of the Asylum with the *South-eastern* Railway Company has not been completed, nor has the Money agreed to be paid for the Purchase been paid, and it may be questionable whether the said Agreement for Purchase is a valid and binding Contract: And whereas it is also expedient that for the Purposes aforesaid the Joint Committee should be empowered to take compulsorily or by Agreement the Lands on which the said existing Works have been constructed,

constructed, and to take other Lands for the said intended new Works: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: And whereas a Plan and Section showing the Lines, Situation, and Levels of the said existing and intended new Works, and describing the Lands on which the said existing Works have been constructed, and the Lands required to be taken for the said intended new Works, and a Book of Reference thereto describing such Lands, and containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Kent*: 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:

Short Title.

1. This Act may be cited as "The Water Supply to *Kent* County Gaol and Lunatic Asylum Act, 1862."

Power to Joint Committee to take Lands.

2. Subject and according to the Provisions of this Act, and subject to the Control of the Justices for the County of *Kent* in General Sessions assembled, the Joint Committee may, with or without the Consent of the respective Owners or Occupiers of any Lands described in the said Plan and Book of Reference, enter upon, purchase, take, and use those Lands or any of them, or any Right or Easement in or over the same or any of them.

Easements.

3. Any Person empowered under this Act to sell and convey or release Lands shall, subject and according to the Provisions of this Act and for the Purposes thereof, have Power to grant any such Right or Easement in or over those Lands as the Joint Committee may think requisite for the Purposes of this Act.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

4. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Act: In the Construction of those Acts in connexion with this Act the Expression "the Promoters of the Undertaking" therein used shall be taken to mean the Joint Committee.

Lands to be conveyed to Trustees.

5. Any Lands purchased for the Purposes of this Act shall be conveyed to such Persons not fewer than Five, and in such Manner as the Joint Committee shall direct, in trust for the Purposes of this Act; any Conveyance so made shall have the like Effect as a Conveyance made under Section Eighty-one of "The Lands Clauses Consolidation Act, 1845," and shall be as nearly as may be in the Form in that Section referred to.

6. When

Appointment of new Trustees.

6. When any Lands purchased under this Act shall be vested in fewer than Three Trustees, or there shall not be any Trustee thereof living, it shall be lawful for the Joint Committee or any Three or more of them, by an Instrument in Writing under the Hands of the Joint Committee or any Three or more of them, to appoint such and so many new Trustees of the Lands as they may think fit, and thereupon and by virtue of such Instrument, and without any Conveyance, all the Estate in such Lands which may be then vested in any Trustee or in any Person as his Devisee or otherwise subject to such Trust, shall vest in the Trustees so appointed, either alone, or if there be any continuing Trustee or Trustees then jointly with him or them, as the Case may require; every such Instrument of Appointment shall be deposited among and kept with the Records of the County of *Kent*.

Power to Joint Committee to maintain existing Works and construct new Works.

7. Subject and according to the Provisions of this Act, and subject to the Control of the Justices for the said County in General Sessions assembled, the Joint Committee may, on any Lands described in the said Plan and Book of Reference, make, maintain, and from Time to Time alter, improve, or amend the following Works; namely,

(1.) A Culvert Pipe or Aqueduct commencing from the *Medway* about One hundred Feet above *Farleigh* Lock, passing into and through Lands belonging to the *South-eastern* Railway Company for conveying, taking, and using Water from the *Medway* upon or over a Water Wheel for working Pumps for conveying Water taken from the *Medway* or elsewhere to the Asylum into a Reservoir there, and a Culvert or Channel from the said Wheel and Works into the *Medway* for returning the Water after having passed upon or over the said Wheel into the Course of the *Medway* at a Point about One hundred Feet below the said Lock, and Wheels, Pumps, Pipes, and other Machinery, Wells, Drains, and other Works for the Purposes aforesaid:

(2.) A Pipe or Pipes commencing from and connected with the said Pumps and Works passing through and out of Lands belonging to the *South-eastern* Railway Company to and along the Highway or Road leading from *Farleigh Bridge* to the Asylum into a Reservoir there:

(3.) A Reservoir in the Land of the Asylum:

(4.) A Pipe or Pipes commencing at the said Reservoir, passing thence into and along the Turnpike Road leading from *Tunbridge* to *Maidstone*, passing over the Bridge over the *Medway* in *Maidstone*, and along the Streets there called the *High Street* and *Week Street* unto and into the Gaol:

(5.) A Pipe or Pipes commencing from the Reservoir at the Asylum, and passing to and crossing the Turnpike Road from *Maidstone* to *London* near the Turnpike Gate there called the *Buckland* Gate,

Gate, and thence to and across the *Medway*, and thence to and across *Week Street* aforesaid unto and into the Gaol:

With all Outlets and Embankments necessary or proper for the convenient Use of the same respectively, and with all necessary and proper Approaches thereto respectively.

Parts of 10 & 11 Vict. c. 17. incorporated.

8. For the Purposes of the Maintenance and Management of the said existing Works, and of the Construction, Maintenance, and Management of the said intended new Works respectively, the following Provisions of "The Waterworks Clauses Act, 1847," shall be incorporated with this Act as far as those Provisions are applicable thereto respectively; namely, the Provisions

With respect to the Construction of the Waterworks;

With respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks;

With respect to Mines;

With respect to the breaking up of Streets for the Purpose of laying Pipes;

With respect to the Provision for guarding against fouling the Water of the Undertakers;

With respect to Tender of Amends;

With respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff.

Lateral Deviation.

9. Whenever and so far as the Line of any Work as shown on the said Plan passes along any Road, Bridge, or Street, and no Line of lateral Deviation is marked thereon, the Joint Committee may in making such Work deviate from the Line laid down on the Plan to the Extent only of the Boundaries of such Road, Bridge, or Street, and in other Places they may deviate from the Line of the Work laid down on the said Plan to any Extent not beyond the Line of lateral Deviation shown on the said Plan.

Vertical Deviation.

10. In making any Work by this Act authorized the Joint Committee may deviate vertically from the Level thereof as shown on the said deposited Plan and Section to any Extent not exceeding Five Feet.

Time for Completion of Works.

11. The said intended new Works authorized by this Act to be constructed shall be completed within Five Years after the passing of this Act, and on the Expiration of that Time the compulsory Powers by this Act given to the Joint Committee in relation to the Construction thereof shall cease to be exercised.

Before commencing Works interfering with the

12. Previously to commencing any Work interfering in any Manner with the River *Medway* the Joint Committee shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Work,

Medway, Plans, &c. to be deposited with Admiralty.

Work, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Work shall be constructed only in accordance with such Approval; and when any such Work shall have been commenced or constructed it shall not be lawful for the Joint Committee at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Joint Committee, and the Amount thereof shall be a Debt due from the Joint Committee to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Joint Committee.

Admiralty may order local Survey at Expense of Joint Committee.

13. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Joint Committee in, over, or affecting the River *Medway*, or of the intended Site thereof, the Joint Committee shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Joint Committee, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Joint Committee.

If Works abandoned or fall into Decay, Admiralty may remove them.

14. If any Work constructed or to be constructed by the Joint Committee in, under, over, through, or across the River *Medway*, or if any Portion of any Work which affects or may affect any such River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Joint Committee, and the Amount thereof shall be a Debt due from the Joint Committee to the Crown, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Joint Committee.

Compensation to Medway Company.

15. The Justices of the Peace for the said County of *Kent* shall, by and out of the General County Rate, pay to the *Medway* Company the annual

annual Sum of Twenty-five Pounds as and for Compensation for and in satisfaction of such Rights and Interest as the *Medway* Company have or may claim in respect of the said River and the Navigation thereof or otherwise, and which may be prejudiced or interfered with by Acts of the said Justices done in pursuance of the Authority hereby given, the said annual Sum of Twenty-five Pounds to commence from the Twenty-fourth Day of *June* One thousand eight hundred and sixty-two, and to be payable on that Day in every subsequent Year.

Costs.

16. The said Justices shall pay to the *Medway* Company the Sum of Two hundred and twenty Pounds in full Satisfaction of their Costs, Charges, and Expenses relating to the Introduction of this Act into Parliament, and to their Opposition to the passing of this Act, or otherwise in relation thereto.

Power of Distress.

17. If any Payment of the said annual Sum shall be in arrear for Three Months after the same shall become due, or if the said Sum of Two hundred and twenty Pounds or any Part thereof shall be unpaid for the Space of Three Months after the passing of this Act, it shall be lawful for the *Medway* Company from Time to Time and as often as Occasion shall require to distrain all such Goods, Chattels, and Effects whatsoever as shall be in or about the said County Gaol or County Lunatic Asylum, or in or about any of the Works by this Act authorized to be maintained, altered, improved, or amended, and such Goods, Chattels, and Effects to take, lead, and carry away, and to sell and dispose of the same, in like Manner and as fully as in case of Distresses for Rent reserved on Leases for Years, and out of the Money arising by such Sale or Disposition (if any) to retain and take the Sum or Sums due, whether for Compensation or Costs or otherwise, and also the Costs and Charges of making and keeping such Distress or Distresses and the Sale thereof, rendering the Overplus (if any) to the Treasurer of the said County, to be applied by him as Part of the County Rate.

Power in case of continued Default to cut off Supply.

18. If the said annual Payment or any Part thereof shall be in arrear for the Space of Six Calendar Months after the Time of Payment thereof, it shall be lawful for the said *Medway* Company, on the Expiration of Twenty-one Days after they shall have given Notice in Writing to the Clerk of the Peace for the said County requiring Payment, to cut off the Supply of Water from the said River to the said Works: Provided, that the Power of Distress herein-before given to the said *Medway* Company shall be in nowise restricted or abridged thereby.

Power to take Water from Medway.

19. For the supplying of Water to the Asylum and the Gaol the Joint Committee may, by means of the said existing Works and of the said intended new Works, to the Extent and in manner following, take and use from the *Medway* the Water thereof; namely,

(1.) So much of the Water as may be requisite for working the said Water Wheel, Pumps, and Machinery at *Farleigh* Lock, the

Water

Water so taken and used being returned into the *Medway* below the Lock:

(2.) So much of the Water as may from Time to Time be needed for the Use of the Asylum:

(3.) So much of the Water as may from Time to Time be needed for the Use of the Gaol.

Justices not to alter Level or Dimensions of Culvert.

20. Neither the said Justices nor the Joint Committee shall at any Time alter the Level or Dimensions of the Culvert already constructed for conveying Water to the said Works, nor shall they take any Water from the said River except for the Purpose of the said Works, and supplying Water for the Use of the Inmates for the Time being, and other Purposes, of the said Asylum and Gaol: If the Justices or the Joint Committee shall at any Time after the passing of this Act in any Way alter the Level or Dimensions of the Culvert already constructed for conveying Water to the said Works without the Permission in Writing of the *Medway* Company under their Common Seal first for that Purpose obtained, it shall be lawful for the *Medway* Company forthwith to cut off the Supply of Water from the said River to the said Works.

Justices not to draw Water during Deficiency of Supply in River.

21. In case it shall at any Time occur that there shall be a Deficiency of Water in the said River for the Purposes of the said Navigation (of which Deficiency the Fact that no Water shall be running over the Weir at *Farleigh* Lock shall be conclusive Evidence), such Deficiency not being caused by the said Lock or the Gates or the Sluices thereof not being in fair ordinary working Repair and Condition, nor by the wilful Act or Default of the *Medway* Company, their Servants or Agents, then and in every such Case it shall not be lawful for the said Justices or the Joint Committee to use the said Works or draw any Water from the said River so long as such Deficiency shall continue.

Expenses of Works to be paid out of County Rates, and charge Asylum a fair Proportion of Working Expenses.

22. The Justices of the Peace for the said County of *Kent* in General Sessions assembled shall from Time to Time make Provision for the Payment of all Expenses incurred in the Execution of this Act by and out of the General County Rates, and shall charge to the Asylum such Proportion of the annual Working Expenses as shall appear to them to be from Time to Time properly chargeable thereto.

Expenses of Act.

23. The Expenses of and attending the passing of this Act, and incidental thereto, shall be paid out of the General County Rates.

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