



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. lxx.

An Act for better supplying with Water the Inhabitants of the Parishes of *Saint John the Baptist* (including *Margate*) and *Saint Peter the Apostle* (including *Broadstairs*) in the County of *Kent*.

[27th July 1857.]

WHEREAS the Inhabitants of the Parishes of *Saint John the Baptist* (including the Town of *Margate*) and *Saint Peter the Apostle* (including *Broadstairs*), both in the *Isle of Thanet* and the County of *Kent*, are now inadequately supplied with Water, and it is expedient that a better Supply should be afforded to them: And whereas the several Persons herein-after named, with others, are willing at their own Expense to afford such Supply, and to make and to maintain all the necessary Works for the Purpose; but such Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty

I. 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 Provisions of "The Lands Clauses Consolidation Act, 1845," "The Companies Clauses Consolidation Act, 1845," and "The

[*Local.*]

11 X

Waterworks

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

The Margate Waterworks Act, 1857.

Waterworks Clauses Consolidation Act, 1847," shall, subject to the Provisions of this Act, be incorporated with and form Part of this Act.

Short Title. II. This Act may be cited for all Purposes as "The *Margate Waterworks Act, 1857.*"

Incorporation of Company. III. *George Yeates Hunter, William Barker, William Druce Pickering, Alexander Brown, William Brooke, Edward Thomas Relph,* and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes herein-after mentioned, and for such Purposes shall be incorporated by the Name of "*The Margate and Broadstairs Waterworks Company,*" and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said incorporated Acts contained.

Subscription Contract to be as valid as if Act had been passed in last Session. IV. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Purposes of the Company. V. The Company shall be established for the Purpose of making Shafts, Wells, Engines, Reservoirs, Aqueducts, and Conduits, and for laying down Pipes, and executing all other Works necessary and convenient for supplying the Inhabitants of the Parishes of *Saint John the Baptist* (including the Town of *Margate*) and *Saint Peter the Apostle* (including *Broadstairs*) with Water, and the Limits of this Act, with regard to the Powers of affording such Supply, shall be held to be co-extensive with the Limits of the Parishes aforesaid.

Capital. VI. The Capital of the Company shall be Thirteen thousand Pounds.

Shares. VII. The Number of Shares into which the said Capital shall be divided shall be One thousand three hundred, and the Amount of each Share shall be Ten Pounds.

Calls. VIII. One Pound Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall intervene between the making of any Two successive Calls.

IX. The

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IX. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held yearly in the Month of *January*; and all Meetings, whether ordinary or extraordinary, shall be held in *Margate* aforesaid.

First and other Meetings.

X. The Quorum of every Meeting of the Company shall be Five Shareholders, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Quorum of Meetings.

XI. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Ten, and such Shareholders shall hold in the aggregate not less than One thousand five hundred Pounds in the Capital of the Company.

Number of Shareholders to convene Extraordinary Meeting.

XII. 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 Fifteen Shares at the least in the said Undertaking, and *George Yeates Hunter, William Barker, Alexander Brown, William Druce Pickering, William Brooke, and Edward Thomas Relph,* shall be the First Directors of the Company.

Qualification of Directors.

XIII. 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 Three thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Thirteen thousand Pounds shall have been subscribed for, and One Half thereof actually paid up.

Power to borrow Money on Mortgage.

XIV. The Mortgagees under this Act may enforce Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be One thousand Pounds.

Arrears may be enforced by Appointment of a Receiver.

XV. And whereas a Plan and Section of the Reservoirs and Works proposed to be made for the Purpose of affording such Supply of Water as aforesaid, and a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, Streams, and Waters in, upon, or through which the same are intended to be made or to pass, have been deposited with the Clerk of the Peace for the County of *Kent*: Be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to purchase and to enter upon, take, and use such of the Lands, Streams, and Waters delineated on the said Plan and described in the said Book of Reference, and also any Easement, Privilege, Power, or Authority in or over the same, as shall

Power to take Lands for Works.

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shall be necessary for the Purposes of the Works by this Act authorized; and in constructing the Works by this Act authorized to be made, the Company may make lateral Deviations from the Line of such Works not exceeding the Limits of Deviation described in the said Plan, and may deviate from the Levels of such Reservoirs to any Extent not exceeding Three Feet, and of other Works as delineated in the said Section to any Extent not exceeding Five Feet.

Period for
Completion
of Works.

XVI. The said Works shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Limiting
Pressure of
Supply of
Water.

XVII. The Water of the Company need not be constantly laid on under a Pressure greater than the residual Pressure to be afforded through the Pipes of Distribution from the Service Reservoirs of the Company shown on the said Plan and Section.

Powers for
Justices to
order Repair
of Reser-
voirs, and in
certain Cases
to direct the
Water there-
in to be
lowered.

XVIII. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever any Person interested complains to Two Justices that any such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiries into the Truth of the Complaint: Provided always, that any Two Justices, on their own View and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Order of
Justices for
immediate
Repair.

XIX. If on any such Inquiry the Justices be satisfied that the Complaint is well founded, and that any Reservoir as aforesaid is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Company, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Jus-
tices after
Summons on
Company to
repair Re-
servoir.

XX. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such imminently dangerous Condition so as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Company to answer the Complaint, and upon hearing the Parties or upon default of Appearance of the Company, then in their Absence the Justices shall, by Order in Writing under their Hands, order the Company, within such Period as the Justices think reasonable and specify in the Order, to do such Works and Things as they think requisite and proper for removing the Cause of Complaint.

XXI. If

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XXI. If in any such Case the Company do not, within such Period as the Justices specify in that Behalf in the Order, do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Company, may, if they think fit, order such Persons as such Justices think fit to enter on the Property of the Company, and to do all such Works and Things specified in the Order and not done by the Company, and all such other Works and Things, if any, as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Company to obey Orders.

XXII. Any such Order of Justices may be in the Form or to the Effect following:

Form of Order.

‘ To *A.B.* of
 ‘ WE, the undersigned, Two of Her Majesty’s Justices of the Peace
 ‘ acting for do hereby
 ‘ order and direct you (and such Person or Persons as you may
 ‘ require to aid and assist you therein) forthwith to do all such Works
 ‘ and Things as are requisite to repair and make good [*here specify*
 ‘ *the Reservoir to be repaired and made good*], (and you shall do as
 ‘ little Injury as possible to the Property of the said Company); and
 ‘ in acting in obedience to the Premises this shall be your sufficient
 ‘ Warrant.
 ‘ Given under our Hands, this Day of in the
 ‘ Year of our Lord One thousand eight hundred and .’

XXIII. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser, and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Persons acting under Order of Justices not to be Trespassers.

XXIV. If the Justices so think fit, they may, by any such Order under this Act, impose on the Company for not carrying the Order into effect any Penalty not exceeding Ten Pounds for every Day’s Default which the Justices think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint.

Justices may impose Penalty on Company for disobeying Order.

XXV. The Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of any such Order on the Company, and also all and such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance

Order of Justices on Company for Payment of Costs.

The Margate Waterworks Act, 1857.

of any such Order by any Person other than the Company, to be paid by the Company, and every Amount so to be paid shall be paid by the Company to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Power to
Company to
appeal
against
Order of
Justices.

XXVI. Provided always, That if the Company feel aggrieved by any Order of Justices under the Act, or any Determination by the Justices, or any such Complaint, the Company shall have like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that, pending any such Appeal, and except only so far, if at all, as on the Appeal it be quashed or altered, the Order appealed against shall be in force.

Rates at
which the
Company are
to supply
Water.

XXVII. The Company shall, at the Request of the Owner or Occupier, and subject to the Provisions of this Act, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House, and to every Person entitled to demand a Supply of Water, in any Street or other Place within the Limits of this Act in which any Pipe of the Company shall be laid, a sufficient Supply of Water for the domestic Use of every such Occupier or Person at a Rate *per Centum per Annum* not exceeding Seven Pounds upon the annual Rackrent or Value of the Premises so supplied with Water; but the Company shall not be obliged to furnish such Supply to any Occupier for any less Sum than Eight Shillings in any One Year: Provided always, that a Supply of Water for domestic Purposes shall include a Supply of Water for One Watercloset, but not for Baths, or for any Trade or Business whatsoever.

Limiting
Amount for
Charge of
Water-
closets.

XXVIII. The Company may charge in any One Year the several Rates herein-after specified in respect of every Watercloset more than One, and every Bath, in or belonging to any private Dwelling House; (that is to say,)

When the annual Rackrent does not exceed Five Pounds *per Annum*, the Sum of Four Shillings:

When the annual Rackrent exceeds Five Pounds and does not exceed Ten Pounds *per Annum*, the Sum of Six Shillings:

When the annual Rackrent exceeds Ten Pounds and does not exceed Twenty Pounds, the Sum of Six Shillings for One Watercloset beyond the first, and Eight Shillings for One Bath, and the Sum of Four Shillings for each additional Watercloset or Bath:

When the annual Rackrent exceeds Twenty Pounds and does not exceed Forty Pounds, the Sum of Eight Shillings for One Watercloset beyond the first, and Ten Shillings for One Bath, and the Sum of Four Shillings for each additional Watercloset or Bath:

When

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When the annual Rackrent exceeds Forty Pounds and does not exceed Eighty Pounds, the Sum of Ten Shillings for One Water-closet beyond the first, and Twelve Shillings for One Bath, and the Sum of Four Shillings for each additional Watercloset or Bath:

When the annual Rackrent exceeds Eighty Pounds, the Sum of Fourteen Shillings for One Watercloset beyond the first, or One Bath, and the Sum of Four Shillings for each additional Water-closet or Bath.

XXIX. Every Cistern or other Receptacle for Water, and every Watercloset, Soil Pan, and private Bath which shall be supplied with Water by the Company, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Company, or into any Pipes connected or communicating therewith; and notwithstanding anything in the "Waterworks Clauses Act, 1847," or in this Act contained, the Company shall not be bound to supply Water into any Cistern or other Receptacle for Water, or to any Watercloset, Soil Pan, or private Bath which shall not be so constructed and used.

Cisterns, Closets, and Baths to be so constructed as to prevent Waste or the Reflux of impure Water into the Mains.

XXX. It shall be lawful for the Company to supply any Person with Water for other than domestic Purposes at such Rent and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water.

Water for other than domestic Purposes to be supplied by Agreement.

XXXI. The Company shall, at the Request of any Consumer of Water for Purposes other than the Purposes for or in respect of which the Rates or Charges are herein-before provided or limited, or at their own Instance, afford a Supply of Water by means of a Meter or other Instrument or Mode for measuring and ascertaining the Quantity of Water so supplied, and may charge for such Supply not exceeding the following Rates *per* One thousand Gallons; (that is to say,)

Company may charge by Quantity in certain Cases.

When the quarterly Consumption of Water shall not exceed One hundred thousand Gallons, Ninepence:

When exceeding One hundred thousand Gallons and not exceeding Two hundred thousand Gallons, Eightpence:

When exceeding Two hundred thousand Gallons and not exceeding Four hundred thousand Gallons, Sevenpence:

When exceeding Four hundred thousand Gallons, Sixpence.

XXXII. The Company may let for Hire any Meter or Instrument for ascertaining the Quantity of Water consumed or supplied, and any Fittings for the Conveyance of such Water, for such Remuneration in Money as shall be agreed upon between the Company and any Person

Company may let Meters.

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Person to whom the same may be so let, and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Company for Water; and such Meters and Fittings shall not be subject to Distress for Rent of the Premises where the same may be used, nor to be taken in Execution under any Process of a Court of Law or Equity, or any Fiat in Bankruptcy or Sequestration, against the Person in whose Possession the same may be.

Powers to
Company for
ascertaining
Quantity
consumed
by Meter.

XXXIII. The Clerk, Engineer, or other Officer of the Company may at all reasonable Times enter any House, Building, or Premises supplied by the Company in manner lastly herein-before mentioned, in order to inspect the Meters, Instruments, Fittings, and Works for regulating the Supply of Water, and for the Purpose of ascertaining the Quantity of Water consumed or supplied; and if any Person hinder such Officer as aforesaid from entering and making such Inspection as aforesaid at any reasonable Time, he shall for every such Offence forfeit to the Company a Sum not exceeding Five Pounds.

Power to
take away
Meters, &c.

XXXIV. It shall be lawful for the Company by their Officers or Servants from Time to Time to enter any House, Building, or Premises for the Purpose of removing and carrying away any Meter, Instrument, Pipes, Fittings, or other Works, the Property of the Company: Provided, that the Power of Entry contained in this and the preceding Section shall not be exercised at any Hour not authorized by the "Waterworks Clauses Act, 1847," except with the Consent of a Justice.

Expenses of
Act.

XXXV. The Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Company.

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