



ANNO TRICESIMO & TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. cxii.*

An Act for supplying with Water the Town of *Herne Bay* and the Places adjacent thereto in the County of *Kent*. [15th July 1867.]

**W**HEREAS the Town of *Herne Bay* and Places in the Neighbourhood thereof are at present inadequately supplied with Water, and it is expedient that a better Supply should be afforded them: And whereas such Supply of Water could be obtained from the Brook or Stream called or known as *Ashbee's Brook*, and from other Streams and Springs in the Parish of *Herne* in the County of *Kent*: And whereas Plans and Sections of the Reservoirs, Aqueducts, and other Works (herein-after called "the Waterworks") proposed to be made for the Purpose of affording such Supply of Water showing the Line and Levels thereof, with a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through and upon which the Waterworks are proposed to be constructed, have been deposited at the Offices of the Clerk of the Peace for the County of *Kent*: And whereas the several Persons herein-after named, and others, are willing, at their own Expense, to afford such Supply, and to make and maintain all the necessary

[*Local.*]

19 H

Works

*Herne Water Act, 1867.*

Works for the Purpose; but such Objects 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,)

Short Title. 1. This Act may be cited for all Purposes as "*Herne Water Act, 1867.*"

8 & 9 Vict. cc. 16. & 18.,  
10 & 11 Vict. c. 17.,  
23 & 24 Vict. c. 106., and  
26 & 27 Vict. cc. 93. & 118.  
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Act, 1847 and 1863," are (except where specially varied by this Act) incorporated with and form Part of this Act.

Interpre-  
tation of  
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the Company incorporated by this Act; the Expression "the Waterworks," or "the Undertaking," shall mean the Waterworks, Reservoirs, Conduits, Mains, Pipes, Pumping Stations, Works, and Conveniences connected therewith, or Undertaking by this Act authorized, or any Part thereof; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or 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.

Subscribers  
incorporated.

4. *Edward Reynolds Collard, Thomas Godfrey, Joseph Manning, William Arnold Bainbrigge*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, their Executors, Administrators, Successors, and Assigns respectively, shall be united and incorporated into a Company for the Purpose of constructing, forming, and laying down Reservoirs, Conduits, and Aqueducts or Main Pipes, and all other Works necessary or convenient for supplying the Inhabitants and other Persons within the Limits of this Act with Water, and for other the Purposes of this Act, and for those Purposes shall be incorporated by the Name of "*The Herne Bay Waterworks Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal,

*Herne Water Act, 1867.*

Seal, and shall have Power to purchase and hold Lands and other Property for the Purposes of this Act.

5. Subject to the Provisions in this and in the incorporated Acts contained, the Company may make and maintain in the Parish of *Herne* and County of *Kent* the Waterworks, with all necessary Works and Conveniences connected therewith, in the Lines, upon the Levels, and upon the Lands delineated on the said Plans and Sections, and described in the Books of Reference, and for those Purposes may enter upon, take, and use such of the Lands and Waters delineated on the deposited Plans within the Limits of Deviation shown thereon and described in the Book of Reference, and may take and divert from *Ashbee's Brook* and the Springs and Streams supplying Water to the same such Water as they require for the Purposes of this Act, 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 shown on the said Plans, and may deviate from the Levels of the Reservoir to any Extent not exceeding Three Feet, and of other Works as delineated on the deposited Sections to any Extent not exceeding Five Feet.

Power to make Waterworks, and take Lands for Works, according to deposited Plans.

6. The Waterworks herein referred to and authorized by this Act are,—

Waterworks to be constructed as herein named.

A Reservoir (herein called Reservoir No. 1.) in a Meadow or Field there called the *Lower Marsh* or *Small Gains*, the Property of the Reverend *Frederick Hopkins*, and in the Occupation of *William Ashbee* :

A Reservoir (herein called Reservoir No. 2.) situate in a Field on the North Side of the public Carriage Road leading from *Herne Bay* to *Beltinge*, belonging to *Edward Reynolds Collard* Esquire, and in the Occupation of *John Wootton* :

A Conduit or Line of Pipes (herein called Conduit No. 1.) to connect the Reservoir No. 1. with the Brook or Stream called *Ashbee's Brook*, commencing in the said Brook at a Point Eight Chains or thereabouts from the Gate in the said Field near the North-western Corner thereof, and terminating by a Junction with the said Reservoir No. 1. :

A Conduit or Line of Pipes (herein called Conduit No. 2.) commencing by a Junction with the said Reservoir No. 1., and terminating in the Town of *Herne Bay* aforesaid at or near the Point of Junction of *Oxenden Street* with *Saint George's Terrace* in the said Town :

A Conduit or Line of Pipes (herein called Conduit No. 3.) commencing by a Junction with the said Conduit No. 2. at a Point where

*Herne Water Act, 1867.*

where *High Street* crosses *William Street*, and terminating at the East End of *Mortimer Street* in the said Town of *Herne Bay*:

A Conduit or Line of Pipes (herein called Conduit No. 4.) commencing by a Junction with Reservoir No. 2. at the West End thereof, and terminating by a Junction with Conduit No. 3. at or near the Termination thereof:

A Conduit or Line of Pipes (herein called Conduit No. 5.) commencing by a Junction with Reservoir No. 1. on the East Side thereof, and terminating in the said Reservoir No. 2. by a Junction therewith on the West Side thereof.

Capital.

7. The Capital of the Company shall be Five thousand Pounds, divided into Five hundred Shares of Ten Pounds each.

Shares not to issue until One Fifth paid up.

8. The Company shall not issue any Share created under the Authority of this Act, nor shall any 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.

Calls.

9. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Two Months at the least shall be the Interval between each successive Call, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share.

Receipts of Guardians, &c. to be sufficient Discharge.

10. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his or her respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Power to borrow on Mortgage.

11. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole One thousand two hundred Pounds, but no Part thereof shall be borrowed until the whole Capital of Five thousand Pounds is subscribed for, and One Half thereof is paid up, and the Company have 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 whole of the Capital has been 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 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 to such Justice of the Books

*Herne Water Act, 1867.*

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.

12. The Mortgagees of the Company may enforce Payment of the Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages, by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees shall not be less than Five hundred Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

13. All Monies to be borrowed on Mortgage under this Act from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and all the Property from Time to Time of the Company, over all other Claims on account of any Debts to be incurred or Engagements to be entered into by them: Provided always, that such Priority shall not prejudice or affect any Claim against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect the Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of this Act.

Monies borrowed on Mortgage to have Priority.

14. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

Application of Monies.

15. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* and *August* in every Year.

First and other Meetings.

16. The Quorum of General Meetings of the Company shall be Ten Shareholders present personally or by proxy, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Quorum of General Meetings.

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

Number of Shareholders to convene Extraordinary Meeting.

18. The Number of the Directors shall be Four, but it shall be lawful for the Company from Time to Time to reduce the Number, provided that the Number be not less than Three.

Number of Directors.

*Herne Water Act, 1867.*

Qualification  
of Directors.

19. The Qualification of a Director shall be the Possession in his own Right of not less than Five Shares.

Quorum.

20. The Quorum of a Meeting of Directors shall be Three, and when the Number of Directors shall be reduced to Three the Quorum of a Meeting of Directors shall be Two.

First Direc-  
tors to con-  
tinue in  
Office until  
First Meet-  
ing after  
passing of  
this Act.

21. *Edward Reynolds Collard, Thomas Godfrey, Joseph Manning, William Arnold Bainbrigge* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting held after the passing of this Act; at such Meeting the Shareholders present in person or by proxy may either continue in Office the Directors appointed by this Act, or any of them, or may elect a new Body of Directors, or Directors to supply the Place of those not continued in Office, the Directors appointed by this Act, or any of them, being, if qualified, eligible for Re-election; and at the First Ordinary Meeting the Shareholders present in person or by proxy shall (subject to the Power herein-before contained for reducing the Number of Directors) elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the "Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the same Act.

Lands by  
Agreement.

22. The Company may from Time to Time purchase by Agreement and hold, in addition to the Lands described on the deposited Plan and Book of Reference, any Quantity of Land not exceeding in the whole at any One Time Two Acres, and may also from Time to Time purchase by Agreement any such Right or Easement, not being a Right or Easement of Water, in, upon, under, or over Lands, as they may think requisite for the Purposes of this Act.

Powers for  
compulsory  
Purchases  
limited.

23. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Four Years from the passing of this Act.

Owner, &c.  
may grant  
Easements

24. The Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey Lands may, if they think fit, grant to the Company any Rights or Easements (except as aforesaid) in or over Lands; and the Provisions of the last-mentioned Act, and of the "Lands Clauses Consolidation Act Amendment Act, 1860," with respect to the Purchase of Lands by Agreement, and to Rentcharges, shall extend and apply to such Rights and Easements, and to Rentcharges granted for the same.

25. The

*Herne Water Act, 1867.*

25. The Waterworks shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers of this Act granted by the Company for making the Waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much as is then completed: Provided always, that, subject to the Restrictions and Provisions of this Act, the Company may from Time to Time alter, enlarge, and extend their Engines, Machinery, Wells, Mains, and Pipes in such Way and Manner as shall be necessary for supplying Water within the Limits of this Act.

Period within which Works are to be completed.

26. The Limits of this Act for the Supply of Water by the Company comprise the Town of *Herne Bay* and the Parish of *Herne* in the County of *Kent*.

Limits of Act.

27. The Company shall, at the Request of the Owner or Occupier of any private Dwelling House or Part of a private Dwelling House in any Street in which any Pipe of the Company shall be laid, or on the Application of any Person who, under the Provisions of this Act or any Act incorporated herewith, shall be entitled to demand a Supply of Water for domestic Purposes, which shall include One Watercloset, furnish to such Owner or Occupier or other Persons a sufficient Supply of Water for domestic Uses at Rates not exceeding the yearly Rates herein specified, according to the annual Rackrent or Value of such Dwelling House or Part of a Dwelling House; (that is to say,)

Rates for Supply of Water.

Where the annual Rackrent or Value of the Premises so supplied with Water shall not exceed Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings: Provided always, that the Company shall not be obliged to furnish any such Supply for any less Sum than Twopence *per Week*:

Where such annual Rackrent or Value shall exceed Twenty Pounds and not exceed Forty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

Where such annual Rackrent or Value shall exceed Forty Pounds and not exceed Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings:

Where such annual Rackrent or Value shall exceed Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds:

For every Watercloset beyond the first, the Sum of Five Shillings *per Annum*:

For every Bath, the Sum of Ten Shillings *per Annum*.

28. The

*Herne Water Act, 1867.*

Protection  
from Impuri-  
ties and  
against  
Waste.

**28.** The Company shall not be compelled to supply with Water any Watercloset or private Bath, or the Pipes or Apparatus connected therewith, unless the same shall be so constructed and used as to prevent the Waste, Misuse, or undue Consumption of the Water of the Company, 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 connecting or communicating therewith, nor any private Baths which shall be so constructed as to contain when filled for Use more than Fifty Gallons of Water.

Incoming  
Tenant not  
liable for  
Arrears.

**29.** In case any Consumer of the Water of the Company shall leave the Premises where such Water has been supplied to him without paying to the Company the Water Rent due from him, the Company shall not be entitled to require from the next Tenant of such Premises the Payment of the Arrears left unpaid by the former Tenant, unless such incoming Tenant shall have undertaken with the former Tenant to pay or exonerate him from the Payment of such Arrears.

Regulations  
to be made  
for prevent-  
ing Waste  
of Water.

**30.** The Company may from Time to Time make such Regulations as shall be necessary or expedient for the Purpose of preventing the Waste or Misuse of Water, and, amongst other things, may prescribe the Size, Nature, and Strength of the Pipes, Cocks, Cisterns, and other Apparatus whatsoever to be used, and may interdict any Arrangements, and the Use of any Pipes, Cocks, Cisterns, or other Apparatus, which may tend to such Waste or Misuse as aforesaid.

Limitation of  
Pressure.

**31.** The Water to be supplied from any Pipe of the Company need not be laid on under a Pressure greater than that to be afforded from the Reservoir of the Company.

Water may  
be supplied  
by Agree-  
ment.

**32.** The Company may supply any Person with Water for any Purpose in respect of which no special Rates are by this Act granted for such Remuneration and upon such Terms and Conditions as shall be agreed upon between the Company and the Person desiring such Supply.

Company  
may remove  
Pipes from  
unoccupied  
Premises, on  
giving  
Notice to  
the Owner.

**33.** If and whenever any House, Building, or Premises which shall have been supplied with Water by the Company shall be unoccupied, the Company, their Agents, Servants, or Workmen, after giving Twenty-four Hours previous Notice to the Owner by serving the Notice on him, or leaving the same at his usual Place of Abode, (or, if the Owner or his usual Place of Abode be not known to the Company after due Inquiry, by affixing the same for Three Days on some conspicuous Part of such House, Building, or Premises,) may enter into such House, Building, or Premises between the Hours of Nine o'Clock



*Herne Water Act, 1867.*

o'Clock in the Forenoon and Four o'Clock in the Afternoon, and remove and carry away any Pipe, Fittings, or other Works the Property of the Company.

**34.** In case any Person who shall have been supplied with Water by the Company, or who shall be liable to Payment in respect of a Supply of Water, under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after Demand thereof by the Company, their Agent or Collector, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where such Water shall have been supplied, to issue his Summons to such Person requiring him to appear before the Justices having Jurisdiction as aforesaid at a Time and Place named, then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or, in default of Appearance, after Proof of the Service of the Summons, either personally or at the last known Place of Abode or of Business of such Person, no sufficient Cause shall be shown to the contrary, it shall be lawful for such Two Justices to issue their Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person for the Recovery of the Amount which may be proved before such Justices to be due from such Person, together with such Costs as to such Justices shall seem just and reasonable.

Recovery of Charges for Supply of Water.

**35.** Where any Person fails to pay any Water Rate or other Sums due to the Company, the Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedies of the Company under this Enactment shall be in addition to their own Remedies in that Behalf,

Recovery of Sums by Action.

**36.** Any Summons or Warrant issued for any of the Purposes of this Act may contain in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Several Sums in One Summons.

**37.** Any Justice who issues any Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Company of and incident to the Recovery of the Money to be levied shall be paid by the Person liable to pay the Money, and the Costs shall be ascertained by the Justices, and shall be included in the Warrant of Distress for the Recovery of the Money.

Costs of Distress.

**38.** Penalties imposed on the Company for One and the same Offence by several Acts of Parliament shall not be cumulative, and for this Purpose this Act and the Acts incorporated herewith shall be deemed separate Acts.

Penalties on the Company not cumulative.

*Herne Water Act, 1867.*

No Justice  
disqualified  
by being a  
Shareholder,  
&c.

**39.** No Justice shall be disqualified for acting in the Execution of this Act by reason of his being a Shareholder in the Company, or by being liable to Payment of Rent or other Charge under this Act.

Expenses of  
Act.

**40.** All the Costs, Charges, and Expenses of obtaining and passing this Act, and preparatory or incidental thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1867.