



## CHAPTER xxv.

An Act for the granting of further powers to the Folkestone Waterworks Company. A.D. 1888.  
[28th June 1888.] —

**W**HEREAS the Folkestone Waterworks Company (in this Act called “the Company”) were incorporated by the Folkestone Waterworks Act 1848 and acting under the powers of that Act and of the Folkestone Waterworks Amendment Act 1855 the Folkestone Waterworks Acts Amendment Act 1858 the Folkestone Waterworks Acts Amendment Act 1864 and the Folkestone Waterworks Act 1871 raised in shares a capital of seventy-nine thousand five hundred pounds and have constructed a system of waterworks whereby they supply with water the parish and township or borough of Folkestone the part of the parish of Cheriton in the county of Kent which is within the district of the Sandgate Local Board of Health and the part of that parish forming and called “Shorncliff Camp”:

11 Vict. c. vi.  
 18 Vict. c. vii.  
 21 Vict. c. x.  
 27 Vict. c. v.  
 34 Vict.  
 c. xxvi.

And whereas it is expedient that the limits of the Company for the supply of water be extended so as to include that part of the remaining portion of the said parish of Cheriton which is not included within the boundary of the municipal borough of Hythe:

And whereas it is expedient that the Company be authorised to raise additional share and loan capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas the Company do not owe any money on mortgage or bond and have not created or issued any debenture stock:

And whereas the objects aforesaid cannot be attained 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 as the Folkestone Waterworks Act Short title.  
 1888.

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Incorporation of general Acts.

2. The Waterworks Clauses Acts 1847 and 1863 so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders (except section 66 “ordinary meetings to be held half-yearly”) ;

The making of dividends ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The giving of notices ; and

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

and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

Interpretation.

3. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings and (for the purposes of this Act) in Acts incorporated with this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute.

Extension of limits for supply of water.

4. Subject to the provisions of this Act the limits within which the Company may supply water are hereby extended so as to include that part of the said remaining portion of the said parish of Cheriton which is not included within the boundary of the municipal borough of Hythe and the Company throughout those extended limits shall have and may exercise the same powers rights privileges and



authorities and shall be subject to the same duties and obligations as at the passing of this Act they have and may exercise and are subject to within their then existing limits Provided that if at the expiration of five years from the passing of this Act the Company have not made adequate provision for the supply of water throughout the said part of the said parish of Cheriton the restriction imposed by section 52 of the Public Health Act 1875 on the construction of waterworks by the local authority as defined by that Act within the said part of the said parish shall cease to apply.

5. Section 21 of the Act of 1864 and so much of section 12 of the Act of 1871 as enacts that a supply of water shall be afforded for at least two hours every day shall be and the same are hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :—

As to supply of water.

1. From and after the passing of this Act the Company shall afford a sufficient supply of pure water for the domestic use of the inhabitants of every house within the limits of the Company's special Acts to be turned on in districts at such a pressure as to reach the top story of every such house and so that every such house shall be supplied with water for at least five hours daily namely for three hours between six o'clock in the morning and twelve at noon and for two hours between twelve at noon and six in the afternoon and in addition ;
2. From and after the first day of July one thousand eight hundred and eighty-nine the Company shall afford for the domestic use of the inhabitants of so much of the district within the borough of Folkestone as is defined within a circle coloured red upon the ordnance map signed in duplicate by the most noble Richard Duke of Buckingham and Chandos Chairman of Committees of the House of Lords a sufficient supply of pure water constantly laid on at such pressure as will make such water rise one hundred and thirty feet above the ordnance datum beyond which height the Company shall not be required to furnish a constant supply of water ;
3. The said ordnance map shall within one week after the passing of this Act be deposited as to one copy thereof in the office of the Clerk of the Parliaments and as to the other copy with the town clerk of the borough of Folkestone and shall be kept by him under and according to the provisions of the public general Act passed in the session of Parliament of the seventh year of the reign of King William the Fourth and the first year of the reign of Her present Majesty chapter eighty-three.

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As to stop  
valves.

6. The Company may outside of and at or near the point at which the communication pipe for the conveyance into any premises of the water supplied by the Company enters those premises attach to that pipe a sound and suitable stop valve of the screw-down kind with an area of waterway not less than that of a half-inch pipe and not greater than that of the communication pipe the size of the valve within these limits being at the option of the consumer and every such stop valve shall be protected by a proper cover and guard box and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the laying of pipes shall extend and apply to and for the purpose of inserting the said valves covers and guard boxes.

For the  
protection of  
the South  
Eastern  
Railway  
Company.

7. For the protection of the South Eastern Railway Company (in this section called "the South Eastern Company") the following provisions shall have effect (that is to say) :—

1. Any mains or pipes which the Company may lay down in or along any road within that part of the parish of Cheriton by this Act included within the limits for the supply of water by the Company and which crosses the South Eastern Railway either by a bridge or on the level and also any mains or pipes relaid replaced or repaired in or along any such road shall be laid down replaced or repaired (as the case may be) by the Company at such times as may be reasonably required or approved by and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the South Eastern Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him.
2. The said mains or pipes shall be so laid down executed maintained repaired and used by the Company as not to cause any damage or injury structural or otherwise to or to impede the free and uninterrupted use of the said railway bridges and works.
3. The Company shall at all times keep the South Eastern Company indemnified against all damages losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down maintaining and using or the bursting leakage or failure of any such mains and pipes.
4. Any dispute or difference which may arise between the South Eastern Company and the Company with reference to the provisions of this section or in any way arising thereout or any works to be carried out in pursuance thereof shall



be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the South Eastern Company and the Company or either of them and the costs of such arbitration shall be in the discretion of the arbitrator. A.D. 1888.

8. The Company may apply to the purposes of this Act any moneys they are authorised to raise and which they do not require for the purposes for which such moneys [were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole twenty thousand five hundred pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively which shares or stock shall for all purposes form part of the general capital of the Company. Company may raise additional capital.

9. The Company shall not issue any shares created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until the full nominal amount of such share (if the same be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twenty thousand five hundred pounds. Shares not to vest until paid up.

10. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company but the proprietors of any preference shares or stock created under the powers of this Act shall not be entitled to any votes in respect thereof. As to votes of proprietors of shares or stock.

11. The Company shall not make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of seven pounds per centum per annum in respect of every one hundred pounds actually paid up of such capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum. Limit of dividend on new capital.



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Dividends  
on different  
classes of  
shares or  
stock to be  
paid pro-  
portionately.  
New shares  
or stock  
to be offered  
by auction  
or tender.

**12.** In case in any year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the maximum dividend to which each class of ordinary shares or stock in the capital of the Company is entitled a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each class.

**13.** Notwithstanding anything in this Act contained the Company shall when any new shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than two hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Time for  
paying up  
shares or  
stock sold  
by auction.

**14.** It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to  
be given as  
to sale &c.  
of shares  
or stock.

**15.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Folkestone and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

Shares or  
stock not  
sold by  
auction or

**16.** When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not



sold the same shall be offered to the holders of ordinary shares or ordinary stock of the Company and if not accepted may be disposed of by the Company in manner provided by the Companies Clauses Act 1863.

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by tender to be offered to share-holders.

**17.** Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Application of premium arising on issue of shares or stock.

**18.** The Company may borrow in respect of their said share capital of seventy-nine thousand five hundred pounds from time to time any sum or sums not exceeding in the whole the sum of nineteen thousand eight hundred and seventy-five pounds.

Power to borrow in respect of capital already raised.

**19.** The Company may from time to time subject to the provisions of this Act borrow on mortgage any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production 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.

Power to borrow in respect of additional capital.

**20.** Every provision with respect to the appointment of a receiver for enforcing payment by the Company of the arrears of principal or interest or principal and interest contained in any Act passed before the present session of Parliament whereby the Company are authorised to borrow money is hereby repealed.

Repealing existing provisions as to receiver.

**21.** 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 authorise the appointment of a receiver in respect of arrears of principal 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.

For appointment of a receiver.

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Debenture  
stock.

**22.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were created) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

As to con-  
version of  
borrowed  
money into  
capital.

**23.** The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or bond or any part thereof by the creation of shares or stock instead of by borrowing or to convert into capital any money borrowed under the powers of this Act.

Application  
of sums  
raised under  
this Act.

**24.** All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of their undertaking being in all cases purposes to which capital is properly applicable.

Costs of  
Act.

**25.** All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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