



ANNO DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## Cap. vii.

An Act for granting further Powers to the *Folkestone Waterworks Company*. [5th May 1855.]

**W**HEREAS by “The *Folkestone Waterworks Act, 1848*,” 11 & 12 Vict. c. vi.  
“The *Folkestone Waterworks Company*” were incorporated, for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the Limits of the Parish of *Folkestone* and the Township or Borough of *Folkestone*: And whereas it was enacted by the said recited Act that the Capital of the Company should be Twelve thousand Pounds, to be raised by Shares as therein mentioned, and that the Company might borrow Four thousand Pounds on Mortgage or Bond: And whereas the Company have long since constructed their Waterworks, and now are and for some Time have been supplying Water within the Limits of their Act: And whereas the Company have raised and expended upon their Undertaking the whole of the before-mentioned Sums, and it is expedient, for the Purposes of the said recited Act and of this Act, that they should have Power to increase their Capital, and to raise a further Sum of Money on Mortgage or Bond: And whereas it would be of great public and local Advantage if the Company were in a Position to supply with Water the whole of the District under the Jurisdiction of the *Sandgate Local Board of Health*: And whereas, to enable the Company to effect the before-mentioned Objects, it is expedient that further Powers should be conferred upon the Company; but the same cannot be accomplished 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  
[Local.] Q Commons,

*The Folkestone Waterworks Amendment Act, 1855.*

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Limits of  
recited Act  
extended to  
Sandgate.

I. The Limits of the said recited Act and of this Act shall comprise and include that Portion of the Parish of *Cheriton* in the County of *Kent* which is within the District of the said *Sandgate* Local Board of Health, as well as the Parish of *Folkestone* and the Township or Borough of *Folkestone*; and it shall be lawful for the Company to exercise within the before-mentioned Portion of the said Parish of *Cheriton* the same Powers as the said recited Act would have enabled them to exercise therein had it been originally included within the Limits of such Act: Provided always, that such Powers shall not be exercised until after the said Local Board of Health shall have given their Consent thereto in Writing under their Common Seal.

Company not  
to be com-  
pelled to ex-  
tend their  
Undertaking  
into the Dis-  
trict of *Sand-  
gate* Local  
Board of  
Health.

II. Provided also, That anything in this or the said recited Act contained shall not compel the Company to lay down or place any Pipes or other Works within or otherwise to extend their Undertaking into the District of the *Sandgate* Local Board of Health, so long as the Supply of Water to the said District or any Part thereof shall be provided by the said Local Board: Provided also, that it shall be lawful for the Company, instead of laying down or placing Pipes or other Works within such District, to supply with Water the Reservoirs, Pipes, or other Works of the said Local Board of Health, at such Rent, in such Quantities, and upon such Terms and Conditions as may be agreed upon between the said Local Board and the Company.

Power to  
contract for  
Purchase of  
additional  
Lands.

III. In addition to the Lands already belonging to or vested in the Company, it shall be lawful for them to contract with any Party for the Purchase or Lease of any Land not exceeding in Quantity Twenty Acres, or for the Grant of any Right or Easement in or over any such Land which shall be deemed proper or expedient for the Purposes of the Company; and it shall be lawful for all Parties who under the Provisions of the said recited Act are, for the Purposes of that Act, enabled to sell or convey Lands, in like Manner to sell and convey to the Company or to grant to them a Lease of any such additional Lands, or any such Right or Easement.

Additional  
Capital.

IV. The Capital of the Company shall be increased by the Addition of Six thousand Pounds.

New Shares.

V. The Number of Shares into which such additional Capital shall be divided shall be Six hundred, and the Amount of each Share shall be Ten Pounds.

New Capital  
to be con-  
sidered as  
original  
Capital.

VI. Such additional Capital shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Transfer or Transmission of Shares, the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Consolidation of Shares into Stock, or otherwise howsoever, as if it had been Part of the original Capital of the



*The Folkestone Waterworks Amendment Act, 1855.*

the Company, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit, subject to the Limits herein-after contained.

VII. Such new Shares shall be offered to the Shareholders for the Time being in proportion, as nearly as can conveniently be done, to the Shares held by them respectively in the Capital of the Company at the Time of the Creation of such new Shares.

Additional Capital to be offered first to existing Shareholders.

VIII. Such Offer shall be made by Letter under the Hand of the Secretary of the Company, given to or sent by Post addressed to each Shareholder according to his Address as entered in the Shareholder's Address Book, or left at his usual or last known Place of Abode in *England*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the due Course of Delivery ought to reach the Place to which it is addressed.

Offer to be made by Letter.

IX. Such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time or Times and by the Instalments which shall be fixed by the Company; and if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, and to pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for the highest Sum the Company can obtain for the same, or in such other Manner as the Company shall deem most for the Advantage of the Company.

Shares to vest in Parties accepting, otherwise to be disposed of by the Company.

X. Provided always, That it shall be lawful for the Directors, in case they shall think proper so to do, to permit any Shareholder who from Absence abroad or from any other Cause satisfactory to the Directors may have omitted or neglected (within the Time limited by this Act) to signify his Acceptance of the new Share or Shares which may have been offered to him, or to which he may be entitled by virtue of this Act, to accept such Share or Shares, notwithstanding the Time limited for such Acceptance may have expired.

Directors may permit Shareholders to take new Shares after Time specified, in case of their Absence abroad, &c.

XI. Two Pounds *per* Share shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and Three Months at the least shall be the Interval between any Two successive Calls, and not more than Five Pounds *per* Share shall be called up in any One Year.

Limiting Calls.

XII. The Dividends upon the Shares to be created under the Powers of this Act shall be calculated upon the Amount of Calls paid thereon at the Time of the Declaration of such Dividend, and the Periods during which the same may have been paid.

Dividends on new Shares.

XIII. After the whole of the Sum which the Company are hereby authorized to raise by Shares shall have been subscribed for, and

Power to borrow on Mortgage.

# SANDGATE'S PROPOSED BILL.

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Sir (or Madam)—

It is desired to call your attention to the Bill brought into Parliament by our District Council under the name of "The Sandgate Urban District Council (Sanitary Powers) Bill," and in respect of which A PUBLIC MEETING is to be held at SANDGATE on the 12TH DAY OF JANUARY, 1905, AT 8 O'CLOCK.

A genuine and well-considered scheme for stamping out disease would be an object commending itself to everyone, but the Bill in question is a thinly-disguised attempt to crush, at whatever cost to the town, one particular business at Sandgate, and at the same time gives the COUNCIL such powers of WANTON AND CAPRICIOUS INTERFERENCE WITH PRIVATE RIGHTS, that it invites opposition also on general grounds.

EVERY LAUNDRY AND DAIRY BUSINESS IS PUT ABSOLUTELY AT THE MERCY OF THE MEDICAL OFFICER AND THE COUNCIL.

Thus, by Clause II, at the instance of the Medical Officer, THE COUNCIL CAN INSIST ON EVERY PERSON GAINING A LIVELIHOOD BY THE WASHING OR MANGLING OF CLOTHES, FURNISHING A COMPLETE LIST OF THEIR CUSTOMERS DURING THE PREVIOUS SIX WEEKS, WITH A PENALTY FOR NOT DOING SO, NOT EXCEEDING £5, and a DAILY PENALTY NOT EXCEEDING 20s. So, too, WITH REGARD TO DAIRYMEN, (including any Cow-keeper or Purveyor of Milk), THE MEDICAL OFFICER, IF HE THINKS ANY PERSON IS SUFFERING FROM AN INFECTIOUS DISEASE ATTRIBUTABLE TO MILK, CAN REQUIRE EVERY PERSON SUPPLYING MILK TO THE HOUSE, TO GIVE HIM A LIST OF ALL PLACES FROM WHICH HE GETS HIS SUPPLY, AND A LIST OF HIS CUSTOMERS, FOR THE PREVIOUS SIX WEEKS, THE PENALTY BEING THE SAME.

THIS IS GRANDMOTHERLY JURISDICTION WITH A VENGEANCE! It is true there is compensation for both Laundry and Dairy. For every twenty-five names there is to be paid—6d!

COMPENSATION, INDEED, PLAYS OSTENSIBLY A PROMINENT PART IN THE BILL, AND IS DESTINED, PERHAPS, TO PLAY A STILL GREATER PART THAN THE PROMOTERS REALISE.

Thus, if a Dairyman stops his milk supply at the request of the Council, on the probability of his milk causing tuberculosis, or if any person at such request stops his employment for the purpose of preventing the spread of Infectious Diseases, the Council MAY compensate him for his loss. The rigorous cleansing and disinfecting powers of the Council also entail compensation. And here we come to the primary cause of confusion in the Bill, i.e., the attempt indirectly to treat Consumption as an Infectious Disease, without having the courage directly to call it so. Under Clause 6 the Medical

Officer has only to certify (without reference to any case having actually occurred in the House) that the cleansing and disinfecting of any building would tend to prevent Tuberculosis, and the cleansing and disinfecting has to be done by the Owner or Occupier within twenty-four hours. Clause 20 applies the same to prevention of Infectious Disease, although for some occult reason the Council has, in the one case, a working day of nine hours, and in the other case, of eight hours only. Under Section 20 (5) where there is, or has recently been, Infectious Disease in a House, or disinfection of the House is thought necessary, the Council may procure a JUSTICE'S WARRANT AND REMOVE ALL THE RESIDENTS NOT THEMSELVES SICK, though here again the Bill is magnanimous enough to provide "TEMPORARY SHELTER FREE OF CHARGE."

Under Clause 7 no person suffering from Infectious Disease is to carry on any Trade or Business whatever in such a manner as to be likely to spread infection, and is liable to a penalty not exceeding Twenty Shillings, and a daily penalty not exceeding Ten Shillings if he does so.

The real object of the Bill, however, is apparent from Clauses 3 to 5, dealing with Hospitals. By these clauses all Buildings for the reception of persons suffering from, or convalescent after disease, are put on the level of public-houses, by having to be licensed from year to year. The obvious intention is: (1) To prevent Hospitals or Medical Houses or Institutions existing at all in Sandgate, for no one would spend money in expensive Buildings, where the license could at any time be revoked by the Council; (2) To put an end to the Business of the "Jones' Sanatoria."

As to the second object, it is a new departure to attempt to confiscate by Statute a legitimate Private Business, and Parliament is hardly likely to sanction such an interference UNLESS WITH ADEQUATE COMPENSATION TO THE INJURED PARTY.

THE EXPENSE OF THE ACT WILL FALL ON THE DISTRICT FUND AND GENERAL DISTRICT RATE, BUT THE COUNCIL ASK FOR POWERS TO BORROW, PAYING OFF THE MONEYS BORROWED WITHIN TEN YEARS.

If Ratepayers desire these INQUISITORIAL POWERS AND HEAVY PENALTIES, these ADDITIONAL BURDENS ON THE RATES, this STAMPING OUT OF PRIVATE ENTERPRISE, they will no doubt support the Bill. If, on the other hand, they consider that such wide-reaching measures ought to be the subject matter of a general Bill dealing systematically with the whole of England, if they think that a PRIVATE BUSINESS WHICH CONTRIBUTES £380 TO THE RATES, AND SPENDS £70 or £80 A WEEK IN THE TOWN which SUPPLIES A PUBLIC WANT at a moderate cost to the individual, and NO COST TO THE PUBLIC, ought to be suppressed by a Bill which itself provides nothing to put in its place, or any means at all by which persons suffering from what the Bill affects to treat as an Infectious Disease, can be partially isolated, while at the same time treating with great severity their books, bedding, and clothing, then it is to be hoped that they will attend the Meeting on the 12th JANUARY, 1905, AT 8 O'CLOCK, and MAKE THEIR VOICES HEARD AGAINST THE BILL.

Your obedient Servant,

P. HAROLD JONES.



See also 1936. Public Health  
Act which repeals & consolidates  
1875 Act

1875

1875.

Public Health.

Ch. 55.

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12. From and after the passing of this Act all such property real and personal, including all interests rights and easements in to and out of property real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in the council of any borough, or any improvement commissioners or local board as the urban sanitary authority of any district under the Sanitary Acts, or any board of guardians as the rural sanitary authority of any district under those Acts, shall continue vested or vest in such council, improvement commissioners, or local board, or board of guardians as the local authority of their district under this Act, subject to all debts liabilities and obligations affecting the same property.

Vesting of  
property in  
local author-  
ities.

All debts liabilities and obligations incurred by any authority whose powers rights duties liabilities capacities and obligations are under this Act exercisable by or attached to a local authority may be enforced against the local authority to the same extent and in the same manner as they might have been enforced against the authority which incurred the same.

### PART III.

#### SANITARY PROVISIONS.

##### SEWERAGE AND DRAINAGE.

###### *Regulations as to Sewers and Drains.*

13. All existing and future sewers within the district of a local authority, together with all buildings works materials and things belonging thereto, Sewers vested in local authority.

Except

(1.) Sewers made by any person for his own profit, or by any company for the profit of the shareholders; and

(2.) Sewers made and used for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; and

No Local  
or private Act  
recorded

(3.) Sewers under the authority of any commissioners of sewers appointed by the Crown, shall vest in and be under the control of such local authority.

Provided that sewers within the district of a local authority which have been or which may hereafter be constructed by or transferred to some other local authority or by or to a sewage board or other authority empowered under any Act of Parliament to construct sewers shall (subject to any agreement to the contrary) vest in and be under the control of the authority who constructed the same or to whom the same have been transferred.



Provided that—

- (1.) Any borough, the whole of which is included in and forms part of a Local Government district or Improvement Act district, and any Improvement Act district which is included in and forms part of a Local Government district, and any Local Government district which is included in and forms part of an Improvement Act district, shall for the purposes of this Act be deemed to be absorbed in the larger district in which it is included, or of which it forms part; and the improvement commissioners or local board, as the case may be, of such larger district shall be the urban authority therein; and
- (2.) Where an Improvement Act district is coincident in area with a Local Government district, the improvement commissioners, and not a local board, shall be the urban authority therein; and
- (3.) Where any part of an Improvement Act district is situated within a borough or Local Government district, or where any part of a Local Government district is situated within a borough, the remaining part of such Improvement Act district or of such Local Government district so partly situated within a borough shall for the purposes of this Act continue subject to the like jurisdiction as it would have been subject to if this Act had not been passed, unless and until the Local Government Board by provisional order otherwise directs.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport Isle of Wight, shall not be deemed to be boroughs, and the borough of Cambridge shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford. So much of the borough of Folkestone as is not included within the Local Government district of Sandgate shall be an urban district, and shall be under the jurisdiction, for the purposes of this Act, of the authority for executing "The Folkestone Improvement Act, 1855."

Incorporation  
of local boards  
and improve-  
ment commis-  
sioners.

7. Every local board, and any improvement commissioners being an urban authority and not otherwise incorporated, shall continue to be or be a body corporate, designated (in the case of local boards and improvement commissioners being urban sanitary authorities at the time of the passing of this Act) by such name as they then bear, and (in the case of local boards constituted after the passing of this Act) by such name as they may with the sanction of the Local Government Board adopt; with a perpetual succession and a common seal, and with power to sue and be sued in such name, and to hold lands without any license in mortmain for the purposes of this Act.



1875

(D)

Katham Drain  
had five outfalls to beach  
The Encombe section  
has 2 outlets



Manholes

- "House" includes schools, also factories and other buildings in which more than twenty persons are employed at one time:
- "Drain" means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed:
- "Sewer" includes sewers and drains of every description, except drains to which the word "drain" interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a local authority under this Act:
- "Slaughter-house" includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle horses or animals of any description for sale:
- "Water company" means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit:
- "Waterworks" includes streams springs wells pumps reservoirs cisterns tanks aqueducts cuts sluices mains pipes culverts engines and all machinery lands buildings and things for supplying or used for supplying water, also the stock in trade of any water company:
- "Bakehouse Regulation Act" means 26 & 27 Vict. c. 40. (Bakehouse Regulation Act, 1863):
- "Artizans and Labourers Dwellings Act" means 31 & 32 Vict. c. 130. (Artizans and Labourers Dwellings Act, 1868):
- "Baths and Wash-houses Acts" means 9 & 10 Vict. c. 74. (An Act to encourage the establishment of Public Baths and Wash-houses); 10 & 11 Vict. c. 61. (An Act to amend the Act for the establishment of Public Baths and Wash-houses):
- "Labouring Classes Lodging Houses Acts" means 14 & 15 Vict. c. 34. (Labouring Classes Lodging Houses Act, 1851); 29 & 30 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1866); 30 & 31 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1867):
- "Sanitary Acts" means all the above-mentioned Acts and the Acts mentioned in part I. of schedule V. to this Act:
- "Sanitary purposes" means any object or purposes of the Sanitary Acts:
- "Court of quarter sessions" means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which

The outfalls through manhole E and C to beach no longer operate. The local Council have diverted the flow into the public sewer.  
The diversion at E was probably carried out in 1952 at two time two new sea-wall was built. Council cannot confirm date.

See Ferrand v. Hallas Land & Building Co. (1893) 2 QB 135

A sewer made by a landowner for the purpose of draining houses erected by him on his own land is not made by him in pursuance of the Act. The sewer thus vests in the local authority.