SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER lxxvi.

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brotton Gas, Guisbrough Gas, Bridport Water, Burgess Hill Water, Ruthin Water, and Pickering Gas and Water. [28th June 1877.]

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WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore 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 Gas and Water Orders Confirmation (Brotton, &c.) Act, 1877.

Confirmation of Orders in schedule.

2. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and force.

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SCHEDULE OF ORDERS.

1. GAS ORDERS.

1. BROTTON GAS.—Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas in the Township of Brotton, in the Parish of Brotton, in the North Riding of the County of York.

2. GUISBROUGH GAS.—Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas, within the Parish of Guisbrough, in the North Riding of the County of York.

2. WATER ORDERS.

3. BRIDPORT WATER.—Order empowering the Bridport Waterworks Company to raise Additional Capital.

4. BURGESS HILL WATER.—Order empowering the Burgess Hill and Saint John's Common Water Company, Limited, to construct and maintain Waterworks, and to supply Water in the parish of Hurstpierpoint, in the County of Sussex.

5. RUTHIN WATER.—Order empowering the Ruthin Water Company to raise Additional Capital.

3. GAS AND WATER ORDER.

6. PICKERING GAS AND WATER.—Order empowering the Pickering Gas and Water Company, Limited, to construct and maintain Gasworks and Waterworks, and to make and supply Gas and to supply Water within the Township of Pickering, in the County of York.

BROTTON GAS.

Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas in the Township of Brotton, in the Parish of Brotton, in the North Riding of the County of York.

Short title.

1. This Order may be cited as "The Brotton Gas Order, 1877."

Incorporation of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the township of Brotton, in the parish of Brotton, in the north riding of the county of York.

Undertakers.

The Undertakers.

5. The Brotton Gas Light and Coke Company, Limited, formerly called The Brotton and Lofthouse Gas Light and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall not exceed fifteen thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Power to purchase lands by agreement.

7. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this Order any land not exceeding five acres, in addition to the land shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed.

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Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

8. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, their existing gasworks and works connected therewith, and may construct and enlarge retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Differences with railway and other companies.

9. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

10. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Price of Gas.

Price of gas.

11. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed six shillings and sixpence per one thousand cubic feet.

Pressure of Gas.

Pressure of gas.

12. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Test meter.

13. The Undertakers shall, within six months after passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London Argand, No. 1, with a six-inch by a one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used, and any gas examiner appointed under

"The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

14. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

15. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

8 Vict. c. 16. s. 140. incorporated.

16. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers.

Protection of North-eastern Railway Company.

17. Any mains, pipes, or other works which under the authority of this Order the Undertakers may lay down or execute under or over any railway of the North-eastern Railway Company shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and in accordance with plans and sections previously submitted to and approved of by him.

Saving of existing contracts.

18. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

Costs of Order.

19. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

A plot of land belonging to the Undertakers, bounded on the north by a street called Broadbent Street, on the east by land belonging to Christopher Jackson, Esquire, on the west by the Cleveland Branch of the North-eastern Railway, and on the south by land belonging to or reputed to belong to the Reverend James Barrow.

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GUISBROUGH GAS.

Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas, within the Parish of Guisbrough in the North Riding of the County of York.

Short title.

1. This Order may be cited as "The Guisbrough Gas Order, 1877."

Incorporation of Acts.

2. The provisions of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Interpretation.

3. The several words and expressions to which by the Acts incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Guisbrough and all townships and extra-parochial places, or any detached parts of townships, parishes, or extra-parochial places, lying within the boundaries of the said parish of Guisbrough in the north riding of the county of York.

Undertakers.

Undertakers.

5. John Hardcastle Bowman, David Baker, John Dunning, Elizabeth Duck, Joseph Whitwell Pease, Henry Pease, Arthur Pease, Alfred Kitching, Elizabeth Reade, Thomas Rawling, William Thompson, Robert Thompson, Sarah Ann Thompson, Thomas McLachlan, Margaret Weatherill, Henry Savile Clarke, William Hodgson, Margaret Ayre Eden, Annie Watt, William Walter Thomson, Thomas James Thomson, Henry Newton, and George Carrick, and the survivors and survivor of them, and the executors or administrators of such survivor, or their, his, or her assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers for the purposes of their gas undertaking shall not exceed fifteen thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

7. The Undertakers, on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Differences with railway and other companies.

8. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

9. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Price of Gas.

Price of gas.

10. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed six shillings per one thousand cubic feet, and so in proportion for any less quantity supplied: Provided, nevertheless, that every fraction of one hundred feet may be charged as one hundred feet.

Pressure of Gas.

Pressure of gas.

11. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Test meter.

12. The Undertakers shall, within six months after passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a

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six-inch by two-inch chimney shall be used, and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

13. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

14. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Protection of North-eastern Railway Company.

15. Any mains, pipes, or other works which under the authority of this Order the Undertakers may lay down or execute under or over any railway of the North-eastern Railway Company, shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and in accordance with plans and sections previously submitted to and approved of by him.

Saving of existing contracts.

16. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

Costs of Order.

17. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

A piece of land now belonging to and occupied by the Undertakers, situate at Guisbrough in the north riding of the county of York, containing by admeasurement half an acre or thereabouts, and bounded on the north by Fountain Street, on the east running to a point at the junction of Fountain Street with the Guisbrough branch of the North-eastern Railway Company's goods yard, on the west partly by a right-angled continuation of Fountain Street, and partly by a foundry and premises belonging to Admiral Thomas Chaloner and in the occupation of John Sutherst, and on the south by the said branch railway.

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BRIDPORT WATER.

Order empowering the Bridport Waterworks Company to raise Additional Capital.

Short title.

1. This Order may be cited as "The Bridport Water Order, 1877."

Construction of Order.

2. "The Bridport Waterworks Act, 1872," (in this Order referred to as "the Act of 1872,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,)

The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

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

The giving of notices, and the provisions for affording access to the special Act;

and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are, except where expressly varied by this Order, incorporated with and form part of this Order.

For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.

Undertakers.

4. The Bridport Waterworks Company, incorporated by the Act of 1872, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sums not exceeding in the whole eight thousand pounds by the issue of new shares, with a fixed preferential dividend of five pounds per centum per annum attached thereto, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and

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2. Borrow on mortgage, in respect of the additional capital of eight thousand pounds by this Order authorised to be raised, any sums not exceeding in the whole two thousand pounds; but no part of the said sum of two thousand pounds shall be borrowed until the Undertakers shall 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 such additional capital in respect of which such borrowing powers are sought to be exercised 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 in such capital 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 persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Shares not to be issued until one-fifth part thereof paid up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such 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 shall have been paid up in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

8. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Votes of proprietors.

9. The proprietors of any shares created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares would have entitled them to if the same had been original shares of the Undertakers; and the proprietors of such new shares shall, except as in this Order specially provided, be entitled to the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares of the Undertakers.

Priority of existing mortgages.

10. Every mortgage granted by the Undertakers under the authority of the Act of 1872 shall have priority over all mortgages and debenture stock granted and issued under this Order.

Power to create debenture stock.

11. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by the Act of 1872 and this Order.

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12. All moneys raised under this Order shall be applied in the first instance to the payment of the debts of the Undertakers existing at the passing of the Act confirming this Order, and not secured by mortgage under the authority of the Act of 1872, and then to the purposes of the undertaking authorised by the Act of 1872. Application of money.

13. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

BURGESS HILL WATER.

Order empowering the Burgess Hill and Saint John's Common Water Company, Limited, to construct and maintain Water-works, and to supply Water in the Parish of Hurstpierpoint, in the County of Sussex.

1. This Order may be cited as "The Burgess Hill and Saint John's Common Water Order, 1877." Short title.

2. The Burgess Hill and Saint John's Common Water Order, 1871, (in this Order referred to as "the Order of 1871,") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.

3. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the Undertaking) and "The Water-works Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order. Incorporation of Acts.

4. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Interpretation.

Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Hurstpierpoint, in the county of Sussex. Limits of Order.

6. The Burgess Hill and Saint John's Common Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers," and shall have and may exercise, subject to the provisions of this Order, within the limits of supply all and the like powers, Undertakers.

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privileges, and authorities for the supply of water, and be subject to all and the like duties, liabilities, and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1871.

Power to lay mains and supply water.

7. The Undertakers may make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order (in this Order referred to as the deposited plans and sections), the works hereinafter described, with all needful pipes and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order are as follows:

The laying of water mains and pipes, and the fixing of hydrants in all or any of the roads in the parish of Hurstpierpoint:

The laying of water mains and pipes, and the fixing of hydrants in the following roads, namely:—

In the main road leading from Keymer to Hurstpierpoint, from the western boundary of the premises known as Oaklands, in the occupation of W. Brigden, Esq., to the western boundary of the parish of Clayton, and thence along the Hurstpierpoint Road, through the village of Hurstpierpoint, to the western boundary of the parish of Hurstpierpoint, near to the King's Head, Albourne:

In New Way Lane, from the junction thereof with the last-mentioned road, as far as the entrance lodge of Danny Park:

In the new turnpike road, from the junction thereof with the road through Hurstpierpoint, running north as far as Rose Cottages, thence turning southward, up White Horse Lane, to the point where the same joins the said Hurstpierpoint Road:

In the road running north from the Hurstpierpoint Road, at Lynton Villa, in the occupation of Mrs. Austen, from the junction thereof with the said Hurstpierpoint Road, past Hurst Wickham, to the north side of St. John's College:

In the main road running south by Washbrooks, from the junction thereof with the said Hurstpierpoint Road, as far as the junction thereof with the private road leading to Danny Park.

Limits of deviation.

8. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of the roads in which the same are constructed, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding twenty feet.

Period for completion of works.

9. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their mains, pipes, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Additional capital.

10. In addition to the share capital authorised by the Order of 1871, the Undertakers may from time to time raise additional share capital, not exceeding in the whole ten thousand pounds.

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11. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Order of 1871 and this Order. Application of money.

12. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the supply of water by the Undertakers. Saving of existing contracts.

13. The costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

RUTHIN WATER.

Order empowering the Ruthin Water Company to raise Additional Capital.

1. This Order may be cited as The Ruthin Water Order, 1877. Short title.

2. The Ruthin Water Act, 1868, and this Order, shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.

3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following ; (that is to say,) Incorporation of Acts.

The distribution of the capital hereby authorised into shares ;
The transfer or transmission of shares ;
The payment of subscriptions and the means of enforcing payment of calls ;
The forfeiture of shares for nonpayment of calls ;
The remedies of the creditors of the Company against the shareholders ;
The consolidation of shares into stock ;
The general meetings of the Company, and the exercise of the right of voting by the shareholders ;
The making of dividends ;
The borrowing of money by the Company on mortgage or bond ;
The giving of notices, and the provisions for affording access to the special Act ;

and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are, except where expressly varied by this Order, incorporated with and form part of this Order.

For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.

4. The Ruthin Water Company incorporated by the Ruthin Water Act, 1868, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.

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Additional Capital.

Additional capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sums not exceeding in the whole three thousand two hundred pounds by the issue of new shares or new stock, either ordinary or preference, or partly ordinary and partly preference, but not less than the full nominal amount of any such share or stock shall be payable or paid in respect thereof; and
2. Borrow on mortgage, in respect of the additional capital of three thousand two hundred pounds by this Order authorised to be raised by ordinary or preference shares or stock, any sums not exceeding in the whole eight hundred pounds; and the Undertakers may, when sixteen hundred pounds of such additional capital has been issued and accepted, and one half thereof has been paid up, borrow on mortgage any sum or sums not exceeding in the whole four hundred pounds, and when the remaining sum of sixteen hundred pounds of such additional capital has been issued and accepted, and one half thereof has been paid up, may borrow on mortgage any further sum or sums not exceeding in the whole four hundred pounds; but in no case shall any part of the said respective sums be borrowed until shares for so much of that capital in respect of which such borrowing powers are sought to be exercised as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Undertakers shall 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 such 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 in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Undertakers have proved to such justice as aforesaid, and before he so certifies, that such shares or stock, as the case may be, were issued bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Shares not to be issued until one-fifth part thereof paid up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such 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 shall have been paid up in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Votes of proprietors.

8. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Power to create debenture stock.

9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Priority of existing mortgages.

10. Every mortgage granted by the Undertakers under the authority of the Ruthin Water Act, 1868, shall have priority over all mortgages and debenture stock granted and issued under this Order.

Appointment of a receiver.

11. The mortgagees of the Undertakers under this Order 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 principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one hundred pounds in the whole.

Limits of dividend on additional capital.

12. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as shall be issued as preference capital.

Application of money.

13. All moneys raised under this Order shall be applied in the first instance to the payment of any debts of the Undertakers existing at the passing of the Act confirming this Order, and not secured by mortgage under the authority of the Ruthin Water Act, 1868, and then to the purposes of the Undertaking authorised by the Ruthin Water Act, 1868, and this Order.

Costs of Order.

14. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

A.D. 1877.

PICKERING GAS AND WATER.

Order empowering the Pickering Gas and Water Company, Limited, to construct and maintain Gasworks and Waterworks, and to make and supply Gas and to supply Water within the Township of Pickering, in the County of York.

Short title.

1. This Order may be cited as "The Pickering Gas and Water Order, 1877."

Incorporation of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters) are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings:

In this Order the expressions "deposited map," "deposited plans," and "deposited sections," used in relation to the Gas Undertaking or the Water Undertaking by this Order authorised, shall mean respectively the maps, plans, and sections relating to such Undertakings deposited for the purpose of this Order.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the township of Pickering, in the county of York.

Undertakers.

Undertakers.

5. The Pickering Gas and Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital.

6. The share capital of the Undertakers for the purposes of their Gas and Water Undertakings shall not exceed ten thousand pounds, unless they be hereafter authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

PART I.

Gas Undertaking.

Incorporation of Acts.

7. The provisions of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order.

Acquisition of Lands, &c.

Power to purchase land.

8. The Undertakers may, by agreement, purchase and use such of the lands shown on the deposited map, and described in the Schedule A. to this Order annexed, as may be required for the Gas Undertaking authorised by this part of this Order.

Additional land.

9. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this part of this Order, any land not exceeding five acres, in addition to the lands shown on the deposited map and described in the Schedule A. to this Order annexed.

Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

Undertakers may erect and maintain gas-works on lands described in Schedule A., and may make and sell gas,&c.

10. The Undertakers, on the lands shown on the deposited map and described in the Schedule A. to this Order annexed, when the same have been acquired by them, may erect and maintain, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this part of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere. And they may also construct a bridge or bridges over the Pickering Beck at or near the place shown on the deposited map as a means of communication between the said lands and Vivis Lane.

Quality of Gas.

Quality of gas.

11. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Price of Gas.

Price of gas.

12. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings per one thousand cubic feet. And if at any time the Undertakers shall raise the price of gas above five shillings per one thousand cubic feet, and the Local Board of the township of Pickering shall give notice in writing to the Undertakers that they consider in the interests of the public that such increased price is too great, and if within two calendar months after the giving of such notice no agreement as to price shall have been come to between the said Local Board and the Undertakers, then the question of the price of gas shall be referred to arbitration in the manner provided by the Public Health Act, 1875, regard being had to any difference there may be between the price of coal and the cost of the manufacture of gas at the time of such arbitration and at the date of this Order.

A.D. 1877.

Pressure of Gas.

Pressure of gas.

13. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing of gas.

14. The Undertakers, before supplying gas under the authority of this Order, shall cause to be provided at their works a testing place with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London argand, number one, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this part of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

General Provisions.

No penalty in case of unavoidable cause.

15. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Separate accounts to be kept in respect of Gas Undertaking.

16. The Undertakers shall keep separate annual accounts with respect to their Gas Undertaking, showing the amount of their paid-up capital in such Undertaking, and such accounts shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1847, as amended by the Gasworks Clauses Act, 1871.

Undertakers to pay interest on deposit.

17. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

PART II.

Water Undertaking.

Incorporation of Acts.

18. The provisions of "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order.

Interpretation.

19. The expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

The term "premises" in this part of this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this part of this Order.

Undertakers may purchase lands by agreement.

20. The Undertakers may by agreement purchase and use such of the lands shown on the deposited plans as may be required for the Water Undertaking authorised by this part of this Order.

Limit of land.

21. The Undertakers shall not hold for the purposes of this part of this Order more than five acres of land, including the lands described in Schedule B. to this Order annexed.

Undertakers may acquire easements, &c. by agreement.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Construction of Waterworks.

Power to construct waterworks and supply water.

23. The Undertakers may, on lands described in Schedule B. to this Order annexed, when the same have been acquired by them, make and maintain, in the line and according to the levels shown on the deposited plans and deposited sections, the works herein-after firstly and secondly described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this part of this Order, supply and sell water within the limits of supply.

The works authorised by this part of this Order are as follows:—

(1.) A well and pumping station at Keldhead, in the township of Pickering:

(2.) A service reservoir situate in the same township on lands belonging to and in the occupation of the Undertakers, bounded on the north by land belonging to Elizabeth Peirson, on the west and south by land belonging to Christopher Sheffield, and on the east by the high road leading from Pickering to Whitby:

(3.) An aqueduct, conduit or line of pipes commencing at the said well, and terminating at the eastern end of the said reservoir:

(4.) All needful pipes and other works for the collection, distribution, and supply of water by the said works.

Limits of deviation.

24. In constructing the works authorised by this part of this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

A.D. 1877.

Period for completion of works.

25. The works authorised by this part of this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the "Gas and Water Works Facilities Act, 1870:" Provided always, that, subject to the restrictions and provisions of this part of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Quality of Water.

Quality of water.

26. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Supply.

Limits of pressure.

27. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this part of this Order, nor need the water be constantly laid on under pressure.

Rates for supply for domestic purposes.

28. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates per annum herein-after specified; (that is to say,)

If the rack-rent or (if not let as a rack-rent) the annual value of the house or part of a house does not amount to four pounds per annum, the rate of eight shillings and eightpence per annum, and so on in proportion for any shorter period;

If such rack-rent or (as the case may be) annual value amounts to four pounds but does not amount to seven pounds per annum, the rate of twelve shillings per annum, and so in proportion for any shorter period;

If such rack-rent or (as the case may be) annual value amounts to seven pounds but does not amount to ten pounds per annum, the rate per annum of sixteen shillings, and so in proportion for any shorter period;

If such rack-rent or (as the case may be) annual value amounts to ten pounds but does not amount to fifteen pounds per annum, the rate of twenty-four shillings per annum, and so in proportion for any shorter period;

If such rack-rent or (as the case may be) annual value amounts to fifteen pounds but does not amount to twenty pounds per annum, the sum of thirty-two shillings per annum, and so in proportion for any shorter period;

If such rack-rent or (as the case may be) annual value amounts to and exceeds twenty pounds per annum, the rate of seven pounds ten shillings per centum per annum upon such rack-rent or annual value, as the case may be, and so in proportion for any shorter period.

Rates for watercloset and baths.

29. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding twelve shillings and sixpence per annum, and for and in respect of

each horse consuming water supplied by the Undertakers at the rate of ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

Water supplied by agreement.

30. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes, and any person, corporation, or company beyond the limits of supply with water in bulk for any purpose, for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this part of this Order: Provided always, that nothing herein contained shall authorise the Undertakers to lay down or place any pipe or conduit, or to break up any road or street, or execute any work beyond the limits of supply, or to supply water within the limits of supply of any water company, or of any person or persons empowered by Act of Parliament or by any Order confirmed by Parliament to supply water.

Supply of water by meter.

31. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters in repair.

32. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

Register of meters to be evidence.

33. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Amendment of 10 & 11 Vict. c. 17. s. 44.

34. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this part of this Order, have effect as if the words "with the "consent in writing of the owner or reputed owner of any such house, or of "the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

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When several houses supplied by one pipe, each to pay.

35. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such building, house, and premises.

Supply of water to tenements in a row.

36. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this part of this Order for a supply of water.

Penalties.

Impurity of water.

37. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this part of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Injuring meters.

38. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be primâ facie evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Misuser where supply to several houses is by a pipe common to all.

39. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this part of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Miscellaneous.

Incoming tenant not liable to pay arrears.

40. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers 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 has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Separate accounts to be kept in respect of Water Undertaking.

41. The Undertakers shall keep separate annual accounts with respect to their Water Undertaking, showing the amount of their paid-up capital in such Undertaking, and such accounts shall in all respects be in accordance with the provisions of the Waterworks Clauses Act, 1847.

Several names in one summons.

42. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in the schedule thereto, several names and several sums.

Warrant of distress to include costs.

43. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices from acting.

44. No justice or judge of any county court or quarter session shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

PART III.

General Provisions applying to Gas and Water Undertakings.

As to pipes crossing the works of a railway or other company.

45. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works it may be necessary or convenient to cross for the purposes of meeting the demands for gas or water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes or conduits, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Works affecting North-Eastern Railway Company to be done under inspection of their engineer.

46. The Undertakers shall lay down and subsequently maintain and repair any pipes, culverts, or other works which under the authority of this Order they may lay down under or over any railway of the North-eastern Railway Company, and make and execute all excavations and works necessary for that purpose, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and in accordance with plans and sections previously submitted to and approved of by him.

Section 140 of Companies Clauses Act, 1845, incorporated.

47. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order: Provided that, for the purposes of such incorporation, the expression "the Company" in the said section shall mean the Undertakers.

A.D. 1877.

Costs of Order.

48. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE A.

Gas Lands.

A piece of land situate in the township and parish of Pickering, in the county of York, occupied by the Undertakers, and bounded on the north by a branch of the Pickering Beck, on the west by the Pickering Beck, and on the south and east by land belonging to the North-eastern Railway Company.

SCHEDULE B.

Sites for the Waterworks.

Pumping Station.

A piece of land situate at Keldhead in the township and parish of Pickering, in the county of York, occupied by the Undertakers, bounded on the north by the high road leading from Pickering to Marton, on the west in part by the Keldhead Spring, and in other part by property of Frank Parkinson, and on the south and east by other property of the said Frank Parkinson.

Service Reservoir.

A piece or parcel of land situate in the township and parish of Pickering, in the county of York, occupied by the Undertakers, bounded on the north by land belonging to Elizabeth Pierson, on the west and south by land belonging to Christopher Sheffield, and on the east by the high road leading from Pickering to Whitby.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.