CHAPTER lxv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Barton-upon-Humber and District Water, Chiltern Hills Spring Water, Great Berkhampstead Water, Herts and Essex Water, and Holyhead Water. [16th July 1885.]

A.D. 1885.

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 annexed, 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 Water Orders Confirmation Act, 1885.

Confirmation of Orders in schedule.

2. The several Orders set out in the schedule to this Act annexed 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 effect.

A.D. 1885.

Special provision as to houses of labouring class.

3. The undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section, the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

SCHEDULE OF ORDERS.

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1. Barton-upon-Humber and District Water.—Order authorising the construction and maintenance of waterworks and the supply of water in the parishes or places of Barton-upon-Humber, Barrow, New Holland, and Goxhill, in the parts of Lindsey in the county of Lincoln.
2. Chiltern Hills Spring Water.—Order empowering the Chiltern Hills Spring Water Company to raise additional capital.
3. Great Berkhampstead Water.—Order authorising the maintenance and continuance of waterworks and the supply of water in and to the parishes of Berkhampstead St. Peter, and Berkhampstead St. Mary, otherwise Northchurch, and part of the parishes of Great Gaddesden, Little Gaddesden, and Hemel Hempsted, in the county of Hertford, and of Eddlesborough, Chesham, Ivinghoe, and Pitstone, in the county of Buckingham.
4. Herts and Essex Water.—Order empowering the Herts and Essex Waterworks Company (Limited) to maintain and continue waterworks and to raise additional capital.
5. Holyhead Water.—Order empowering the Holyhead Waterworks Company to construct additional waterworks in the parish of Holyhead, in the county of Anglesey, and to raise additional capital.

BARTON-UPON-HUMBER AND DISTRICT WATER.

A.D. 1885.

Barton-upon-Humber.

Order authorising the construction and maintenance of Waterworks and the supply of Water in the Parishes or Places of Barton-upon-Humber, Barrow, New Holland, and Goxhill, in the parts of Lindsey in the County of Lincoln.

Short title.

1. This Order may be cited as the Barton-upon-Humber and District Water Order, 1885.

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 upon lands by the promoters of the undertaking), and of the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order.

Interpretation.

3. The several words, terms, 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.

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.

In this Order—

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

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order; and

The term "person" shall include corporation.

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 parishes or places of Barton-upon-Humber, Barrow, New Holland, and Goxhill, in the parts of Lindsey in the county of Lincoln.

Undertakers.

Undertakers.

5. The Barton-upon-Humber and District 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 shall not, for the purposes of their water undertaking authorised by this Order, exceed twenty-five thousand pounds, unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

A.D. 1885.

Barton-upon-Humber.

Limit of borrowing powers.

7. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of their water undertaking authorised by this Order, shall not at any time exceed in the whole six thousand two hundred and fifty pounds; and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order, and secured as aforesaid.

Lands.

Power to acquire lands.

8. The Undertakers may by agreement purchase and use such of the lands shown on the deposited plans as they may require for the purposes of their water undertaking authorised by this Order, and they may, by agreement from time to time, purchase and use any other lands and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes, provided that they shall not at any time hold for such purposes more than three acres of land.

Persons under disability may grant easements, &c. to Undertakers.

9. 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 to supply water.

10. The Undertakers may, on the lands shown on the deposited plans, when the same have been acquired by them, make and, so long as they are possessed of the same, maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works herein-after described, with all necessary works, pipes, conveniences, and appliances 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 will be situate in the parish of St. Peter's, in the parts of Lindsey in the county of Lincoln, and are as follows :—

A well and pumping station and a tank or service reservoir situate in and upon the eastern end of a field belonging or reputed to belong to Mr. George Bradley Gray, and bounded on the north by a field belonging or reputed to belong to Samuel Cuthbert (in which field there is a windmill), on the south by a field belonging or reputed to belong to Mrs. Welch, on the east by the high road leading from Barton-upon-Humber to Caistor, and on the west by a road called Vinegar Hill Road.

Limits of deviation.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans.

Period for completion of works.

12. 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 that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, deepen, and extend their engines, machinery, tanks,

well pipes, pumping station, reservoir, buildings, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Undertakers not to pump water to waste.

13. The Undertakers shall not (except during the construction of the works by this Order authorised, or during any repair or enlargement thereof) pump more water than they may reasonably require for the purpose of supplying and selling water within the limits of supply.

In any case in which it is represented in writing to the Board of Trade by any person that the Undertakers have made or are making default in complying with the provisions of this section, and alleging that he is aggrieved by reason of such default, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted subject to the provisions of the Board of Trade Arbitrations, &c. Act, 1874, and of section sixty-three of the Tramways Act, 1870, and as though such inquiry were directed by the Board of Trade under the authority of the said last-mentioned Act, and the costs of every such inquiry shall be borne and paid as the said officer may direct; and if the Board of Trade certify in writing under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Undertakers shall for every such offence so certified be subject, on information laid or complaint made, to a penalty not exceeding ten pounds, and in case of a continuing offence to a further penalty not exceeding ten pounds for every day after the first on which such default continues, and such penalty or penalties shall be paid to the person making such representation as aforesaid.

Undertakers to fix and maintain counters or indexes to pumping engines.

14. As part of the works and appliances authorised by this Order the Undertakers shall fix and maintain to the reasonable satisfaction of the engineer for the time being of the Barton-upon-Humber Local Board upon each and every pumping engine used by them a counter or index or other apparatus proper and sufficient for indicating and measuring day by day the quantity of water pumped by such engine, and such counter or index or other apparatus shall be open to the inspection of the said local board or of any person duly authorised by them at all reasonable times. If any dispute shall arise as to the sufficiency or state of repair of any such counter or index or other apparatus as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted subject to the provisions of the Board of Trade Arbitrations, &c. Act, 1874, and of section sixty-three of the Tramways Act, 1870, and as though such inquiry were directed by the Board of Trade under the authority of the said last-mentioned Act, and the costs of every such inquiry shall be borne and paid as the said officer may direct; and if the Board of Trade certify in writing under the hand of a secretary or an assistant secretary of the said Board that any alterations or repairs are necessary, and that the same shall be made within the time and in the manner therein specified, the Undertakers shall make such alterations and repairs in the manner and within the time specified in such certificate, and if they fail to do so shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such failure continues, and such penalty or penalties shall be paid to the said local board.

A.D. 1885.

Barton-upon-Humber.

Certificates to be conclusive evidence of facts therein stated.

15. A certificate purporting to be signed by a secretary or an assistant secretary of the Board of Trade under either of the two next preceding sections shall be conclusive evidence of the facts therein stated.

Barton Local Board may construct works for gratuitous supply of water.

16. Nothing in this Order or in any Act incorporated therewith or in the Public Health Act, 1875, contained shall be held to prohibit the Barton-upon-Humber Local Board from constructing or maintaining any works for supplying water for the gratuitous use of any of the inhabitants of the district of the said local board.

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

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

Supply.

Limits of pressure.

18. 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 Order.

Rates for supply for domestic purposes.

19. 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 Order to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates herein-after specified; that is to say,—

Where the rateable value of the premises so supplied with water does not amount to twenty pounds per annum, the rate of seven pounds ten shillings per centum per annum upon such rateable value, and so in proportion for any shorter period:

Where such rateable value amounts to twenty pounds but does not amount to forty pounds per annum, the rate of seven pounds per centum per annum, and so in proportion for any shorter period:

Where such rateable value amounts to forty pounds but does not amount to sixty pounds per annum, the rate of six pounds ten shillings per centum per annum upon such rateable value, and so in proportion for any shorter period:

Where such rateable value amounts to or exceeds sixty pounds per annum, the rate of six pounds per centum per annum upon such rateable value, and so in proportion for any shorter period:

Provided that the Undertakers shall not be compellable to furnish any such supply for any less rate than twopence per week. The rateable value of any such premises as aforesaid shall be ascertained by the valuation list for the time being in force.

Rates for watercloseets, baths, &c.

20. The Undertakers may charge in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum, and for every bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings per annum, and for every bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit; and such additional sums may be received with

and as part of, and be recovered by the same means as the rate for the supply of water for domestic purposes.

Rate for supply of water for public purposes.

21. The rates at which the Undertakers shall supply water within the limits of supply for the purposes specified in and subject to the provisions of section thirty-seven of the Waterworks Clauses Act, 1847, shall be a rate not exceeding sixpence for one thousand gallons: Provided always, that the Undertakers shall not be required to furnish such supply whenever and so long as they are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this Order.

Power for Undertakers to make regulations for preventing waste or contamination of water.

22. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board, for preventing the waste, misuse, or contamination of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply: Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford, a constant supply.

Power for Undertakers to refuse supply if regulations not complied with.

23. In the event of any such regulation not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with, and whenever any difference arises as to whether the regulations have been complied with, the difference may be referred by either party to, and shall be settled by, two justices.

Water supplied by agreement.

24. The Undertakers may from time to time, by agreement, supply any corporation, sanitary or local authority, company, or person within the limits of supply with water in bulk or otherwise, upon such terms and conditions and for such remuneration as may from time to time be agreed upon between the Undertakers and such corporation, authority, company, or person; but, notwithstanding any such agreement, no such corporation, authority, company, or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that it would interfere with a proper supply of water within the limits of supply for domestic purposes under this Order, and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one calendar month's notice in writing.

Supply of water by measure.

25. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure within the limits of supply to any person, and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or other instrument, 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, &c. in repair.

26. The Undertakers shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person 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.

A.D. 1885.

Barton-upon-Humber.

Register of meters, &c. to be evidence.

27. 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 in respect of which any water rate is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the person to whom the water is supplied 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, or in what proportions between 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.

28. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purposes 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.

When several houses supplied by one pipe each to pay.

29. When several houses or parts of houses in the occupation of several persons are 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 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 dwelling-house and premises.

Supply of water to tenements in a row.

30. 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 of such tenements, unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Power for Undertakers to manufacture and deal in meters and water apparatus, &c.

31. The Undertakers may manufacture, purchase, sell, hire, and let on hire water meters and all engines, machinery, fittings, appliances, and apparatus connected with the collection, storage, distribution, and supply of water, and may contract for and execute work in connexion therewith, and may take payment and remuneration in respect thereof.

Penalties.

Injuring meters, &c.

32. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or other instrument for measuring water, or any fittings belonging to the Undertakers, or who fraudulently alters the index of any meter or other instrument for measuring water, or prevents any meter or other such instrument for measuring water from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, or wilfully or negligently allows the same to run to waste, or commits any breach of any authorised regulation against waste, misuse, or contamination of the water supplied by 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 sustained by them; and in any case

in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, instrument, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, 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, instrument, or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipe, meter, instrument, or fittings.

Misuser where several houses are supplied by a pipe common to all.

33. 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 taken or used contrary to the provisions 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.

34. In case any person supplied with water 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.

Several names in one summons.

35. 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.

36. 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 such 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.

37. No justice or judge of any county court or quarter sessions 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.

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

38. 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 be construed to mean the Undertakers.

Costs of Order.

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

A.D. 1885.

Chiltern Hills.

CHILTERN HILLS SPRING WATER.

Order empowering the Chiltern Hills Spring Water Company to raise additional Capital.

Short title.

1. This Order may be cited as the Chiltern Hills Spring Water Order, 1885.

Construction of Order.

2. The Chiltern Hills Spring Water Act, 1870 (in this Order referred to as "the Act of 1870"), and the Chiltern Hills Spring Water Order, 1876 (in this Order referred to as "the Order of 1876"), 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 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 nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of the 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 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) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, are, except where expressly varied by this Order, incorporated with and form part of this Order.

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

Undertakers.

4. The Chiltern Hills Spring Water Company, incorporated by the Act of 1870, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional capital.

5. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1870 (in this Order referred to as "the original capital") they may from time to time—

(1.) Raise any further sums not exceeding in the whole twenty thousand pounds by the issue of new ordinary shares or new preference shares, or partly ordinary and partly preference shares (in this Order referred to as "the additional capital"), but the Undertakers shall not issue any share

under the authority of this Order of less nominal value than ten pounds, and not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and

(2.) Borrow on mortgage in respect of the additional capital of twenty thousand pounds by this Order authorised to be raised by ordinary or preference shares any sum not exceeding in the whole five thousand pounds, and the Undertakers may, as each sum of five thousand pounds of such additional capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage in respect of each such sum of five thousand pounds any sum or sum not exceeding in the whole one thousand two hundred and fifty pounds; but in no case shall any part of the said respective sums of one thousand two hundred and fifty pounds be borrowed until shares for so much of the additional capital in respect of which such borrowing powers are sought to be exercised are issued and accepted, and the Undertakers 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 shares for the whole of the additional capital in respect of which such borrowing powers are sought to be exercised have 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 shares were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were 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 may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

6. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Order, unless in either case all dividends upon the shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

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

7. 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.

8. One fifth of the amount of a share issued under the anthority of this Order shall be the greatest amount of a call, and three months at least shall be the interval between the 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 clause in case of person not sui juris.

9. 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.

A.D. 1885.

Chiltern Hills.

Except as otherwise provided, new shares to be subject to the same incidents as other shares.

10. Except as by this Order otherwise provided, the capital in new shares created by the Undertakers under this Order, and the new shares therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the original capital of the Undertakers of the same class or description, and the new shares were shares in that capital.

Existing mortgages to have priority.

11. All mortgages granted by the Undertakers under the authority of the Act of 1870 before the passing of the Act confirming this Order, and subsisting at the passing of the said last-mentioned Act, shall, during the continuance of such mortgages and subject to the provisions of the Act of 1870, have priority over any mortgages granted under the authority of this Order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

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 capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on different classes of shares to be paid rateably.

13. In case in any half year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the original capital and additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class.

Limit of interest on moneys borrowed.

14. The Undertakers shall not, without the consent of the Board of Trade, pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage under the authority of this Order.

Appointment of a receiver.

15. 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 arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Application of moneys.

16. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1870, the Order of 1876, and this Order, to which capital is properly applicable.

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.

GREAT BERKHAMPSTEAD WATER.

A.D. 1885.

Great Berkhampstead.

Order authorising the maintenance and continuance of Waterworks and the supply of Water in and to the Parishes of Berkhampstead St. Peter, and Berkhampstead St. Mary, otherwise Northchurch, and part of the Parishes of Great Gaddesden, Little Gaddesden, and Hemel Hempsted, in the County of Hertford, and of Eddlesborough, Chesham, Ivinghoe, and Pitstone, in the County of Buckingham.

Short title.

1. This Order may be cited as the Great Berkhampstead Water Order, 1885.

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 upon lands by the promoters of the undertaking,) and the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order, and the said provisions of the last-mentioned Acts shall apply as well to the 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 pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

3. The several words, terms, 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:

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.

In this Order—

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

The term "person" shall include corporation.

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 parishes of Berkhampstead St. Peter and Berkhampstead St. Mary, otherwise Northchurch, in the county of Hertford, and so much and such parts of the parishes of Great Gaddesden and Little Gaddesden, in the county of Hertford, and Eddlesborough, Ivinghoe, and Pitstone, in the county of Buckingham, as are respectively situated within a radius of three miles from Great Berkhampstead parish church, and so much of the parish of Hemel Hempsted, in the county of Hertford, and of the parish of Chesham, in the county of Buckingham, as is situated within a radius of two miles.

Undertakers.

Undertakers.

5. The Great Berkhampstead Waterworks 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 the water undertaking authorised by this Order, shall not exceed seventeen thousand pounds, consisting of original share capital amounting to seven thousand pounds and of additional share capital not exceeding ten thousand pounds, unless the Undertakers are hereafter authorised to raise additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of dividend on additional capital.

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

Limit of borrowing powers.

8. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of their water undertaking authorised by this Order, shall not at any time exceed in the whole four thousand two hundred and fifty pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers, without the consent of the Board of Trade, in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order, and secured as aforesaid. When the existing debentures granted by the Undertakers, amounting to four thousand six hundred pounds, are paid off, the Undertakers shall not re-borrow any greater amount than four thousand two hundred and fifty pounds, and they shall, as soon as practicable, reduce their loan capital to the last-mentioned sum.

Lands.

Power to acquire land.

9. The Undertakers may by agreement from time to time purchase and use any lands, and any easements, rights, or privileges in, over, or affecting any lands which they may require for the purposes of the water undertaking authorised by this Order: Provided always, that they shall not at any time hold for such purposes more than three acres of land in addition to the lands held by them at the date of the passing of the Act confirming this Order.

Persons under disability may grant easements, &c. to Undertakers.

10. 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.

Maintenance of Waterworks.

Great Berkhampstead.

Power to maintain works.

11. The Undertakers on the lands upon which the same are situate, so long as they are possessed of the said lands, may from time to time, as they think fit, maintain, continue, alter, renew, and improve their existing waterworks hereinafter described, and the works connected therewith, with all needful goits, conduits or pipes, channels, dams, weirs, sluices, pens, locks, engines, engine-houses, machinery, stand-pipes, tanks, valves, air-valves, hydrants, apparatus, walls, fences, 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 herein-before referred to are as follows:—

(*a.*) A well shaft or boring with pumping station, pumping engines and engine and boiler-house, public bath-house and other works, buildings, and conveniences in connexion therewith, situate on the site of a messuage or tenement and garden abutting upon the east side of the White Hart Inn, and the north side of High Street, in the town of Berkhampstead, in the parish of Berkhampstead Saint Peter, otherwise Great Berkhampstead, in the county of Hertford, containing a frontage to the north side of High Street aforesaid of twenty-five feet or thereabouts, and a depth of one hundred yards or thereabouts:

(*b.*) A reservoir (No. 1), in the said parish of Berkhampstead Saint Peter, situate on a piece of land being portion of a field known as Kentish Croft at King's Hill, abutting on the north-east side of the road leading from Cross Oak to King's Hill, and containing twenty-one and a quarter poles or thereabouts:

(*c.*) A reservoir (No. 2), situated on a piece of ground formerly portion of a garden belonging, or reputed to belong, to the late Joseph Robinson, the remainder of such garden being occupied by William Paxton, and situated in the parish of Berkhampstead Saint Peter, near to and approached from Grubbs Lane, Berkhampstead:

(*d.*) A conduit, line of pipes, or pumping main, commencing in High Street, in the town of Berkhampstead, at the pumping station (*a.*), and terminating in the reservoir (No. 1) herein-before described:

(*e.*) A conduit, line of pipes, or pumping main, commencing in the High Street, in the town of Berkhampstead, at the said pumping station (*a.*), and terminating in the reservoir (No. 2) herein-before described.

For protection of London and North-western Railway Company.

12. The following provisions for the protection of the London and North-western Railway Company shall be in force and have effect:—

In laying down and executing, or in effecting the repairs and renewals of any mains, pipes, or other works upon, across, over, under, or in any way affecting the railways, lands, or property now or hereafter belonging to, or used or occupied by such railway company, or the bridges, approaches, viaducts, stations, or other works, or any level crossings of such railway company, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of such railway company, and only according to plans to be submitted to, and in such manner as shall be previously reasonably approved by him, and in all things by and at the expense of the Undertakers, who also shall restore and make good the roads over any such bridges, level crossings, and approaches which such railway company are or may be liable to

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Great Berkhampstead.

maintain, and which may be disturbed or interfered with by or owing to any operations of the Undertakers; and all such works, matters, and things shall be constructed, executed, and done so as not to cause any injury to such railways, bridges, level crossings, approaches, viaducts, stations, works, lands, or property, or interruption to the passage or conduct of traffic over such railways, or at any station thereon. And if any such injury or interruption shall arise from, or be in any way owing to, any of the acts, operations, matters, and things aforesaid, or the bursting, leakage, or failure of any such mains, pipes, or works, the Undertakers shall make compensation in respect thereof to such railway company, the amount of such compensation, together with full costs, to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

For protection of Grand Junction Canal Company.

13. Notwithstanding anything in this Order, or in the Acts incorporated herewith, the Undertakers shall not, without the previous consent in writing of the Company of Proprietors of the Grand Junction Canal (herein-after called "the Canal Company"), lay or maintain any mains, pipes, or other works across, over, under, or along the Grand Junction Canal, or the towing-path thereof, or other property of the Canal Company, otherwise than by means of public bridges across the same, and in such manner that the mains, pipes, and works shall, if required by the Canal Company, be laid inside the parapets of such bridges, and that no injury or interference with the permanent structure, brickwork, or timbers of any such bridge, and no interruption of the traffic on the canal or towing-path shall be occasioned; and the Canal Company may, at any time after the passing of the Act confirming this Order, upon giving to the Undertakers three months notice in writing of their intention so to do, remove, alter, or renew any bridge across, over, or along which any mains, pipes, or works may be laid, in the same manner as they might have done if this Order had not been made and confirmed, and such mains, pipes, and works had not been so laid, without making compensation to the Undertakers for any expense or loss occasioned to them thereby; and in the event of any such alteration or renewal, the Undertakers shall, at their own expense, alter the position of their mains, pipes, or works, and relay the same upon the altered or renewed bridge, in the same manner and subject to the same restrictions as in the case of the original bridge: Provided always, that all works of the Undertakers, in relation to the laying down, maintaining, altering, or relaying of any mains, pipes, or other works across, over, or along any such bridges as aforesaid, shall be executed under the supervision and to the reasonable satisfaction of the engineer of the Canal Company, and according to plans approved by him.

Roads not to be broken up except with the assistance and under the direction and superintendence of workman employed by road authority.

14. The Undertakers shall not, unless in case of accident or emergency, open any public road within the limits of supply except with the assistance and under the direction and superintendence of a competent workman employed by the persons under whose control and management such road may be, or by their officer, and the wages of such workman, for the time during which he is occupied on the work of the Undertakers, shall be paid by them at the rate of three shillings and sixpence a day; but if such workman fails to attend at the time and place specified in the notice given in pursuance of section thirty of the Waterworks Clauses Act, 1847, or shall refuse to assist, direct, or superintend the operation, the Undertakers may proceed, in his absence, to open the road, or execute such other work as may be mentioned in such notice.

15. If any difference arise between the Undertakers and any railway, canal, or other company, other than the London and North-western Railway Company and the Grand Junction Canal 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 water within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, such difference shall be settled by an engineer, to be appointed by the Board of Trade, at the request of either party.

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

Supply.

16. 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 reservoirs authorised to be maintained by this Order.

Limits of pressure.

17. 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 Order, to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates herein-after specified (that is to say):—

Rates for supply for domestic purposes.

Where the actual rent or gross estimated rental of any premises so supplied with water does not exceed five pounds, at a rate not exceeding five shillings per annum;

Where the rateable value of the premises so supplied with water does not exceed five pounds, at a rate not exceeding eight shillings and eightpence per annum;

Where such rateable value is above five pounds and does not exceed fifty pounds, at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such rateable value is above fifty pounds, at a rate per centum per annum not exceeding seven pounds;

And so in proportion for any shorter period in each case.

Provided that in the case of any such premises to which water can be delivered by gravitation in accordance with the provisions of this Order only from the high level reservoir No. 1, herein-before described, the Undertakers may charge, in respect of water supplied to the owner or occupier of such premises, any rates not exceeding by one fifth the rates herein-before specified.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list for the time being in force.

18. The Undertakers may charge, in respect of every watercloset beyond the first on any premises within the limits of supply, an additional sum not exceeding ten shillings per annum, and for every bath capable of containing not more than fifty gallons, an additional sum not exceeding twelve shillings and sixpence per annum; and for every bath capable of containing more than fifty gallons, such additional sum as the Undertakers may think fit; and such additional sums may be received with, and as part of, and recovered by the same means as the rate for the supply of water for domestic purposes.

Rates for waterclosets, &c.

For the use of the public baths and swimming bath established by the Undertakers at or near their pumping station (*a.*) herein-before described, they may charge such reasonable sums as they may from time to time think fit.

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Great Berkhampstead.

Power for Undertakers to make regulations for preventing waste, misuse, or contamination of water.

19. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board, for preventing the waste, misuse, or contamination of water, and, among other things, may prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply: Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford (and do in fact afford) a constant supply.

Publication of regulations.

20. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times without payment, and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same, on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

21. A printed copy of any such regulation purporting to be made and to have been approved by the Local Government Board, as aforesaid, shall be primâ facie evidence in all legal proceedings of the due making, confirmation, publication, and existence of such regulations, without further or other proof.

Power for Undertakers to refuse supply where regulations not complied with.

22. In the event of any such regulation not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him unless and until the regulations be complied with; and if and whenever any difference arises as to whether the regulations have been complied with, the difference may be referred by either party to and shall be settled by two justices.

Undertakers to supply water to road and sanitary authorities.

23. The Undertakers shall from time to time, when required, supply the road authority within the meaning of section two of the Gas and Water Works Facilities Act, 1870, and every sanitary authority within the limits of supply, with water for watering roads and streets and for flushing sewers and drains or other public purposes, for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such road or sanitary authority, or as, in case of disagreement, shall be settled by two justices, but no such authority shall be entitled to such a supply whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order.

Water supplied by agreement.

24. The Undertakers may, from time to time, by agreement, supply any corporation, sanitary authority, company, or person, within or without the limits of supply, with water in bulk, or otherwise, for other than domestic purposes for such remuneration, and upon such terms and conditions as may be agreed upon between the Undertakers and such corporation, authority, company, or person, but notwithstanding any such agreement, no corporation, local board, authority, company or person, 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 the provisions of this Order, and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing: 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 to

execute any work in any district beyond the limits of supply, without the consent in writing of the local authority and the road authority of such district, or to supply or to continue to supply water within the limits of supply of any corporation, sanitary authority, company, or person now or hereafter empowered by Act of Parliament or by Provisional Order confirmed by Act of Parliament, to supply water without the consent in writing of such corporation, sanitary authority, company or person first had and obtained.

Supply of water by measure.

25. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure within the limits of supply to any person, and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or instrument, 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, &c., in repair.

26. 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 person in proper order for correctly registering the supply of water, and, in default of their so doing, such person 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, &c., to be evidence.

27. 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 rate is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the person to whom the water is supplied 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, or in what proportion between 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.

28. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purposes 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.

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

29. When several houses or parts of houses in the occupation of several persons are 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 dwelling-house and premises.

Supply of water to tenements in a row.

30. 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 of such tenements, unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

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Penalties.

Injuring meters, &c.

31. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter or other instrument for measuring water, or any fittings belonging to the Undertakers, or who fraudulently alters the index to any meter or other instrument for measuring water, or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, or commits any breach of any authorised regulation against waste, misuse, or contamination of the water supplied by 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, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, instrument, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, 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, instrument, or fittings is or are under the custody or control of the consumer, shall be primâ facie evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipe, meter, instrument, or fittings.

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

32. 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 taken or used contrary to the provisions 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.

33. In case any person supplied with water 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.

Several names in one summons.

34. 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.

35. 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 such 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.

36. No justice or judge of any county court or quarter sessions 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.

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

37. 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 be construed to mean the Undertakers.

Saving in case of supply by Chesham local board.

38. The Undertakers shall not execute any works for the supply of water, or supply water in any portion of the limits of supply which is included within the district of the local board for the district of Chesham, until the expiration of a period of eighteen months from the passing of the Act confirming this Order, nor thereafter unless such local board shall fail within twelve months after the passing of the Act confirming this Order to undertake the duty of providing a proper supply of water in the said portion of the limits of supply included within the district of such local board, and within eighteen months after the passing of the Act confirming this Order to commence to the satisfaction of the Board of Trade such works as shall in the opinion of the Board of Trade be necessary for the purpose of providing such supply: Provided that a certificate of the Board of Trade, signed by a secretary or an assistant secretary of the Board of Trade, certifying any such failure shall be conclusive evidence thereof.

Saving agreement between Undertakers and T. A. D. Smith.

39. Nothing in this Order contained shall alter, vary, or affect an agreement made the seventeenth day of October one thousand eight hundred and eighty-one, between the Undertakers and Thomas Algernon Dorrien Smith with respect to the supply of water by the Undertakers to certain premises of the said Thomas Algernon Dorrien Smith.

Saving as to supply of water to tenants on Ashridge estate.

40. Nothing in this Order contained shall interfere with any rights with respect to the supply of water to the tenants on the Ashridge estate of Earl Brownlow or other owner for the time being of such estate.

Costs of Order.

41. 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.

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Herts and Essex.

HERTS AND ESSEX WATER.

Order empowering the Herts and Essex Waterworks Company (Limited) to maintain and continue Waterworks and to raise additional Capital.

Short title.

1. This Order may be cited as the Herts and Essex Water Order, 1885.

Construction of Order.

2. The Herts and Essex Water Order, 1879 (in this Order referred to as "the Order of 1879"), 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.

Undertakers.

3. The Herts and Essex Waterworks Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers to exercise powers within extended limits of supply.

4. The Undertakers may, on the lands upon which the same are situate, so long as they are possessed of such lands, from time to time, as they think fit, maintain, continue, alter, enlarge, and improve the existing waterworks authorised by the Order of 1879, and the works connected therewith, and shall have and may exercise, subject to the provisions of this Order, within the limits of supply as defined by the Order of 1879, and within the townships and parishes of Theydon Mount, Lambourne, Stapleford Abbotts, Stapleford Tawney, Navestock, Kelvedon Hatch, Stanford Rivers, Stondon Massey, Greensted, Chipping Ongar, High Ongar, Bobbingworth, Shelley, Fyfield, Moreton, Magdalen Laver, High Laver, Little Laver, Beauchamp Roothing, Abbotts Roothing, Matching, and Sheering, all in the county of Essex, all and the like powers, privileges, and authorities for and in relation to the supply of water, and shall be subject to all and the like duties, liabilities, and obligations in respect thereof as were by the Order of 1879 conferred or imposed upon the Undertakers of the Order of 1879, and from and after the passing of the Act confirming this Order, the expression "the Undertakers" in the Order of 1879 shall be construed to mean the Undertakers of this Order, and the expression "the limits of supply" in the Order of 1879 shall be construed to include the above-mentioned parishes and townships.

Additional Capital.

Amendment of section 6 of Order of 1879 as to capital.

5. Notwithstanding the provisions of section six of the Order of 1879, the share capital of the Undertakers, for the purposes of the water undertaking authorised by the Order of 1879 and this Order, may consist of original share capital (in this Order referred to as "original capital") amounting to twenty-five thousand pounds, and of additional share capital (in this Order referred to as "additional capital") in shares not exceeding twenty-four thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed forty-nine thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

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

7. The amount of all moneys borrowed by the Undertakers and secured by the mortgage of the undertaking authorised by the Order of 1879 and this Order may, notwithstanding the provisions of section seven of the Order of 1879, amount to but shall not at any time exceed in the whole twelve thousand two hundred and fifty pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid. Limit of borrowing powers.

8. All moneys raised by the Undertakers under this Order shall be applied to the purposes of the undertaking authorised by the Order of 1879 and this Order, to which capital is properly applicable. Application of moneys.

9. 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.

HOLYHEAD WATER.

Holyhead.

Order empowering the Holyhead Waterworks Company to construct additional Waterworks in the Parish of Holyhead, in the County of Anglesey, and to raise additional Capital.

1. This Order may be cited as the Holyhead Water Order, 1885. Short title.

2. The Holyhead Waterworks Act, 1866 (in this Order referred to as "the Act of 1866"), as amended by this Order, 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 upon lands by the promoters of the undertaking), and of the Waterworks Clauses Acts, 1847 and 1863, and, 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 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 nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;

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The conversion of the borrowed money into capital;
The consolidation of the 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 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, and the Companies Clauses Act, 1869, 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.

Interpretation.

4. The several words, terms, 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.

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.

In this Order—

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order; and

The term "person" shall include corporation.

Limits of Order.

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 Holyhead, in the county of Anglesey.

Undertakers.

Undertakers.

6. The Holyhead Waterworks Company shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

7. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1866 (in this Order referred to as "the original capital"), they may from time to time—

(1.) Raise any further sums not exceeding in the whole four thousand pounds by the issue of new ordinary shares or preference shares, or partly ordinary and partly preference shares (in this Order referred to as "additional capital"), but the Undertakers shall not issue any share under the authority of this Order of less nominal value than five pounds, and not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and

(2.) Borrow on mortgage in respect of the additional capital of four thousand pounds by this Order authorised to be raised by ordinary or preference shares any sum not exceeding in the whole one thousand pounds, and the Undertakers may, as each sum of one thousand pounds of such additional capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage in respect of each such sum of one thousand pounds any sum or sums not exceeding in the whole two hundred and fifty pounds, but in no case shall any part of the said respective sums of two hundred and fifty pounds be borrowed until shares for so much of the additional capital in respect of which such borrowing powers are sought to be exercised are issued and accepted, and the Undertakers 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 shares for the whole of the additional capital in respect of which such borrowing powers are sought to be exercised have 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 shares were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were 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.

As to conversion of borrowed money into capital.

8. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage, or by the issue of debenture stock, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Order, unless in either case all dividends upon the shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

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

9. 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.

10. One fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call, and three months at least shall be the interval between the 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 clause in case of person not sui juris.

11. 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.

Except as otherwise provided, new shares to be

12. Except as by this Order otherwise provided, the capital in new shares created by the Undertakers under this Order, and the new shares therein and the holders thereof respectively, shall be subject and entitled to the same powers,

Holyhead.

subject to the same incidents as other shares.

provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the original capital of the Undertakers of the same class or description, and the new shares were shares in that capital.

Power to create debenture stock.

13. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act, 1863; but notwithstanding anything therein contained, the interest of all debenture stock and of all mortgages at any time after the passing of the Act confirming this Order created and issued or granted by the Undertakers under any previous Act, or under this Order, or under any subsequent Act or Order, shall, subject to the provisions of any subsequent Act or Order, rank pari passu without respect to the dates of the securities, or of the Acts of Parliament, Orders, or resolutions by which the stock and mortgages were created, and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

14. All mortgages granted by the Undertakers under the authority of the Act of 1866 before the passing of the Act confirming this Order, and subsisting at the passing of the said last-mentioned Act, shall, during the continuance of such mortgages, and subject to the provisions of the Act of 1866, have priority over any mortgages granted under the authority of this Order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Limits of dividend on additional capital.

15. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on different classes of shares to be paid rateably.

16. In case in any half year the net revenues of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the original and additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class.

Limit of interest on moneys borrowed.

17. The Undertakers shall not, without the consent of the Board of Trade, pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Appointment of a receiver.

18. 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 arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Application of money.

19. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1866 and this Order to which capital is properly applicable.

Lands.

Power to acquire lands.

20. The Undertakers may by agreement purchase, take on lease, acquire, and use such of the lands shown on the deposited plans as they may require for the

purposes of their water undertaking, and they may by agreement from time to time purchase or take on lease and use any other lands, and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for the purposes of this Order more than five acres of land.

Persons under disability may grant easements, &c. to Undertakers.

21. 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.

22. The Undertakers may on the lands shown on the deposited plans, when the same have been acquired by them, make and, so long as they shall continue possessed of the same, maintain in the lines and according to the levels shown on the deposited plans and deposited sections the additional works herein-after described, with all necessary pipes, mains, culverts, cuts, drains, wells, dams, sluices, engines, pumps, filtering beds, weirs, meters, approaches, embankments, roads, and all works and conveniences connected therewith.

The additional works authorised by this Order will be situate wholly in the parish of Holyhead, in the county of Anglesey, and are—

(1.) A reservoir, about ninety-nine yards long and sixty-six yards wide, to be situated in a field or in fields forming part of a farm known as "Cwm," numbered 510, 511, and 512 on the tithe commutation map of the said parish of Holyhead, and belonging, or reputed to belong, to the Right Honourable Lord Stanley of Alderley, and in the occupation of Mary Hughes;

(2.) An aqueduct, conduit, or one or more lines of pipes commencing in and out of the south-east side of the said reservoir and terminating at Mill Bank at the point where Field Street meets the Garreglwyd Road.

For the general purposes of their undertaking the Undertakers may by agreement, but not otherwise, take, divert, collect, impound, and appropriate all springs, streams, and waters which will or may be intercepted by the proposed works.

Limits of deviation.

23. In constructing the additional works authorised by this Order the Undertakers may, subject to the provisions of this Order, 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.

Period for completion of works.

24. The additional 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 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.

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For protection of London and North-western Railway Company.

25.—(1.) All works to be constructed under the powers of this Order upon, across, or under, or in any way affecting the line or works of the Chester and Holyhead Railway, or lands belonging to the London and North-western Railway Company, shall be constructed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that Company, and according to plans previously approved by such engineer and the engineer of the Promoters, but at the expense in all things of the Promoters; and in the event of such engineers not agreeing as to such plans, then and in such manner as shall be settled by arbitration, as is provided by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration; and such works shall be so constructed as to cause no injury to or interference with the said railway or its works, or the passage of traffic thereon, or the said lands:

(2.) The Promoters shall not impound, divert, cut off, or interfere with any river, stream, brook, spring, or other source from which the London and North-western Railway Company now obtain a supply of water, nor do or omit to be done any act, matter, or thing by means or on account whereof they may be prevented from obtaining such supply, or the same may be lessened or in any way interfered with.

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

26. If any difference arise between the Undertakers and any railway, canal, or other company other than the London and North-western Railway 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 water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Miscellaneous.

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

27. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purposes of the Act of 1866 and 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.

Costs of Order.

28. 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.

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