CHAPTER lxxix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Alperton and Sudbury Water, Market Weighton Water, Newmarket Water, and Wisbech Water. [3rd July 1884.]

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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: 33 & 34 Vict. c. 70.

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 (No. 2) Act, 1884.

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.

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SCHEDULE OF ORDERS.

1. Alperton and Sudbury Water.—Order authorising the maintenance and continuance of waterworks and the supply of water in and to portions of the hamlets of Alperton, Sudbury, and Wembley, in the parish of Harrow, and in and to the parishes of Twyford, Perivale, Greenford, and Northolt, all in the county of Middlesex.
2. Market Weighton Water.—Order authorising the Market Weighton Water Company (Limited) to construct and maintain waterworks and to supply water in the parish of Market Weighton in the East Riding of the county of York.
3. Newmarket Water.—Order for conferring further powers upon the Newmarket Waterworks Company (Limited).
4. Wisbech Water.—Order empowering the Wisbech Waterworks Company to extend their limits of supply and to raise additional capital.

Alperton and Sudbury.

ALPERTON AND SUDBURY WATER.

Order authorising the maintenance and continuance of Waterworks, the construction of additional Waterworks, and the supply of water in and to portions of the Hamlets of Alperton, Sudbury, and Wembley, in the Parish of Harrow, and in and to the Parishes of Twyford, Perivale, Greenford, and Northolt, all in the County of Middlesex.

Short title.

1. This Order may be cited as the Alperton and Sudbury Water Order, 1884.

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

The term "person" shall include a 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 such portions of the hamlets of Alperton, Sudbury, and Wembley, all in the parish of Harrow (not included within the limits of supply of the Colne Valley Water Company), situated westward of the London and North-western Railway, as are within the limits of supply shown on the map deposited at the office of the Board of Trade, and at the office of the Clerk of the Peace for the county of Middlesex, and marked "Alperton and Sudbury Water Order, 1884;" and also the parishes of Twyford, Perivale, Greenford, and Northolt, in the same county, which said limits of supply are shown on the said map deposited as aforesaid: Provided always, that nothing in this Order shall interfere with the existing rights of the Colne Valley Waterworks Company, or prevent that company or the Harrow Waterworks Company from carrying their water mains through the said hamlets, in the parish of Harrow, for the purpose of conveying water to places not within the limits of supply, but those companies shall not supply water to any portion of the said hamlets within the limits of supply.

Undertakers.

Undertakers.

5. Henry Haynes, of Alperton, in the parish of Harrow, and Dewar Watson, of Sudbury, in the same parish, their executors, administrators, or assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital

6. The capital of the Undertakers shall not, for the purposes of their water undertaking authorised by this Order, exceed thirty-two 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.

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 eight thousand 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.

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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 always, that they shall not at any time hold for such purposes more than ten 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.

Maintenance and Construction of Waterworks.

Power to maintain existing works and to construct additional works, and to supply water.

10. The Undertakers, on the lands upon which the same are situate, so long as they are possessed of such lands, may, from time to time as they think fit, maintain, continue, alter, enlarge, and improve their existing waterworks herein-after firstly described, and the works connected therewith, and may, on the lands shown on the deposited plans, when the same have been acquired by them, make and maintain, in the lines and according to the levels shown on the deposited plans and deposited sections, the additional works herein-after secondly described, with all needful approaches, fences, excavations, embankments, sluices, culverts, conduits or pipes, dams, weirs, outfalls, stand-pipes, tanks, hydrants, filters, drains, and other works and conveniences connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The existing works herein-before referred to, and authorised by this Order, are as follows:

(1.) A well boring and pumping station, with pumping engine and other machinery and apparatus, at Alperton, in the parish of Harrow, situated in the south-west corner of the field adjoining the northern side of Honeypot Lane, and numbered 1,496 on the 25-inch Ordnance map:

(2.) A line of pipes leading from the last-mentioned well and pumping station into and through the hamlets of Alperton, Sudbury, and Wembley, in the parish of Harrow, and the parish of Twyford.

The additional works herein-before referred to, and authorised by this Order, are as follows:

(1.) A reservoir, situate near the northern side of an enclosure (part of Horsendon Hill), in the parish of Greenford, numbered 151 on the Ordnance 25-inch map:

(2.) A reservoir, situated in and near the north-west corner of an enclosure (part of Wembley Hill), numbered 1,337 on the Ordnance 25-inch map, in the parish of Harrow:

(3.) A conduit or line of pipes commencing at the said existing well and pumping station at Alperton, passing thence in and under the public road through the hamlet of Alperton, in the parish of Harrow, and the parishes of Perivale and Greenford, and terminating at the reservoir before described on Horsendon Hill, in the parish of Greenford:

(4.) A conduit or line of pipes commencing at the said existing well and pumping station at Alperton, passing thence in and under the public roads through the hamlets of Alperton, Sudbury, and Wembley, in the parish of Harrow, and terminating at the reservoir before described on Wembley Hill:

Provided that no new mains under three inches in diameter be laid except in short lengths not exceeding one hundred and fifty yards.

The existing and intended works before described are and will be wholly situate in the county of Middlesex.

Limits of deviation.

11. 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.

Plan required by 10 & 11 Vict., c. 17. s. 31, to show level of works.

12. The plan referred to in section thirty-one of the Waterworks Clauses Act, 1847, shall in all cases be accompanied by such section and specification as will show the average level at which the main, pipe, or other work is intended to be laid.

Period for completion of works.

13. 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, deepen, 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.

For protection of Grand Junction Canal.

14. 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 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 such canal or towing-path shall be occasioned; and the Canal Company may at any time hereafter, 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 such mains, pipes, and works had not been so

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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 removal, 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 bridge 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.

For protection of London and North-western Railway Company.

15. For the protection of the London and North-western Railway Company (in this section referred to as "the Company"), the following provisions shall have effect:

(1.) The conduits or lines of pipes, numbered 3 and 4 on the deposited plans authorised by this Order, shall cross the main line of the Company by being carried along the road over the bridge over the railway of the Company, close to the Sudbury Station thereon and the immediate approaches to the said bridge, and unless otherwise agreed between the Company and the Undertakers in the course and according to the line thereof as shown on the deposited plans, and according to the level thereof as shown on the deposited sections, and in so carrying the same across and along the said railway and approaches, and in laying down any other mains or pipes, or in executing any other works under or in exercise of the powers conferred by this Order, across, in close proximity to, or in any way affecting the railway of the Company, or any of the bridges, approaches, or other works thereof, or any lands or property belonging to, or used, or occupied by the Company, as also in effecting the maintenance, repairs, and renewals of all such mains, pipes, or other works, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Company, and according to plans to be submitted to and approved by him before any such works are commenced, and all such works shall be executed by and in all things at the expense of the Undertakers; and so as not to cause any injury to any such railways, bridges, approaches, works, lands, or property, or interruption to the passage or conduct of the traffic over any such railways, or at any station thereof, and if any such injury to any such railways, bridges, approaches, works, lands, or property, or any interruption to such traffic, shall arise, the Undertakers shall make full compensation to the Company in respect of such injury or interruption, the amount of such compensation to be recoverable by the Company from the Undertakers, together with full costs, by all and the same means as any simple contract debt of the like amount is recoverable:

(2.) The said conduits or lines of pipes shall be carried over or across the said bridge and approaches by mains or pipes, which, for the entire length of such bridge and approaches, and for fifteen feet on each side thereof, shall be of such materials, dimensions, quality, and thickness as such engineer shall, in writing, reasonably require:

(3.) The said conduits or lines of pipes, and all other works which may be executed by the Undertakers, across, in close proximity to, or in any way affecting the said railways, bridges, approaches, works, lands, or property shall be maintained and renewed by the Undertakers, who shall also make good and repair the roads over any such bridges and approaches which may be disturbed or interfered with, by, or owing to any operations of the Undertakers; and in case they shall fail to execute such maintenance, repairs, and renewals, the Company may make and do, in and upon as well their own lands as in and upon the lands or other property of the Undertakers, all such works and things as the Company may reasonably think requisite in that behalf, and the sum certified by such engineer to be the reasonable amount of such their expenditure shall be repaid to the Company by the Undertakers, and in case of nonpayment may be recovered from them in manner aforesaid, together with full costs:

(4.) If by reason of any works or proceedings of the Undertakers, or of their contractors or of their workmen, or the failure, leakage, or bursting of any works or pipes of the Undertakers, the said railways, or any of the works thereof, shall be injured or damaged, such injury or damage shall be forthwith made good by the Undertakers at the expense of the Undertakers, and to the reasonable satisfaction of such engineer; and in the event of their failing so to do, the Company may make good the same, and recover in manner aforesaid the reasonable expense thereof from the Undertakers, and full costs; and if any interruption shall be caused to the traffic of the said railways by reason of any works of the Undertakers, or of any such failure, leakage, or bursting as aforesaid, the Undertakers shall pay to the Company all losses, costs, and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, the amounts thereof respectively to be recoverable by the Company from the Undertakers in manner aforesaid, with full costs:

(5.) When the works for effecting the said crossings of the said conduits or lines of pipes, or for any other works to be executed by the Undertakers, across, in close proximity to, or in any way affecting the said railways, bridges, approaches, works, lands, or property, as also for the maintenance, repairs, or renewals of any such works, shall be commenced, they shall be proceeded with, executed, and completed with all such despatch, and within such time as such engineer shall in his discretion consider fair and reasonable for effecting the same; and on the failure of the Undertakers to proceed with, execute, and complete such respective works within such time or times as such engineer may in writing, addressed to the Undertakers, prescribe, the Company may, if they think fit, themselves, and at the cost in all things of the Undertakers, provide the labour, and such materials as they may find to be necessary for, and proceed with, execute, and complete such respective works, and recover from the Undertakers in manner aforesaid their expenditure in that behalf and incidental thereto according to the amount thereof certified in writing by such engineer, together with full costs.

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For protection of Middlesex county bridges and main roads.

16. The Undertakers shall execute the works by this Order authorised so far as the same affect any bridges which the inhabitants of the county of Middlesex are bound to maintain, to contribute to maintain, or to repair, or the approaches thereto, or the roads over the same, and so far as such works affect any main roads in the county of Middlesex, as defined by the Highways and Locomotives Amendment Act, 1878, subject to the following conditions:

(*a.*) The Undertakers shall not commence nor execute any such works as aforesaid unless and until they shall have first delivered to the surveyor of Middlesex county bridges plans and drawings of the works intended to be executed, and the same plans and drawings shall have been examined and approved by the said surveyor by writing under his hand: Provided always, that if the said surveyor shall fail to approve of such works for fourteen days after such plans and drawings have been delivered to him, then the Undertakers shall not commence nor execute any such works unless and until plans and drawings thereof shall have been examined and approved of by an engineer, to be appointed by the Board of Trade on the application of the Undertakers:

(*b.*) The Undertakers shall execute all such works at their sole expense, and under the superintendence and to the reasonable satisfaction of the surveyor of Middlesex county bridges, whose charges, incident to the approval of the said plans and drawings, and to the superintendence of the works, shall be paid by the Undertakers:

(*c.*) The Undertakers shall, at the like expense, subsequently maintain the same works, and all necessary works connected therewith, in good substantial condition, to the satisfaction of the said surveyor:

(*d.*) The Undertakers shall, in the execution of the said works, cause as little detriment, and do as little damage as possible, to the said bridges or approaches, roads over the same, or main roads, and shall and will, at their own expense, in a proper and workmanlike manner, and to the satisfaction of the said surveyor, make good all damage, injury, and disturbance whatsoever which shall happen or arise to the said bridges or approaches, roads over the same, or main roads, by reason or in consequence of the laying and placing any pipes, or of executing or performing the works aforesaid, or any of them, or for or by reason of the non-repair or neglect on the part of the Undertakers to repair the said works as aforesaid, or otherwise howsoever, by reason of or incident to the laying and placing of such pipes as aforesaid:

(*e.*) If the Undertakers shall neglect or refuse to make good all such damage, injury, and disturbance as aforesaid, then it shall be lawful for the justices of the peace for the county of Middlesex to do all works necessary for making good all such damage, injury, and disturbance; and the Undertakers shall, within fourteen days after demand under the hand of the clerk of the peace of the said county, make full compensation to the said justices for all damage caused or done to any such bridge, approach, road over the same, or main road as aforesaid, and shall also bear and pay all the costs,

charges, and expenses which shall have been caused or occasioned by such neglect or refusal as aforesaid:

(*f.*) The Undertakers shall, at the request of the said justices, from time to time, when and as often as the said bridges or approaches, or any part thereof, shall be repaired, altered, rebuilt, or remade, at their own costs and charges in all things, cause and procure all and every or any of the pipes which at any time or times may or shall be so laid over or along the said bridges, or the approaches thereto, to be taken up, removed, or diverted and replaced in such manner in every respect as the said justices, or the said surveyor of Middlesex county bridges, shall from time to time reasonably require:

Provided that nothing in this Order or in any Act incorporated herewith contained shall be held to create or imply any obligation upon the said justices to maintain or keep the said bridges, or the approaches thereto, in repair, nor to render the said justices in any way responsible or liable to the Undertakers for or in respect of any damage or injury which may result to their works, or any of them, by reason of any want of repair to the said bridges, or to the approaches thereto, or by reason of the failure or neglect on the part of the said justices to maintain the same bridges or approaches, or any or either of them: Provided also, that the provisions herein-before contained for the protection of Middlesex county bridges, roads over and approaches to them, and main roads, shall be in addition to, and not by way of or in substitution for, any provisions contained in any Act incorporated with this Order.

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

17. Save as in this Order expressly provided, if any difference arise 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 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.

Rates for supply for domestic purposes.

18. 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 (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 hereinafter specified; (that is to say,)

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

Where such rateable value exceeds twenty pounds, at a rate per centum per annum not exceeding seven pounds upon such rateable value, and so in proportion for any shorter period:

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

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Rates for waterclosets and baths.

19. 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 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.

Special rates for schools, &c.

20. Notwithstanding anything in this Order, the Undertakers may demand for a supply of water to schools, boarding-houses, and houses of a similar character connected with schools, for domestic purposes, and for waterclosets beyond the first, and baths, any sums not exceeding twice the amount of the rates in this Order specified; but nothing in this section contained shall extend to schools or houses under the control of the board of guardians of the Hendon Union, or their successors in authority.

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

21. 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 to refuse supply where regulations not complied with.

22. In the event of any such regulations 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.

Undertakers to supply water to road and local authorities.

23. The Undertakers shall, when required, supply the road authority and the local authority, within the meaning of section two of the Gas and Water Works Facilities Act, 1870, of every district within the limits of supply with water for watering roads and streets, and for flushing sewers and drains, or other public purposes, at a rate not exceeding one shilling for every thousand gallons.

Water supplied by agreement.

24. The Undertakers may from time to time supply by agreement any person, corporation, or company with water for use within the limits of supply for other than domestic purposes, for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such person, corporation, or company; but, notwithstanding any such agreement, no such person, corporation, or company 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 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 month's notice in writing.

Supply of water by measure.

25. Any consumer of water, being the owner or occupier of any premises within the limits of supply, and entitled under this Order to demand and receive

from the Undertakers a supply of water for domestic purposes, shall be entitled to have such water supplied to him by measure, and to be provided by the Undertakers with a proper meter or other instrument whereby such water shall be measured; the rate of remuneration for such supply shall not exceed one shilling and sixpence for every thousand gallons; and the Undertakers may charge a rent for each meter or other instrument for measuring water provided by them under this section, 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: Provided that no such meter or instrument shall be subject to distress for rent, nor to be taken in execution under any process of any court of law or under any proceedings in bankruptcy.

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 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.

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 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.

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.

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 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.

Mis-user 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 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.

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.

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.

Warrant of distress to include cost.

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.

Liability to water rate not to disqualify justices from acting.

37. 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.

MARKET WEIGHTON WATER.

Market Weighton.

Order empowering the Market Weighton Water Company (Limited) to construct and maintain Waterworks and to supply Water in the Parish of Market Weighton, in the East Riding of the county of York.

1. This Order may be cited as the Market Weighton Water Order, 1884.

Short title.

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.

Incorporation of Acts.

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.

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.

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 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.

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 so

Limits of Order.

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Market Weighton.

much of the parish of Market Weighton, in the East Riding of the county of York, as is comprised within a radius of one thousand yards from the south-west corner of the Green.

Undertakers.

Undertakers.

5. The Market Weighton 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 four 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.

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 one thousand 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, 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 authorised by this Order; 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 such purposes more than four 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 supply water.

10. The Undertakers may, on the lands shown on the deposited plans, when the same have been acquired by them, make and 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 pipes, mains, culverts, cuts, drains, wells, dams, sluices, engines, pumps, filtering beds, weirs, meters, approaches, embankments, roads, and all works and conveniences 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 East Riding of the county of York, and are—

Market Weighton.

A well or shaft and boring with headings, and a tank and pumping station with engines and other works, to be wholly situated in a field, in the said parish of Market Weighton, belonging or reputed to belong to the Right Honourable Lord Londesborough, opposite to the Spring Plantation, on the north side of such field, and on the south side of the highway leading from Market Weighton to North Dalton, and which field is bounded on the east by glebe lands belonging or reputed to belong to the rector of Goodmanham, on the west and south by other lands belonging or reputed to belong to the said Lord Londesborough, and on the north by the said highway leading from Market Weighton to North Dalton.

A service and storage reservoir about 25 yards long and 12 yards wide, all in the above-mentioned field, and at or near the south-west corner thereof, and about 165 yards south of the said highway.

A conduit or line of pipes wholly situate in the said field, commencing from and out of the said proposed well or pumping station, passing thence in a westerly direction to and terminating on the east side of the proposed reservoir.

A conduit, or line of pipes, wholly situate in the parish of Market Weighton, commencing at the said intended reservoir (north side), passing thence in a northerly direction under or along the said field to the said highway leading from Market Weighton to North Dalton, thence in a westerly direction under and along such highway to and terminating therein at the point where the said highway is crossed by the street called Hull Street.

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, 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.

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 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 subject to the provisions of this Order.

For the protection of the North-eastern Railway Company.

13. (1.) Whereas the North-eastern Railway Company (in this section called "the Railway Company") are, or claim to be, the owners of a mill situate at Goodmanham, in the East Riding of the county of York, which is dependent for its supply of water upon a stream having its source at, amongst other places, two springs, called "Goodmanham Spring" and "Crunkhill Spring," situated near the well or shaft and pumping station authorised by this Order to be constructed. The Undertakers shall indemnify the Railway Company against any reduction in the value of their said mill which may arise from the

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water supply of the said stream from the aforesaid springs being so diminished by or by means of the construction or maintenance of the said works as to be insufficient for the ordinary purposes of the said mill. Provided that any difference arising between the Railway Company and the Undertakers as to any matter referred to in this section shall be determined by arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, and that no claim for compensation shall be made by the said Railway Company under this clause after the expiration of three years from the completion of the said works.

(2.) The Undertakers may carry any main or pipe under and across the railway of the Railway Company where crossed by any public street on the level, but any main or pipe carried under the railway shall, if so required by the engineer of the Railway Company, be carried thereunder in a culvert or casing pipe of sufficient dimensions to admit of the relaying or repair of the main or pipe without interference with the railway; and the laying down and subsequent repair or reinstating of any main, pipe, or culvert, and of any other work of the Undertakers over, across, or affecting the railway or property of the Railway Company, shall be executed by and at the expense of the Undertakers, at such times as may be required or approved, by and under the direction and superintendence and to the reasonable satisfaction of the engineer of the Railway Company, and, when required by him, in accordance with plans and specifications previously submitted to and approved by him. All mains, pipes, and other works shall be laid down, executed, maintained, repaired, and used so that the traffic upon the railway shall not be in anywise impeded.

If by reason or in consequence of any act or work of the Undertakers, or the laying down, relaying, maintenance, use, want of repair, failure, or bursting of any pipe of the Undertakers, or during the laying down or repair thereof, or otherwise, the Railway Company or their railway, or any work connected therewith, or the traffic thereon, shall be damaged, injured, or impeded, the Undertakers shall forthwith, at their own expense, make good the same, or compensate the Railway Company for any loss, damage, injury, or expense they may sustain or incur thereby.

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

14. 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 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 (other than a difference arising between the Undertakers and the said North-eastern Railway Company in relation to any of the matters mentioned in the preceding section), the same shall be settled by an engineer to be appointed by the Board of Trade, at the request of either party.

Supply.

Limits of pressure.

15. 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.

16. 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

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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 hereinafter specified; (that is to say,)

Where the rateable value of the premises so supplied with water does not exceed five pounds, the sum of eight shillings and eightpence.

Where such rateable value exceeds five pounds and does not exceed ten pounds, the sum of sixteen shillings.

Where such rateable value exceeds ten pounds and does not exceed fifteen pounds, the sum of twenty-four shillings.

Where such rateable value exceeds fifteen pounds and does not exceed twenty pounds, the sum of thirty-two shillings.

Where such rateable value exceeds twenty pounds and does not exceed twenty-five pounds, the sum of thirty-nine shillings.

Where such rateable value exceeds twenty-five pounds and does not exceed thirty pounds, the sum of forty-six shillings.

Where such rateable value exceeds thirty pounds and does not exceed thirty-five pounds, the sum of fifty-three shillings.

Where such rateable value exceeds thirty-five pounds and does not exceed forty pounds, the sum of sixty shillings.

Where such rateable value exceeds forty pounds and does not exceed forty-five pounds, the sum of sixty-six shillings.

Where such rateable value exceeds forty-five pounds and does not exceed fifty pounds, the sum of seventy-two shillings.

Where such rateable value exceeds fifty pounds and does not exceed fifty-five pounds, the sum of seventy-eight shillings.

Where such rateable value exceeds fifty-five pounds and does not exceed sixty pounds, the sum of eighty-four shillings.

Where such rateable value exceeds sixty pounds and does not exceed sixty-five pounds, the sum of eighty-nine shillings.

Where such rateable value exceeds sixty-five pounds and does not exceed seventy pounds, the sum of ninety-four shillings.

Where such rateable value exceeds seventy pounds and does not exceed seventy-five pounds, the sum of ninety-nine shillings.

Where such rateable value exceeds seventy-five pounds and does not exceed eighty pounds, the sum of one hundred and four shillings.

Where such rateable value exceeds eighty pounds and does not exceed eighty-five pounds, the sum of one hundred and eight shillings.

Where such rateable value exceeds eighty-five pounds and does not exceed ninety-pounds, the sum of one hundred and twelve shillings.

Where such rateable value exceeds ninety pounds and does not exceed ninety-five pounds, the sum of one hundred and sixteen shillings.

Where such rateable value exceeds ninety-five pounds and does not exceed one hundred pounds, the sum of one hundred and twenty shillings.

Where such rateable value exceeds one hundred pounds, at a rate per centum not exceeding five pounds ten shillings.

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

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Market Weighton.

Rates for water-closets and baths.

17. 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 recovered by the same means as the rate for the supply of water for domestic purposes.

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

18. 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 where regulations not complied with.

19. 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.

Power to supply water in bulk within or without limits of supply.

20. The Undertakers may from time to time by agreement supply any sanitary authority, corporation, company, or person within or without the limits of supply with water in bulk for other than domestic purposes for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such authority, corporation, company, or person; but, notwithstanding any such agreement, no sanitary authority, corporation, company, or person shall be entitled to a supply under any such agreement whenever and as 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, and every such agreement shall by virtue of this Order be determinable by the Undertakers on one month's notice in writing: Provided 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 continue to supply water within the limits of supply of any sanitary authority, corporation, 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 authority, corporation, company, or person first had and obtained.

Supply of water by measure.

21. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any person within the limits of supply, 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.

Market Weighton.

Undertakers to keep meters, &c. in repair.

22. 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.

23. 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 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.

24. 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.

25. 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.

26. 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.

Penalties.

Injuring meters, &c.

27. 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

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Market Weighton.

regulations 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

Market Weighton.

33. 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.

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

34. 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.

NEWMARKET WATER.

Newmarket.

Order for conferring further Powers upon the Newmarket Waterworks Company (Limited).

1. This Order may be cited as the Newmarket Water Order, 1884, and the Newmarket Water Order, 1883, as amended by this Order, and this Order shall be read and have effect together as one Order, and may be cited together as the Newmarket Water Orders, 1883 and 1884.

Short title and construction Order.

2. In this Order the terms "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

Interpretation.

Lands.

3. The Undertakers may by agreement purchase, take on lease, hire, or otherwise acquire and use such of the lands delineated on the deposited plans as may be required for the works 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 such lands which they may require for such purposes: Provided always, that they shall not at any one time hold more than five acres of land under the authority of this Order and the Newmarket Waterworks Order, 1883, over and above such of the lands shown on the deposited plans as may be required for the works as aforesaid.

Power to acquire lands.

Construction of Works.

4. The Undertakers may, on the lands shown on the deposited plans, when the same have been acquired by them, make and maintain, in the lines and according to the levels shown on the deposited plans and on the deposited sections, the works herein-after described, with all necessary approaches, embankments, roads, filtering beds, wells, dams, sluices, culverts, mains, pipes, engines, and all works and conveniences necessary for the supply of water, and they may supply and sell water therefrom, subject to the provisions of the Order of 1883 as amended by this Order, within the limits of supply as defined by the Order of 1883.

Power to make waterworks and supply water.

The works authorised by this Order are—

A well and pumping station situate in the parish of Exning and county of Suffolk in the north-eastern corner of a field, part of a farm known as

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Newmarket.

South Field Farm, belonging or reputed to belong to the Jockey Club, and occupied by Mr. Charles Edward Robinson, which field lies to the south of and immediately adjoins the South Field Farmhouse.

An aqueduct, conduit, or line of pipes (A.) wholly in the said parish of Exning and county of Suffolk, commencing at the said well and pumping station aforesaid, and terminating in the road leading from Newmarket to Cambridge at the boundary of the parish of Newmarket Saint Mary.

A reservoir, in the parish of Cheveley, in the county of Cambridge, situate in a field numbered 5 on the Tithe Commutation Map for the parish of Cheveley, and adjoining the westernmost boundary of the field numbered 3 on the said Tithe Commutation Map, and being 290 yards or thereabouts, measured along such boundary, distant from the road leading from Newmarket to Moulton.

An aqueduct, conduit, or line of pipes (B.) wholly in the parish of Cheveley aforesaid, commencing in and out of the said reservoir, and passing thence in a northerly direction into the road leading from Newmarket to Moulton, and along that road in a westerly direction to and adjoining the aqueduct, conduit, or line of pipes No. 2 authorised by the Order of 1883, at or about the point at which the last-mentioned aqueduct, conduit, or line of pipes is shown upon the plans deposited for and in respect of that Order to leave the said road.

And the aforesaid works shall be in substitution for the following works authorised by the Order of 1883, which last-mentioned works the Undertakers shall not construct; (that is to say,)

(*a.*) The well and pumping station in the parish of Wood Ditton.

(*b.*) The reservoir on Warren Hill, in the parish of Cheveley.

(*c.*) The aqueduct, conduit, or line of pipes No. 1.

(*d.*) So much of the aqueduct, conduit, and line of pipes No. 2 as will be rendered unnecessary by the construction of the aqueduct, conduit, or line of pipes (B.) above described.

And the provisions of the Order of 1883 shall (except where expressly varied by this Order) extend and apply with respect to the works authorised by this Order in as full and complete a manner as if the same had been part of the works authorised by the Order of 1883.

Limits of deviation.

5. 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, and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and seven feet downwards.

Limits of pressure.

6. Notwithstanding anything contained in the Order of 1883, the water to be supplied by the Undertakers need not be at any time delivered at a height greater than can be reached by gravitation from the reservoir authorised by this Order.

Costs of Order.

7. 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.

WISBECH WATER.

A.D. 1884.

Wisbech.

Order empowering the Wisbech Waterworks Company to extend their Limits of Supply and to raise additional Capital.

Short title.

1. This Order may be cited as the Wisbech Water Order, 1884.

Construction of Order.

2. The Wisbech Waterworks Act, 1864, (in this Order referred to as "the Act of 1864,") the Wisbech Waterworks 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), 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.

Undertakers to exercise powers within extended limits.

4. The Wisbech Waterworks Company, incorporated by the Act of 1864, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers," and, notwithstanding anything in the Act of 1864, shall have and may exercise, subject to the provisions of this Order, within the parishes and places of Wiggenhall St. Mary Magdalen and Wiggenhall St. Peters, both in the county of Norfolk, and March and Elm, both in the county of Cambridge, all and the like powers, privileges, and authorities for and in relation to 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 the Act of 1864; and the expression "limits of this Act"

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in the Act of 1864 shall, from and after the passing of the Act confirming this Order, be deemed to include the said parishes and places.

Additional Capital.

Additional capital.

5. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1864 and the Order of 1876 (in this Order referred to as "the original and additional capital"), they may from time to time—

(1.) Raise any further sums, not exceeding in the whole forty thousand pounds, by the issue of new ordinary or preference shares, or partly ordinary and partly preference shares (in this Order referred to as "new 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 new capital of forty thousand pounds by this Order authorised to be raised by ordinary or preference shares any sum not exceeding in the whole ten thousand pounds; and the Undertakers may, as each sum of eight thousand pounds of such new 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 eight thousand pounds any sum or sums not exceeding in the whole two thousand pounds; but in no case shall any part of the said respective sums of two thousand pounds be borrowed until shares for so much of the new 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 new 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.

6. 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.

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.

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

8. 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.

Calls.

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.

Receipt clause in case of person not sui juris.

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, 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.

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

11. 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 Order, 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.

Power to create debenture stock.

12. All mortgages granted by the Undertakers under the authority of the Act of 1864 or the Order of 1876 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 1864 and the Order of 1876, 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.

Existing mortgages to have priority.

13. The Undertakers shall not in any year make out of their profits any larger dividend on the new 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.

Limits of dividend on additional capital.

14. 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 additional and new capital of the Undertakers a rateable deduction shall be made in the dividend of each class.

Dividends on different classes of shares to be paid rateably.

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Limit of interest on moneys borrowed.

15. 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.

16. 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.

17. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1864 and this Order to which capital is properly applicable.

Saving rights of Middle Level Commissioners.

18. Nothing herein contained shall in any manner diminish, alter, affect, or take away any of the rights, privileges, powers, and authorities now exercised or capable of being exercised by or vested in the Middle Level Commissioners, save and except so far as the same rights, privileges, or authorities are expressly altered or interfered with by this Order.

Saving rights of the Crown in the foreshore.

19. Nothing contained in this Order shall authorise the Undertakers to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

No works to be constructed on sea shore, &c. without consent in writing of Board of Trade.

20. The Undertakers shall not construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and re-flows, any work without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid; and where any such work may have been constructed the Undertakers shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section, the Board of Trade may abate and remove the same, and restore the site thereof to its former condition, at the cost and charge of the Undertakers, and the amount of such costs and charges shall be a debt due from the Undertakers to the Crown, and shall be recoverable accordingly with costs.

21. 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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