



CHAPTER clxi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Amersham Beaconsfield and District Water Burnham and District Water East Huntingdonshire Water Hemel Hempstead Water Maidstone Water and Tilehurst Pangbourne and District Water. [7th August 1896.] A.D. 1896.

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 :

And whereas the limits of supply as defined by the Burnham and District Water Order 1896 hereby confirmed include a portion of the area within which the Slough Waterworks Company were by the Slough Waterworks Act 1875 authorised to supply water and it has been agreed between the said Company and the Undertakers for the purposes of the said Order that the said Undertakers shall be authorised by the said Order to supply water therein and that so much of the said Act as authorises the said Company to supply water therein shall be repealed : 38 & 39 Vict. c. cxlvi.

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and

[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 VICT.]

A.D. 1896. 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 1896.

Confirmation of Orders in schedule.

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

Special provisions 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 purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board which were not so occupied but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans 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.

Partial repeal of 38 & 39 Vict. c. cxlvi.

4. So much of the Slough Waterworks Act 1875 as authorises the Slough Waterworks Company to supply water within so much of the parish of Farnham Royal as is included within the limits of supply as defined by the Burnham and District Water Order 1896 hereby confirmed is hereby repealed and from and after the passing this Act all the powers duties and obligations of the Slough Waterworks Company with reference to the supply of water within such part of such parish as aforesaid shall absolutely cease and determine and the said Order shall have as full validity and effect as if such part of such parish had never been included within the limits within which the said Company were by the said Act authorised to supply water.



SCHEDULE OF ORDERS.

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A.D. 1896.

**AMERSHAM BEACONSFIELD AND DISTRICT WATER.**—Order empowering the Amersham Beaconsfield and District Waterworks Company Limited to construct and maintain waterworks and to supply water within the parishes of Amersham Coleshill Beaconsfield Chesham Bois Chalfont St. Giles Chenies Seer Green and Penn all in the county of Buckingham.

**BURNHAM AND DISTRICT WATER.**—Order empowering the Burnham Dorney and Hitcham Waterworks Company Limited to maintain and continue waterworks and to supply in the parishes of Burnham and Hitcham and part of the parish of Farnham Royal in the county of Buckingham.

**EAST HUNTINGDONSHIRE WATER.**—Order empowering the East Huntingdonshire Water Company to raise additional capital.

**HEMEL HEMPSTEAD WATER.**—Order authorising the Hemel Hempstead Waterworks and Laundry Company Limited to maintain and continue waterworks and to construct additional waterworks and to supply water in and to the parish of Hemel Hempstead and part of the parish of St. Michaels and Abbots Langley in the county of Hertford.

**MAIDSTONE WATER.**—Order empowering the Maidstone Waterworks Company to raise additional capital.

**TILEHURST PANGBOURNE AND DISTRICT WATER.**—Order empowering the Tilehurst Pangbourne and District Water Company Limited to extend their limits of supply and to raise additional capital.

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AMERSHAM BEACONSFIELD AND DISTRICT WATER.

*Amersham  
Beaconsfield  
and District.*

*Order empowering the Amersham Beaconsfield and District Waterworks Company Limited to construct and maintain Waterworks and to supply Water within the Parishes of Amersham Coleshill Beaconsfield Chesham Bois Chalfont St. Giles Chenies Seer Green and Penn all in the County of Buckingham.*

Short title.

1. This Order may be cited as the Amersham Beaconsfield and District Water Order 1896.

Commence-  
ment of  
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation  
of Acts.

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 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 said Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

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 expression "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

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 parishes of Amersham Coleshill Beaconsfield Chalfont St. Giles Chenies Seer Green and Penn and such part of the parish of Chesham Bois as lies south of a line drawn across the said parish from east to west passing immediately north of St. Leonard's Church and immediately south of Mayhall Farm all which said parishes are in the county of Buckingham.

Where  
Undertakers  
not furnishing  
sufficient

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any



local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

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supply local  
authority or  
company may  
supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

#### *Undertakers.*

7. The Amersham Beaconsfield and District Waterworks Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

#### *Capital.*

8. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twelve thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock and no higher rate of interest than five pounds per cent. 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 commencement of this Order and secured as aforesaid.

Limits of  
borrowing  
powers.

#### *Lands.*

10. 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 the 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 (not being easements rights or privileges to take water in which persons other than the parties to the agreement have an interest) in over or affecting any lands which they may require for such purposes Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than five acres of land Provided also that no building shall be erected on such lands except such as are required for the purposes of the undertaking.

Power to  
acquire lands.

11. 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

Persons under  
disability may  
grant ease-  
ments &c. to  
the Under-  
takers.

A.D. 1896. right or privilege of water in which persons other than the parties to the agreement have an interest) 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.

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*Construction of Waterworks.*

Power to construct water-works and supply water.

12. The Undertakers may on the lands shown on the deposited plans when the same have been acquired by them and so long as they are possessed of the said lands or so long as they may be entitled to do so under agreement 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 needful goits conduits or pipes channels dams weirs sluices pens locks engines pumps machinery stand-pipes tanks valves hydrants apparatus buildings walls fences 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 works authorised by this Order will be wholly situate in the county of Buckingham and are as follows:—

- (1.) A well and artesian boring with pumping station works and buildings upon land situate in a field numbered 288 on the  $\frac{1}{2500}$  Ordnance map for the parish of Amersham aforesaid adjoining the London Road and belonging to Thomas William Tyrwhitt Drake.
- (2.) A covered service reservoir upon land in the parish of Amersham aforesaid situate in a field numbered 593 on the  $\frac{1}{2500}$  Ordnance map for the parish of Amersham aforesaid adjoining the road from Coleshill to Amersham and belonging to Thomas William Tyrwhitt Drake.
- (3.) A line of pipes forming the rising main from the said pumping station to the said reservoir.
- (4.) An aqueduct or line of pipes commencing at the aforesaid reservoir passing through Coleshill aforesaid and terminating about the centre of the town of Beaconsfield with distributing branches carried along the various roads and streets in the town and parish of Beaconsfield aforesaid.
- (5.) An aqueduct or line of pipes commencing from a junction with the last-mentioned aqueduct or line of pipes passing through Winchmore Hill and terminating near Holy Trinity Church in the village of Penn with a branch commencing at Winchmore Hill aforesaid and terminating near Holy Trinity Church Penn Street in the said parish of Penn.
- (6.) An aqueduct or line of pipes commencing at the pumping station in the town of Amersham aforesaid and terminating at the head of the High Street in the town of Amersham aforesaid near Little Shardeloes with branches along Church Street and Whielden Street in the same town.
- (7.) An aqueduct or line of pipes commencing at the said pumping station passing along the London Road and the new road to the Metropolitan Railway Station at Amersham and along the White Lion Inn Road to Chalfont Road Station of the same railway in the parish of Chalfont St. Giles terminating about the centre of the village of Chenies with distributing branches in the roads and streets also branches commencing



from the last-mentioned aqueduct or line of pipes at Amersham Common and terminating near Bois Farm and Manor Farm respectively in the parish of Chesham Bois.

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- (8.) An aqueduct or line of pipes commencing from the aqueduct or line of pipes No. 7 near the Chequers public house in the town of Amersham aforesaid and carried along the London Road to the village of Chalfont St. Giles and terminating at Three Households in the same village with distributing branches in the various roads and streets.

13. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plans but in no case beyond the width of any road 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.

Limits of deviation.

14. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 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 wells mains pipes filters filter beds buildings and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Period for completion works.

15. For the protection of the Metropolitan Railway Company (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Order or shown on the deposited plans or deposited sections unless otherwise agreed between the Undertakers and the company be observed and have effect (that is to say):—

For the protection of the Metropolitan Railway Company.

- (1.) The Undertakers shall not without the consent in writing of the company construct lay down or execute any aqueduct line of pipes or other work in or along the private road of the company leading from Amersham Town to Amersham Station on the company's railway or in any way interfere with the said road or any part thereof.
- (2.) In laying down or executing the works of laying down or effecting the repairs or renewals of any aqueduct or line of pipes or other works in the exercise of the powers contained in this Order upon across over under along or in any way affecting the lands and property now or hereafter belonging to or used or occupied by the company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and only according to such plans as shall be submitted to and in such manner as shall previously be reasonably approved in writing by him.
- (3.) All such works shall be done by and at the expense of the Undertakers who also shall restore and make good to the like satisfaction of the engineer of the company the roads over any bridges level crossings and approaches which the company are or may be liable to maintain and

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which may be disturbed or interfered with by or owing to any operations of the Undertakers.

- (4.) All such works repairs or renewals and operations and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches and viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon.
- (5.) If any injury or interruption shall arise from or in any way be owing to any of the works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or works or otherwise by any means whatsoever in under or near to the railway of the company or any bridge or level crossing of the company the Undertakers shall make compensation to the company in respect thereof the amount of such compensation together with full costs to be recoverable by the company from the Undertakers by all and the same means as any simple contract debt is recoverable.
- (6.) The Undertakers shall also pay to the company for any easement to be acquired by them upon across over along or under any of the railways works lands or property of the company such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands.
- (7.) In cases of urgent emergency the Undertakers may commence such works as may be actually necessary for the immediate maintenance or repair of any works of the Undertakers and shall submit such plans and obtain the approval thereto of the engineer of the company and otherwise comply with the provisions of this section as aforesaid as soon thereafter as practicable.

Provided always that subject to the stipulations before mentioned nothing herein contained shall prevent the Undertakers from laying mains and pipes along any public street road highway or bridge crossing the railway of the company.

- (8.) The Undertakers shall in the event of the company giving the consent referred to in the first clause of this section from time to time by agreement when required by the company supply the company with water in bulk or by measure upon such terms of remuneration and such conditions as may from time to time be agreed upon between the Undertakers and the company.
- (9.) During the construction or laying down of the said aqueduct line of pipes or other work or the maintenance thereof or any renewals or repairs thereof across over under along or adjoining or near to or affecting the railways property and works of the company the Undertakers shall bear and on demand pay to the company all expenses of employment by them of a sufficient number of inspectors or watchmen to be appointed by the company for watching their railways and the works thereof with reference



to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Undertakers or their contractors or any person or persons in the employment of the Undertakers or their contractors with reference thereto or otherwise.

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(10.) Any difference which may arise between the company and the Undertakers touching any of the matters referred to in this section shall except in the case herein-before otherwise provided be decided by a single arbitrator to be appointed on the application of the company or the Undertakers by the Board of Trade and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

16. The Undertakers shall not take any water from the River Thames (which expression in this section includes any tributary thereof) or from any defined surface channel discharging into the said river without the consent in writing of the Conservators of the River Thames. Provided always that this section shall not apply to the pumping station of the company existing at the time of the commencement of this Order and the site whereof is shown on the map deposited at the Board of Trade in respect of such Order.

Undertakers  
not to take  
water from  
River Thames  
&c. or from  
land adjacent  
thereto.

17. 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 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  
crossing the  
works of a  
railway or  
other company.

*Supply.*

18. The water supplied by the Undertakers need not at any time be delivered at a height greater than can be reached by gravitation from the service reservoir or works authorised by this Order nor need the water supplied by the Undertakers be constantly laid on under pressure. Provided that the Board of Trade may at any time after the commencement of this Order by order in writing to be served upon the Undertakers require the Undertakers to have the water supplied by them constantly laid on under pressure and the Undertakers shall thereupon within three months after the service of such order cause the water supplied by them to be constantly laid on under pressure and shall in all respects comply with the requirements of such Order.

Limit of  
pressure.

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):—

Rates for  
supply for  
domestic  
purposes.

Where the rateable value of the premises so supplied with water shall not amount to six pounds at a rate not exceeding eight shillings and eightpence per annum;



[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 VICT.]

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Where such rateable value amounts to six pounds and does not exceed ten pounds the rate of eight pounds per centum upon such rateable value ;

Where such rateable value exceeds ten pounds and does not exceed twenty pounds the rate of seven pounds ten shillings per centum upon such rateable value ;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of seven pounds per centum upon such rateable value ;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of six pounds ten shillings per centum upon such rateable value ;

Where such rateable value exceeds sixty pounds the rate of six pounds per centum upon such rateable value ;

And so in proportion for any shorter period than a year :

Provided also that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than five shillings in any one year nor for a less period than six months and that the Undertakers shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues or if there is no such list then by the last rate made for the relief of the poor :

Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rates for  
waterclosets  
&c.

20. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath an additional sum not exceeding ten shillings per annum such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when as usually filled for use more than fifty gallons of water.

Regulations for  
preventing  
waste &c. of  
water.

21. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply. The said provisions are as follows:—

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contami-



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nation of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

- (2.) No such regulations shall be of any force or effect unless and till the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.
- (3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.
- (4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.
- (5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.
- (6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.
- (7.) Any person who shall offend against any of such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 Vict.]

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Water supplied  
by agreement.

22. The Undertakers may from time to time by agreement supply any local authority or company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply under such agreement 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 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 in this section contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Limitation to  
supply of  
water in bulk  
outside the  
county of  
Buckingham.

Notwithstanding anything contained in this Order the Undertakers shall not supply water in bulk or otherwise for distribution or consumption outside of the county of Buckingham except within the parishes of Flaunden Sarratt and the ecclesiastical parish of Chorleywood in the county of Hertford.

Supply of  
water by  
measure.

23. 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 cost 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.

24. 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.

Registers of  
meters &c. to  
be evidence.

25. 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 a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

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

26. Section 44 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.

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27. Where 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 waterworks 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.

Where several houses supplied by one pipe each to pay.

28. 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.

Supply of water to tenements in a row.

#### *Penalties.*

29. 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 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 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 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 use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Injuring meters &c.

30. 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.

Misuser where supply to several houses by a common pipe.

#### *Miscellaneous.*

31. In case any consumer of water supplied by the Undertakers leaves 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

Incoming tenant not liable to pay arrears.

[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 Vict.]

A.D. 1896. 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.

Amersham  
Beaconsfield  
and District.

Several sums  
in one sum-  
mons.

Warrant of  
distress may  
include costs.

32. 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 sums.

33. 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.

34. No justice or judge of any county 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.

Power to  
Undertakers  
to sell under-  
taking to local  
authority.

35. At any time after the commencement of this Order the Undertakers may sell and transfer their undertaking or any part thereof to any local authority whose district or part of whose district may be within the limits of supply of the Undertakers and any such local authority may with the sanction of the Local Government Board purchase the same for such price and upon such terms and conditions as may be agreed upon and from and after such sale of the undertaking to any such local authority as aforesaid all the property real and personal and all rights powers and privileges authorities duties obligations and liabilities of the Undertakers in respect of the undertaking (or the part thereof so sold and transferred) held enjoyed exerciseable or to be performed by the Undertakers at the time of such sale other than and except powers relating to share and loan capital and of general meetings and directors or otherwise relating to the constitution and management of the Undertakers Company shall subject to all the liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the local authority purchasing the same as though the same had been acquired by and conferred upon the said local authority instead of the Undertakers.

8 Vict. c. 16.  
s. 140. incor-  
porated.

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

Costs of Order.

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

SCHEDULE.

*Description of Land proposed to be Purchased.*

Site for well  
and pumping  
station.

All that piece of land situate at Amersham in the county of Buckingham belonging or reputed to belong to Thomas William Tyrwhitt Drake part of a



field numbered 288 on the  $\frac{1}{2500}$  Ordnance Map for the parish of Amersham bounded on the north by the London Road to which it has a frontage of 35 feet on the east and south by other property belonging to Thomas William Tyrwhitt Drake and on the west by property belonging to Juliana Hatch and containing in the whole 455 square yards or thereabouts.

A.D. 1896.  
—  
*Amersham  
Beaconsfield  
and District.*

All that piece of land situate in the parish of Amersham in the county of Buckingham belonging or reputed to belong to Thomas William Tyrwhitt Drake part of a field numbered 593 on the  $\frac{1}{2500}$  Ordnance Map for the parish of Amersham bounded on the north-east and west by other property belonging to the said Thomas William Tyrwhitt Drake in the occupation of Charles Pepper Statham and on the south by the road leading from Coleshill to Amersham to which it has a frontage of 100 feet or thereabouts and containing in the whole 2 roods or thereabouts.

Site for  
reservoir.

### BURNHAM AND DISTRICT WATER.

*Order empowering the Burnham Dorney and Hitcham Waterworks Company Limited to maintain and continue Waterworks and to supply Water in the Parishes of Burnham and Hitcham and part of the Parish of Farnham Royal in the County of Buckingham.*

*Burnham  
and District.*

1. This Order may be cited as the Burnham and District Water Order 1896.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-  
ment 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 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 said Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Incorporation  
of Acts.

4. The several words terms and expressions to which by any Act 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 that the expression "superior court" or "court of competent jurisdiction" in any Act in whole or in part 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.

Interpretation.

A.D. 1896.

*Burnham  
and District.*

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 parishes of Burnham and Hitcham and so much of the parish of Farnham Royal as lies to the north of the northern boundary of the Great Western Railway all in the county of Buckingham.

Where Under-  
takers not  
furnishing  
sufficient  
supply local  
authority or  
company may  
supply.

6. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

*Undertakers.*

Undertakers.

7. The Burnham Dorney and Hitcham 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.

8. The share capital of the Undertakers for the purposes of the undertaking shall not exceed six thousand pounds consisting of the share capital already raised by the Undertakers of three thousand pounds (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding three thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order 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.

New shares to  
be offered by  
auction or  
tender.

9. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board



of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares of the Undertakers.

A.D. 1896.

*Burnham  
and District.*

10. When the amount bidden or tendered by the proprietor of any share of the Undertakers, for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

11. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

12. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply.

Notice to be given of sale of shares.

13. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares of the Undertakers in such manner as may be determined by the directors of the Undertakers Provided that any share so offered and not accepted within the time prescribed shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve price put upon such shares may upon such second sale (if the directors of the Undertakers think fit) be less than the nominal amount thereof and any shares not then sold shall be again offered to the holders of ordinary shares at the last-mentioned reserve price and so from time to time until the whole of such shares is sold.

Shares not sold by auction or tender to be offered to shareholders.

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

Application of premium arising on issue of shares.



[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 VICT.]

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*Burnham  
and District.*

Limits of  
dividend on  
capital.

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

Dividends on  
different classes  
of ordinary  
shares to be  
paid propor-  
tionately.

16. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) 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 and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Borrowing  
powers.

17. The amount of all money borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares including any premiums that may be obtained on the sale of any shares under the provisions of this Order 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 commencement of this Order and secured as aforesaid.

*Lands.*

Power to  
acquire lands.

18. The Undertakers may by agreement from time to time purchase take on lease acquire and use any lands and any easements rights or privileges (not being an easement right or privilege to take water in which other than the parties to the agreement have an interest) in over or affecting any lands which they may require for the purposes of the undertaking Provided that they shall not create or permit a nuisance on any lands so held by them and that they shall not at any time hold for such purposes more than five acres of land in addition to the lands held by them at the commencement of this Order.

Persons under  
disability may  
grant ease-  
ments &c.  
to Under-  
takers.

19. 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 right or privilege of water in which other than parties to the agreement have an interest) 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.*

Power to  
maintain ex-  
isting works  
and to supply  
water.

20. The Undertakers may on the lands upon which the same are situate so long as they are possessed of the said lands maintain and continue their existing waterworks herein-after described and may from time to time enlarge renew and improve the same together with all mains pipes machinery and other works connected therewith and may take collect impound and distribute any springs.



streams or waters in or near the site of the said works or any other waters in or under any lands for the time being belonging to or held by the Undertakers and they may subject to the provisions of this Order supply and sell water for domestic and any other purposes within the limits of supply.

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—  
*Burnham  
and District.*

The existing works herein-before referred to are situate wholly in the parish of Burnham in the county of Buckingham and are—

- (1.) An engine-house and well with pumps and other works and conveniences connected therewith situate in a field at the north end of the village of Burnham numbered on the 25-inch Ordnance Map 295 in that parish ;
- (2.) A service reservoir situate in a field numbered on the said Ordnance Map 184 ;
- (3.) A conduit or line of pipes commencing at the said well and terminating at the said service reservoir.

21.—(1.) Any existing mains or pipes which the Undertakers may from time to time alter enlarge renew or improve or any new mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the railway of the Great Western Railway Company (herein-after referred to as "the said railway") shall so far as they may affect such railway be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company (herein-after referred to as "the Great Western Company") and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions Provided that where any mains or pipes required to be laid under or over any level crossing of the said railway the Great Western Company may if they elect so to do themselves lay such mains or pipes at the costs charges and expenses of the Undertakers.

For protec-  
tion of Great  
Western  
Railway  
Company

(2) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3.) The Undertakers shall at all times keep the Great Western Company indemnified against all damages losses expenses or injury which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes.

(4.) If the Great Western Company at any time hereafter require of which requirement they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the Great Western Company may on giving to the Undertakers seven days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the said Undertakers across over or

[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 50 VICT.]

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*Burnham  
and District.*

For the pro-  
tection of  
Buckingham  
County  
Council.

Undertakers  
not to take  
water from  
the River  
Thames &c.

As to differ-  
ences with  
railway or  
other com-  
panies.

Limits of  
pressure.

Rates for sup-  
ply of water  
for domestic  
purposes.

under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof.

22. Unless otherwise agreed between the Undertakers and the county council of the county of Buckingham any mains and pipes to be laid by the Undertakers after the commencement of this Order in any main roads under the jurisdiction of such county council shall be laid at a depth of not less than three feet below the surface of the road.

23. The Undertakers shall not take any water from the River Thames (which expression in this section includes any tributary thereof) or from any defined surface channel discharging into the said river without the consent in writing of the Conservators of the River Thames.

24. If any difference arise between the Undertakers and any railway canal or other company or person whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

*Supply.*

25. 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 level of the reservoir or works from which the supply is taken not being less than three hundred feet above Ordnance datum.

26. 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 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 five pounds the sum of eight shillings and eightpence per annum;

Where such rateable value amounts to five pounds but does not exceed seven pounds the sum of ten shillings per annum;

Where such rateable value exceeds seven pounds at the rate of one shilling and sixpence in the pound per annum upon such rateable value;

and so in proportion for any shorter period Provided that the Undertakers shall not be compellable to afford a supply of water for domestic purposes for any less period than twelve months Provided also that the rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such valuation list then in force then by the last rate made for the relief of the poor Provided also that where the water rate is chargeable on the rateable



value of a part only of any tenement entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

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*Burnham  
and District.*

27. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum for every fixed bath capable of containing more than fifty gallons such sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

Rates for  
waterclosets  
&c.

28. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows :—

Power for  
Undertakers  
to make  
regulations for  
preventing  
waste misuse  
and contamina-  
tion of water.

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers

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*Burnham  
and District.*

and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such persons and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Supply of  
water in bulk  
outside limits.

29. The Undertakers may from time to time by agreement supply any local authority or company authorised to supply water within any district situate outside the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water 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 be by virtue of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Water in  
bulk not to be  
supplied  
outside  
counties of  
Buckingham  
and Berks.  
Supply of  
water by  
agreement.

30. Notwithstanding anything contained in this Order it shall not be lawful for the Undertakers to supply water in bulk or otherwise for distribution or consumption outside of the counties of Buckingham and Berks.

31. Subject to the provisions of this Order the Undertakers may if they think fit enter into agreements for the supply of water within the limits of supply for other than domestic purposes on such terms and conditions as they think fit and may enter into agreements for the supply of water by measure within the limits of supply either for domestic or other purposes provided that such supply for other than domestic purposes does not interfere with the supply for domestic purposes.



32. The Undertakers 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 cost 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.

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*Burnham and District.*  
Rent of meters.

33. 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 doing so 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.

Undertakers to keep meters &c. in repair.

34. 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 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 a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of meters &c. to be evidence.

35. All charges due to the Undertakers under any agreement for the supply of water by measure or for other than domestic purposes may be recovered in all respects as water rates are recoverable and the Undertakers shall have in respect to such charges all such and the like powers and remedies as they for the time being have with respect to water rates.

As to recovery of charges for supply of water.

36. The Undertakers may furnish to any person supplied or about to be supplied or any part of whose property or premises is supplied or is about to be supplied by them with water and may from time to time renew repair or alter any meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

Power for Undertakers to supply materials &c.

37. Section 44 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 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.

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

38. Where 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

Where several houses supplied by one pipe each to pay.



[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 Vict.]

A.D. 1896. works of the Undertakers by a distinct pipe Provided 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.  
*Burnham and District.*

Supply of water to tenements in a row.

39. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other such tenement unless 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.

40. 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 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 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 *prima facie* evidence that such injury alteration prevention abstraction consumption or use 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.

41. 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.

42. In case any person supplied with water by the Undertakers leaves 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 sums in one summons.

43. 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 sums.

Warrant of distress to include costs.

44. 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.

A.D. 1896.  
*Burnham  
and District.*

45. 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 &c. from acting.

46. 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 purpose 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.

47. 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.

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## EAST HUNTINGDONSHIRE WATER COMPANY.

*Order empowering the East Huntingdonshire Water Company to raise additional Capital.*

*East  
Huntingdon-  
shire.*

1. This Order may be cited as the East Huntingdonshire Water Order 1896.

Short title.

2. The East Huntingdonshire Water Act 1887 (in this Order referred to as "the Act of 1887") 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. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commencement of Order.

4. The provisions of the Companies Clauses Consolidation Acts 1845 to 1889 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 ;

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 :

A.D. 1896. And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

*East  
Huntingdon-  
shire.*

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

Interpretation.

5. The several words terms and expressions to which by any Act 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 that the expression "superior court" or "court of competent jurisdiction" in any Act in part 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.

*Undertakers.*

Undertakers.

6. The East Huntingdonshire Water Company incorporated by the Act of 1887 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

*Additional Capital.*

New capital.

7. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1887 as reduced by this Order they may from time to time—

(1) Raise any further sums not exceeding in the whole ten thousand pounds by the issue of preference shares or stock or wholly or partly by either of those modes respectively (in this Order referred to as the "new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share or the whole of such stock as the case may be has been paid in respect thereof:

(2) Borrow on mortgage in respect of the new capital by this Order authorised to be raised any sum or sums not exceeding one fourth of the amount for the time being issued of such new capital.

Calls.

8. One fifth of the amount of a share in the new capital 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.

As to conver-  
sion of  
borrowed  
money into  
capital.

9. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage in respect of the new capital 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.

A.D. 1896.

*East  
Huntingdon-  
shire.*

10. Shares and stock in the new capital shall form part of the capital of the Company but except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the new capital.

New capital to form part of capital except as to votes.

11. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 16 of the Act of 1887.

Power to create debenture stock.

12. Section 15 of the Act of 1887 (for appointment of a receiver) shall be repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or any proceedings then pending and after the commencement of this Order the mortgagees of the Undertakers may enforce payment of arrears of interest of principal or of principal and interest due on their mortgages by the appointment of a receiver. 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 fifth part of the total amount for the time being owing by the Undertakers on mortgage.

For the appointment of a receiver.

13. 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 in respect of the new capital under the authority of this Order:

Limit of interest on moneys borrowed.

14. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1887 to which capital is properly applicable.

Application of moneys.

15. Section nine of the Act of 1887 shall be read and have effect as if the sum of thirty thousand pounds had been mentioned therein instead of the sum of forty thousand pounds and the number of shares in that section mentioned had been three thousand instead of four thousand and section 13 of that Act shall be read and have effect as if the sum of seven thousand five hundred pounds had been mentioned therein instead of the sum of ten thousand pounds and the Undertakers may notwithstanding anything in the said section 13 at any time after the commencement of this Order borrow on mortgage of their Undertaking such sum or sums as will together with the sum of two thousand five hundred pounds already borrowed by them in accordance with the provisions of that section not exceed in the whole one fourth part of the amount for the time being issued of the capital authorised by the Act of 1887 as reduced as aforesaid.

Reduction of authorised capital.

16. No part of any money under this Order authorised to be borrowed whether in respect of the new capital or the capital authorised by the Act of 1887 as reduced by this Order shall be borrowed until shares for so much of the capital in respect of which it is to be borrowed as is to be raised by means

Capital to be issued and part paid before money borrowed.

A.D. 1896.  
East  
*Huntingdon-*  
*shire.*

of shares are issued and accepted and one half thereof is paid up 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 so much of the capital in respect of which the borrowing powers are proposed to be exercised as is to be raised by means of shares 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 portion of capital has been paid on account thereof before or at the time of the acceptance thereof or that stock for so much of the capital in respect of which the borrowing powers are proposed to be exercised as is to be raised by means of stock has been fully paid up and the Company have proved to such justice before he so certifies that such shares or stock as the case may be were issued and accepted by the persons to whom the same were so issued bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors and assigns and so far as such portion of capital is raised by shares that such persons or their executors administrators successors and assigns are legally liable for the same and upon production to such justice of the books of the Undertakers and 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.

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.

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HEMEL HEMPSTEAD WATER.

A.D. 1896.

*Order authorising the Hemel Hempstead Waterworks and Laundry Company Limited to maintain and continue Waterworks and to construct additional Waterworks and to supply Water in and to the Parish of Hemel Hempstead and part of the Parishes of Saint Michaels and Abbots Langley in the County of Hertford.*

*Hemel Hempstead.*

1 This Order may be cited as the Hemel Hempstead Water Order 1896.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commencement 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 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 said Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Incorporation of Acts.

4. The several words terms and expressions to which by any Act 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 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 expression "the county council" shall mean the county council of the administrative county of Hertford.

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this 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 Hemel Hempstead except such portion of that parish as is included within the limits of the Great Berkhamstead Water Order 1885 so much of the parish of St. Michaels as lies between—

Limits of Order.

(A) The parish boundary near Leverstock Green on the north-west; and

[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 Vict.]

A.D. 1896.

*Hemel  
Hempstead.*

(B) The Red Lion public house on the south-east and within an area of fifty yards on the north and south sides of the road respectively ;

and so much of the parish of Abbots Langley as is situated north of Hyde Lane all in the county of Hertford.

Where  
Undertakers  
not furnishing  
sufficient  
supply local  
authority  
or company  
may supply.

6. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

*Undertakers.*

Undertakers.

7. The Hemel Hempstead Waterworks and Laundry Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

*Capital.*

Capital.

8. The share capital of the Undertakers for the purposes of the water undertaking authorised by this Order shall not exceed twenty-four thousand one hundred pounds consisting of the existing capital stock of twelve thousand one hundred pounds (in this Order referred to as the "original capital") and of additional share capital (in this Order referred to as the "additional capital"); to be issued subject to the provisions of this Order not exceeding twelve thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order 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.

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

Prescribed  
rates to be  
paid propor-  
tionately.

10. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividends



[59 & 60 VICT.] *Water Orders Confirmation Act, 1896.* [Ch. clxi.]

are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary shares or stock of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

A.D. 1896.

*Hemel  
Hempstead.*

11. The amount of all moneys borrowed and secured by mortgage of the undertaking shall not at any time exceed in amount one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order 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 commencement of this Order and secured as aforesaid.

Limit of  
borrowing  
powers.

12. The Undertakers shall when any shares or stock forming part of the additional capital created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

New shares-  
or stock to  
be offered by  
auction or  
tender.

13. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share.

When  
proprietor  
tenders same-  
amount as  
any other  
person pro-  
prietor to be  
declared the  
purchaser.

14. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price of each share including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase-  
money of  
capital sold  
by auction  
to be paid  
within three-  
months.

15. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be  
given as to  
sale of shares  
and stock.



A. D. 1896.

*Hemel  
Hempstead.*

Shares or  
stock not  
sold by  
auction or by  
tender to be  
offered to  
shareholders.

16. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares may upon such second auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any share or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares is sold.

Application  
of premium  
arising on  
issues of shares  
or stock.

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

#### *Lands.*

Power to  
acquire lands.

18. The Undertakers may by agreement from time to time purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the 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 (not being easements rights or privileges of water in which persons other than the parties to the agreement have an interest) in over or affecting any lands which they may require for such purposes. Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than five acres of land in addition to the lands held by them at the commencement of this Order. Provided also that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking.

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

19. 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 right or privilege of water in which other than the parties to the agreement have an interest) 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.



*Waterworks.*

A.D. 1896.

20. The Undertakers on the lands upon which the same are situate may maintain and continue and from time to time alter enlarge renew and improve their existing works situate in the parish of Hemel Hempstead in the county of Hertford and herein-after described and may also on the lands in the same parish shown on the deposited plans while they are possessed of the same make and maintain in the lines and according to the levels shown on the deposited plans and sections the new works herein-after described with all necessary conduits pipes channels embankments dams weirs sluices pens locks gauges wells shafts engines engine and boiler houses machinery stand pipes tanks valves hydrants apparatus fences approaches and other works buildings and conveniences connected with such existing and new works and necessary for the supply of water and they may subject to the provisions of this Order supply and sell water within the limits of supply.

*Hemel Hempstead.*

Power to maintain waterworks and to construct additional waterworks and supply water.

The existing works herein-before referred to are as follow :—

- (A) A well shaft or boring with pumping station pumping engines and engine and boiler house and other works buildings and conveniences in connexion therewith situate in Marlowes Hemel Hempstead ;
- (B) A reservoir (No. 1) situate on meadow land at the south-east corner of Chapel Street and Church Street Hemel Hempstead ;
- (C) A reservoir (No. 2) situated on meadow land in the parish of Hemel Hempstead abutting upon the south side of the public road called Redbourn Road leading from High Street Hemel Hempstead to Corner Farm High Street Green ;
- (D) A conduit line of pipes or pumping main leading from the pumping station (A) in Marlowes aforesaid to the reservoir (No. 1) and thence to and terminating at the reservoir (No. 2) before described ;

The new works authorised by this Order will be situate in the said parish of Hemel Hempstead and are as follow :—

- (E) A water tower or reservoir (No. 3) (in course of construction) situated on a piece of ground forming part of Widmore Wood at High Street Green near High Street Farm in the parish of Hemel Hempstead ;
- (F) A conduit line of pipes or pumping main leading from the pumping station (A) in Marlowes aforesaid to Queen Street Hemel Hempstead and from thence to and terminating in the water tower or reservoir (No. 3) before described with a branch from the last-mentioned conduit line of pipes or pumping main extending along Redbourn Road to a junction with the existing water main at the top of Chapel Street and to the reservoir (No. 2) before described.

21. The Undertakers shall not take any water from the River Thames (which expression in this section includes any tributary thereof) or from any defined surface channel discharging into the said river without the consent in writing of the Conservators of the River Thames Provided always that this section shall not apply to the pumping station of the Company existing at the time of the introduction of this Order and shown on the map deposited at the Board of Trade in respect of such Order.

Undertakers not to take water from the River Thames &c.

[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 VICT.]

A.D. 1896.

*Hemel  
Hempstead.*

For protec-  
tion of  
London and  
North  
Western  
Railway  
Company.

22. 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 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 protec-  
tion of the  
Midland  
Railway  
Company.

23. The following provisions for the protection of the Midland 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 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.

A.D. 1896.

*Hemel  
Hempstead.*

If any difference arise between the Undertakers and the Midland Railway Company as to the mode of laying down repairing altering or enlarging their mains pipes or other works 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.

24. 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.

For protec-  
tion of  
Grand  
Junction  
Canal  
Company.

25. The Undertakers shall not unless in case of accident or emergency open any public road other than a main road or county bridge 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

Roads not to  
be broken up  
except with  
assistance  
from and  
under super-  
intendence  
of road  
authority.



[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 VICT.]

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proceed in his absence to open the road or execute such other work as may be mentioned in such notice.

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*Hempstead.*

For the  
protection of  
main roads  
and bridges  
in the county  
of Hertford.

26. For the protection of main roads county bridges and approaches and other property of the county council be it enacted as follows:—

- (1.) No works affecting any main road or bridge or the culverts or drains in connexion with any main road or bridge belonging to or under the control of the county council or the approaches to any such bridge shall be constructed except in accordance with plans and specifications previously submitted to and signed by the surveyor for the time being of the county council and the said works shall be executed under the superintendence and to the reasonable satisfaction of the said county surveyor and such works shall be thereafter maintained by the Company at their own expense and under such superintendence as aforesaid. Provided that if the said county surveyor omit to signify his approval or disapproval to the said plans and specifications during one month after the same shall have been submitted to him such omission shall be deemed an approval;
- (2.) Not more than fifty yards in length of the trench made for laying the mains and pipes shall be open at one time where only one vehicle can pass or one hundred yards where two vehicles can pass at the same time;
- (3.) The main pipes shall be laid at such a depth that they shall be not less than two feet from the surface of the highway to the top of such mains;
- (4.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the said county council all costs losses damages and expenses which they may be put to or sustain by reason of the execution or failure of any of the intended works or of any act or omission of the Company and the Company will effectually indemnify and hold harmless the said county council from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission;
- (5.) The Undertakers shall pay to the county council all expenses actually incurred by the county council in superintending maintaining and repairing any road footpath or bridge which shall have been broken up for the purposes aforesaid or any of them during twelve months after the same is restored so far as those expenses have been occasioned by such breaking up;
- (6.) If the county council shall at any time require the position or level of any mains distributing mains service pipes and other appurtenances of the Undertakers laid in or under any main roads or county bridge to be altered or the pipes relaid they may alter or relay the same at the expense of the Undertakers or if required by the county council the Undertakers shall at their own expense alter or relay the same in the manner and within the time required by the county council;
- (7.) The county council or their surveyor may from time to time appoint a proper person to superintend the carrying out of the foregoing provisions and the Undertakers shall from time to time upon the request in writing of the said surveyor pay to the county council a sum calculated at a rate



not exceeding one pound ten shillings per week as wages for such person during the time that he superintends the work so being carried out and the Undertakers shall from time to time comply with and carry out all the reasonable orders and directions of such person ;

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Hempstead.*

(8.) For the purposes of this section the term "main road" shall mean and include any main road under and within the meaning of section 11 of the Local Government Act 1888 at the time when the works affecting such main road are commenced ;

(9.) Subject to the provisions and for the purposes of this Order the Undertakers and the county council may enter into and carry into effect agreements with reference to the execution by the Undertakers of any portion of the work herein-before referred to.

27. If any difference arise between the Undertakers and any railway canal or other company other than the London and North Western Railway Company the Midland 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.*

28. 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.

29. 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 rateable value of the premises so supplied with water does not exceed seven pounds at a rate not exceeding twopence per week or eight shillings and eightpence per annum ;

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

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

Provided that in the case of any premises to which water can be delivered by gravitation in accordance with the provisions of this Order only from the new high level water tower or reservoir (No. 3) herein-before described the Undertakers may charge in respect of the water supplied therefrom to the owner or occupier of such premises any increased rates but not exceeding by one fifth the rates herein-before specified.

Provided further that the rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the half year in which the water rate accrues and if there is none then by the last



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rate made for the relief of the poor Provided also that where the water rate is chargeable on the rateable value of a part only of any tenement entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Alteration  
of rates.

30. At any time after the expiration of ten years from the commencement of this Order the Board of Trade may if they think fit (after hearing the parties) upon the application of any local authority having jurisdiction within the limits of supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing signed by a secretary or an assistant secretary of the said Board alter the rates specified in this Order by substituting any other rates for the said rates and as from the date specified in such Order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such Order.

A copy of any such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Rates for  
waterclosets  
and baths.

31. The Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons an additional sum not exceeding eight shillings per annum Provided always that for fixed baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of eight shillings increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any fixed bath so constructed to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Regulations  
for preventing  
waste &c. of  
water.

32. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows:—

- (1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination



(2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same;

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Hempstead.*

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit;

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy;

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof;

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable;

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

33. The Undertakers may from time to time when required supply the road authority including the county council within the meaning of section two of the Gas and Water Works Facilities Act 1870 and every sewer and local 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 (not exceeding the sum of ninepence per thousand gallons) and upon such terms and conditions as shall be agreed upon between the Undertakers and such road or sewer and local authority or as in case of disagreement shall

Undertaker  
may supply  
water to road  
and sewer  
authorities.



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*Hemel  
Hempstead.*

Water may  
be supplied by  
agreement.

be settled by two justices but no such a supply shall be afforded 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.

34. The Undertakers may from time to time by agreement supply any corporation district or parish council company or person within or without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such corporation council company or person but notwithstanding any such agreement no corporation council 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 road authority of such district or to supply or to continue to supply water within the limits of supply of any corporation district or parish council 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 council company or person first had and obtained.

Water in  
bulk or other-  
wise not to  
be supplied  
outside limits  
of Order &c.

35. Notwithstanding anything contained in this Order it shall not be lawful for the Undertakers to supply water in bulk or otherwise for distribution or consumption outside so much of the valley of the River Colne as lies within the county of Hertford or without the consent in writing of the county council first had and obtained outside the limits of supply.

Supply of  
water by  
measure.

36. 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.

37. 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.

38. 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.

A.D. 1896.  
*Hemel  
 Hempstead.*

39. 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 water 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.

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

40. 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.

When several  
 houses sup-  
 plied by one  
 pipe each to  
 pay.

41. 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.

Supply of  
 water to  
 tenements in  
 a row.

*Penalties.*

42. 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. 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

Injuring  
 meters &c.

A.D. 1896. has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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*Hempstead.*

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

43. 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.*

Purchase of undertaking by local authority.

44. Any local authority (within the meaning of that term in the Public Health Act 1875) whose district or part of whose district may be within the limits of supply of the Undertakers may with the sanction of the Local Government Board at any time within five years after the commencement of this Order purchase this undertaking or such part thereof as lies within the district of such local authority upon such terms and conditions and at such price as shall be fixed and determined by agreement or failing agreement by two arbitrators one to be chosen by such local authority and the other by the Undertakers or their umpire and the Undertakers shall in such event sell and transfer the undertaking or any part thereof so purchased and from and after such sale to any such local authority as aforesaid all the property real and personal and all rights powers and privileges authorities duties obligations and liabilities of the Undertakers in respect of the undertaking (or the part thereof so sold and transferred) held enjoyed exerciseable or to be performed by the Undertakers at the time of such sale other than and except powers relating to share and loan capital and of general meetings and directors or otherwise relating to the constitution and management of the Undertakers' Company shall subject to all the liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the local authority purchasing the same as though the same had been acquired by and conferred upon the said local authority instead of the Undertakers.

Incoming tenant not liable to pay arrears.

45. 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.

46. 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.

47. 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.



48. 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.

*Hemel Hempstead.*  
Liability to water rate not to disqualify justices from acting.

49. 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.

50. 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.

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### MAIDSTONE WATER.

*Order empowering the Maidstone Waterworks Company to raise Additional Capital.* *Maidstone.*

1. This Order may be cited as the Maidstone Water Order 1896.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commencement of Order.

3. The Maidstone Waterworks Act 1860 (in this Order referred to as "the Act of 1860") the Maidstone Waterworks Act 1863 (in this Order referred to as "the Act of 1863") the Maidstone Water Order 1873 (in this Order referred to as "the Order of 1873") the Maidstone Water Order 1874 (in this Order referred to as "the Order of 1874") the Maidstone Water Order 1879 (in this Order referred to as "the Order of 1879") the Maidstone Waterworks Act 1882 (in this Order referred to as "the Act of 1882") the Maidstone Waterworks Act 1885 (in this Order referred to as "the Act of 1885") 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.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (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 means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

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

The consolidation of shares into stock ;

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

The making of dividends ;

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



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*Maidstone.*

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 and the term "Company" shall mean the Undertakers.

Undertakers.

5. The Maidstone Waterworks Company incorporated by the Act of 1860 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional capital.

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

(1) Raise any further sums not exceeding in the whole twelve thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as herein-after provided shall have been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twelve thousand pounds ; and

(2) Borrow on mortgage in respect of the new capital by this Order authorised to be raised any sum or sums not exceeding in the whole three thousand pounds but no part thereof shall be borrowed until 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 capital by this Order authorised to be raised has been subscribed for and one half of the amount payable in respect thereof has been paid up and upon production to such justice of the books of the Undertakers and 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.

7 The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the creation and issue of debenture stock or any part thereof respectively by the creation of shares or stock instead of by borrowing or to convert into capital any money 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.

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*Maidstone.*

8. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock 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 new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in the capital.

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

9. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

10. The Undertakers shall when any shares or stock forming part of the new capital are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

New shares or stock to be offered by auction or tender.

11. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

12. The intention to sell any such shares or stock by auction or tender under the provisions of this Order shall be communicated in writing by the Undertakers to the clerk of every local authority having jurisdiction within the limits of supply of the Undertakers and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more local newspapers circulating within such limits of supply.

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

13. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then

When proprietor tenders same amount as any other person pro-



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*Maidstone.*  
proprietor to be declared the purchaser.  
Shares or stock not sold by auction or by tender to be offered to shareholders.

and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

14. When any shares or stock created under the provisions of this Order have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender subject to and in accordance with the foregoing provisions of this Order with respect to the sale of shares and stock but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserved price put upon such shares or stock may upon such second auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

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

Power to create debenture stock.

16. 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 commencement of this Order created and issued or granted under any previous Act or Order or this Order or 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 authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all such mortgages and certificates of debenture stock.

Existing mortgages to have priority.

17. All mortgages granted by the Undertakers in pursuance of the powers of the Act of 1860 the Act of 1863 the Order of 1873 the Order of 1879 or the Act of 1885 before the commencement of this Order and which shall be subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts or Orders under which such mortgages were respectively granted have priority over all mortgages to be granted under the authority of this Order but nothing in this section shall affect the priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Acts or Orders contained all debenture stock at any time created



[59 & 60 VICT.] *Water Orders Confirmation Act, 1896.* [Ch. clxi.]

and issued by the Undertakers after the commencement of this Order whether under the said Acts or Orders or this Order shall rank *pari passu*.

A.D. 1896.

*Maidstone.*

18. Section 26 (Repealing existing provisions as to receiver) of the Act of 1885 is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or to the continuance of any proceedings then pending.

Repealing existing provisions as to appointment of receiver.

19. The mortgagees of the Undertakers 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 five thousand pounds in the whole.

For appointment of a receiver.

20. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital.

Limits of dividend on new capital.

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

Dividends on different classes of shares or stock to be paid rateably.

22. 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.

Limit of interest on money borrowed.

23. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1860 the Act of 1863 the Order of 1874 the Order of 1879 the Act of 1882 the Act of 1885 and this Order to which capital is properly applicable.

Application of moneys.

24. 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.

A.D. 1896.

TILEHURST PANGBOURNE AND DISTRICT WATER.

*Tilehurst  
Pangbourne  
and District.*

*Order empowering the Tilehurst Pangbourne and District Water  
Company Limited to extend their Limits of Supply and to raise  
additional Capital.*

Short title.

1. This Order may be cited as the Tilehurst Pangbourne and District Water Order 1896.

Commence-  
ment of  
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Construction  
of Order.

3. The Tilehurst Pangbourne and District Water Order 1894 (in this Order referred to as "the Order of 1894") 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.

Extension of  
limits of  
supply.

4. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits all the like powers privileges and authorities for or in relation to the supply of water and be subject to all the like duties and obligations in respect thereof as they now have and are subject to within the limits of the Order of 1894 as defined by that Order and the expression "the limits of supply" in the Order of 1894 shall from and after the commencement of this Order be deemed to include such new limits The said new limits are as follows :—

The parishes of Theale Englefield Tidmarsh and Pangbourne in the county of Berks or such part or parts thereof respectively as are situated within and bounded by an imaginary line drawn from and commencing at the point where the fence on the west side of the road leading to the fishery intersects the north fence of the Newbury and Hungerford Branch Railway of the Great Western Railway Company thence in a south-westerly direction along that fence until it reaches the south-west boundary of the said parish of Theale thence in a north-westerly direction along the boundary of the said parish of Theale to its point of intersection with the boundary of the parish of Englefield thence in a south-westerly westerly north-westerly and northerly direction along the boundary of the said parish of Englefield until it reaches the boundary of the parish of Pangbourne thence in a north-westerly westerly and northerly direction along the boundary of the said parish of Pangbourne to the point where that parish boundary crosses the road which runs in a north-easterly direction through Williams Heath Plantation to Pangbourne thence in a straight line in an easterly direction to the point where the footpath from Bere Court to the Tower enters Wellfield Grove thence in a straight line in a north-easterly direction to the point where the footpaths from Croft Shaw and Lower Franklin Copse intersect at the west side of Bowram's Copse thence in a straight line in a north-westerly direction until it reaches the point where the boundary of the said parish of Pangbourne intersects the south-west fence of Hawes Copse thence in a north-easterly direction



along the boundary of the said parish of Pangbourne until it intersects the southern boundary of the parish of Whitchurch at or near a place called Sots Hole thence in an easterly direction along the boundary of the said parish of Pangbourne to the point where the boundary reaches the boundary of the existing area of supply of the Company authorised by the Order of 1894 thence in a southerly direction along the westerly boundary of the said existing area of supply to the point of commencement herein-before described.

A.D. 1896.

*Tilehurst  
Pangbourne  
and District.*

5. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing within the new limits defined by this Order a sufficient supply of water in accordance with the provisions of the Order of 1894 and this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

#### *Undertakers.*

6. The Tilehurst Pangbourne 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."

Undertakers.

#### *Additional Capital.*

7. The limitation prescribed by the Order of 1894 with respect to the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising further share capital not exceeding three thousand pounds (in this Order referred to as the "new capital") for the purposes of the undertaking authorised by the Order of 1894 and this Order to which capital is properly applicable Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of nineteen thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament Provided also that the Undertakers shall not raise any new capital under the authority of this Order exceeding the sum of three thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order.

Additional capital.

8 The Undertakers shall when any shares forming part of the new capital by this Order authorised are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by

New shares to be offered by auction or tender.



A.D. 1896.

*Tilehurst  
Pangbourne  
and District.*

public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be paid within three months.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

As to notice to be given as to sale of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the new capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserved price put upon such shares may upon such second auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole amount of such shares or stock is sold.



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

A.D. 1896.  
*Tilehurst  
Pangbourne  
and District.*  
Application  
of premium  
arising on  
issue of  
shares.

14. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Limits of  
dividend on  
capital.

15. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary shares of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Prescribed  
rates to be  
paid propor-  
tionately.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order 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 commencement of this Order and secured as aforesaid.

Limit of  
borrowing  
powers.

*Lands.*

17. The Undertakers may by agreement from time to time purchase or take on lease and use any additional lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the parties to the agreement have an interest) in over or affecting any lands which they may require for the purposes of the undertaking Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for the purposes of this Order and the Order of 1894 more than twelve acres of land in the whole Provided also that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking.

Power  
acquire lands.

18. 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 right or privilege of water in which persons other than the parties to the agreement have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the

Persons under  
disability  
may grant  
easements &c  
to Under-  
takers.

[Ch. clxi.] *Water Orders Confirmation Act, 1896.* [59 & 60 VICT.]

A.D. 1896. same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

*Telehurst  
Pangbourne  
and District.*

*Miscellaneous.*

For the protection of the Conservators of the River Thames.

19. The Undertakers shall not take any water from the River Thames (which expression in this section includes any tributary thereof) or from any defined surface channel discharging into the River Thames without the consent in writing of the Conservators.

Extending provisions for protection of the Great Western Railway Company.

20. The provisions contained in section 17 of the Order of 1894 for the protection of the Great Western Railway Company shall extend and apply to the limits of supply by this Order extended and to the mains or pipes which the Undertakers may lay down under the authority of this Order as if the same provisions had been re-enacted in this Order with reference thereto.

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

21. 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 mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Costs of Order.

22. 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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