



CHAPTER cxxiii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Hoylake and West Kirby Water, Pocklington Water, Poole Water, and South-west Suburban Water. A.D. 1893.
[29th June 1893.]

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed : 33 & 34 Vict.
c. 70.

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

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

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Water Orders Confirmation (No. 1) Act, 1893. Short title.

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. Confirmation
of Orders in
schedule.

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 Special
provisions

A.D. 1893.
—
as to houses
of labouring
class.

any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which 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, ten or more houses which were not so occupied on the said fifteenth day of December, 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.

SCHEDULE OF ORDERS.

HOYLAKE AND WEST KIRBY WATER.—Order empowering the Hoylake and West Kirby Gas and Water Company (Limited) to raise additional Capital for the purposes of their Water Undertaking.

POCKLINGTON WATER.—Order empowering the Pocklington Water Company, Limited, to raise additional Capital, and construct additional Waterworks.

POOLE WATER.—Order empowering the Poole Waterworks Company to raise additional Capital, to construct additional Works, and to extend their limits of Supply.

SOUTH-WEST SUBURBAN WATER.—Order empowering the South-west Suburban Water Company to raise additional Capital.

HOYLAKE AND WEST KIRBY.

A.D. 1893.

Order empowering the Hoylake and West Kirby Gas and Water Company (Limited) to raise additional Capital for the purposes of their Water Undertaking.

Hoylake and West Kirby.

1. This Order may be cited as the Hoylake and West Kirby Water Order 1893. 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 Hoylake and West Kirby Gas and Water Order 1878 and the Hoylake and West Kirby Water Order 1887 (in this Order referred to respectively as "the Order of 1878" and "the Order of 1887") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.

4. The limitation prescribed by the Order of 1878 as amended by the Order of 1887 with respect to the amount of the share capital of the Undertakers for the purposes of the water undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the new capital") not exceeding ten thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order: Provided that the share capital of the Undertakers shall not for such purposes exceed in the whole the sum of thirty-five thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. New capital.

5. The Undertakers shall when any shares 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 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 or stock of the Undertakers. New shares to be offered by auction or tender.

6. When the amount bidden or tendered by the proprietor of any share or stock in the capital of the Undertakers for the purposes of the water under- When proprietor tenders same amount

A.D. 1893.

*Hoylake and
West Kirby.*as any other
person pro-
prietor to be
declared the
purchaser.Purchase
money of
shares to be
paid within
three months.Notice to be
given as to
sale of shares.Shares not
sold by auction
or by tender to
be offered to
shareholders.Application
of premium
arising on
issue of shares.Limits of
dividend on
new capital.Dividend on
different
classes of
ordinary
shares to be
paid propor-
tionately.

taking 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 of such shares or stock then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

7. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

8. 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.

9. 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 reserve 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 in the capital of the Undertakers for the purposes of the water undertaking 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.

10. 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 water undertaking or in paying off money borrowed or owing on mortgage by the Undertakers in respect of the said undertaking and shall not be considered as part of the capital of the Undertakers entitled to dividend.

11. 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.

12. 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 on the new capital are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in such

capital a proportionate reduction shall be made in the dividends payable on each class. A.D. 1893.

13. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers for the purposes of the water undertaking 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.

Hoylake and West Kirby.
Limit of borrowing powers.

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

Costs of Order.

POCKLINGTON.

Pocklington.

Order empowering the Pocklington Water Company Limited to raise additional Capital and construct additional Water-works.

1. This Order may be cited as the Pocklington Water Order 1893.

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 Pocklington Water Order 1889 (in this Order referred to as "the Order of 1889") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

Additional Capital.

4. The limitation prescribed by the Order of 1889 with respect to the amount of the share capital of the Undertakers shall not prevent the Undertakers from raising additional share capital not exceeding one thousand pounds (in this Order referred to as "the additional capital") for the purposes of the undertaking authorised by the Order of 1889 and this Order including any premiums that may be obtained on the sale of any shares under the provisions of this Order: Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of four thousand pounds unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional capital.

A.D. 1893.

*Pecklington.*New shares
to be offered
by auction or
tender.

5. 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 shares or stock 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 or stock of the Undertakers.

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

6. 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.

7. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be
given as to
sale of shares.

8. 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.

9. 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 reserve 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 additional capital.

Application
of premium
arising on
issue of
shares.

10. 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. 1893.
Pocklington.

11. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional 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 additional capital.

12. 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 or stock in the share capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class. Dividends on different classes of ordinary shares to be paid proportionately.

13. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water 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.

Construction of Waterworks.

14. In addition to the works which the Undertakers are by the Order of 1889 authorised to construct and maintain the Undertakers may on the land shown on the plans deposited for the purposes of this Order while they are possessed of the said lands or so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order the works herein-after described with all necessary pipes mains culverts cuts drains sluices meters and all works and conveniences connected therewith. Power to construct additional waterworks.

The additional works authorised by this Order will be situate wholly in the parishes of Pocklington and Millington in the east riding of the county of York and are as follows :—

- (a) A collecting chamber not exceeding six feet square at or near a branched spring in the Givendale Valley (situated three hundred yards or thereabouts south of Little Givendale Farm) in the said parish of Millington.
- (b) A conduit or line of pipes not exceeding three inches in diameter situate in the said parishes of Millington and Pocklington running from the said collecting chamber along the side of a stream called Ridings Beck to Swinridge Bridge thence across the said bridge and under and along the highway leading to Pocklington past Owsthorpe Farm to a junction with the existing water main of the Undertakers near Teresa Cottage.

A.D. 1893. And the said works shall be deemed to be a part of the water undertaking authorised by the Order of 1889 and the provisions of the said Order shall (except where expressly varied by this Order) extend and apply to the said works in as full and complete a manner as if the same had been part of the works authorised by the said Order of 1889. Provided that in the construction of the works authorised by this Order the downward vertical deviation from the levels shown on the sections deposited for the purposes of this Order shall not exceed seven feet.

Limiting amount of water to be taken by means of additional works.

15. The Undertakers shall not abstract and carry away more water from the aforesaid collecting chamber than can be abstracted and carried away by the said conduit or line of pipes. All water flowing out of the said collecting chamber which shall not be abstracted and carried away by the said conduit or line of pipes shall be allowed to run down its present channel into the said Ridings Beck and not into the overflow pipe from the existing reservoir of the Undertakers and for that purpose the Undertakers shall fix and maintain in proper order at the end of the inlet pipe a self-acting equilibrium valve or other suitable and efficient apparatus to cut off the supply of water from the aforesaid spring before the water in the said reservoir has reached the level of the said overflow pipe such valve or apparatus to be approved of by or on behalf of James Thirsk of Pocklington miller who shall also have access thereto at all reasonable times to see that the same is in proper working order.

For protection of North-eastern Railway Company.

16. Nothing in this Order contained shall be construed as authorising the Undertakers to intercept any springs streams or waters (other than the aforesaid spring in the Givendale Valley) flowing into the Millington Beck or the Pocklington Beck above the junction of the said two becks without the consent of the North-eastern Railway Company.

Costs.

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.

Poole.

POOLE.

Order empowering the Poole Waterworks Company to raise additional Capital, to construct additional Works, and to extend their limits of Supply.

Short title.

1. This Order may be cited as the Poole Water Order, 1893.

Commencement 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."

3. The Poole Waterworks Act, 1859, the Poole Water Order, 1881, the Poole Water Order, 1887 (in this Order referred to as "the Act of 1859," "the Order of 1881" and "the Order of 1887" respectively), 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.

A.D. 1893.

Poole.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 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 borrowing of money by the Company on mortgage or bond.

The conversion of the borrowed money into capital.

The consolidation of the shares into stock.

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

The making of dividends.

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested.

And Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, and the provisions of the Waterworks Clauses Acts, 1847 and 1863, and of the Lands Clauses Acts (except with respect to the purchase and taking of land otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking) 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.

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

6. 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 and the like duties, liabilities and obligations in respect thereof as they now have and are subject to within the limits of the Act of 1859 as defined by that Act; and the expression "limits of supply" in the said Act and in the Order of 1881 shall

Extension
of limits of
supply.

A.D. 1893. from and after the commencement of this Order be deemed to include such new
 limits. The said new limits are as follows:—

—
 Poole.

All such parts of the tything of Kinson and the parishes of Canford Magna and Corfe Mullen all in the county of Dorset as lie within a line commencing at the extreme northerly end of a road called Albert Road in the village of Rossmore in the said tything of Kinson, drawn thence in a northerly direction for a distance of twenty-four chains or thereabouts, thence in a north-westerly direction to the main road from Poole to Ringwood at a point distant twenty-nine chains south of the junction of the said road with the road leading out of the said road to Wallis Down, thence crossing the said main road and continuing in a northerly and westerly direction to a point distant one chain east of the point of junction of the main road leading from Poole to Wimborne with a road branching out of the last-mentioned road leading to Canford and called Canford Lane, thence in a northerly direction parallel with the said Poole and Wimborne main road on the east side of and distant one chain from the said road for a distance of thirty-seven chains or thereabouts to a point opposite the north-east corner of a brick-yard in the said parish of Canford Magna in the occupation of John Albert Chinchen, thence in a westerly direction crossing the said Poole and Wimborne main road across and through a wood called Delph Wood for a distance of thirty-seven chains or thereabouts to the main line of the London and South-western Railway Company in the said parish of Canford Magna, thence crossing the said line and continuing in a westerly direction for a distance of twenty chains or thereabouts to the line of the Somerset and Dorset Railway Company in the said parish of Canford Magna, thence crossing the said line and continuing in a westerly direction to a point distant one chain to the west of the junction of the Poole and Blandford main road with the Old Roman Road, thence in a southerly direction running parallel with the said Roman Road on the west side and at a distance of one chain therefrom to and crossing the said main line of the London and South-western Railway Company at the point where the said line crosses the said Roman Road, thence continuing in a southerly direction running parallel with the said Roman Road on the west side and at a distance of one chain therefrom to the point where the said Roman Road branches off in a south-westerly direction, and continuing thence in a southerly direction across the said Roman Road to the Poole and Wareham main road at a point distant twenty-five chains or thereabouts east of Wyatt's timber yard at Upton continuing in a southerly direction across the said Poole and Wareham main road to a point distant one chain south of the said road and continuing thence in an easterly direction parallel with the said Poole and Wareham main road on the south side and at a distance of one chain therefrom to the point where the said road crosses the boundary of the tything of Longfleet in the borough of Poole at Creekmoor Bridge and drawn thence to and terminating in the starting point in the said Albert Road.

Where
 Undertakers
 not furnishing

7. 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

A.D. 1893.

accordance with the provisions of the Act of 1859, the Order of 1887, and this Order, in any part of the district included within the limits of supply, the local authority having jurisdiction within such part of the said district may provide such 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 such part of the said district, as if in either case there were no Company authorised by this Order to supply water therein.

Poole.
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.

8. The Poole Waterworks Company, incorporated by the Act of 1859, shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Additional Capital.

9. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1859, and the Orders of 1881 and 1887, they may from time to time:—

Additional
capital.

(1.) Raise any further sums not exceeding in the whole twenty 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 further 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 nominal amount of such share or stock together with any premium obtained upon the sale thereof as herein-after provided, has 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 twenty thousand pounds.

(2.) Borrow on mortgage in respect of the further capital of twenty thousand pounds by this Order authorised to be raised by the issue of ordinary or preference shares or stock, any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of such further capital at the time actually issued, including the premiums (if any) realised on the sale thereof, but no part thereof shall be borrowed until shares or stock for so much of the further capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully 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 such shares or stock and premiums (if any) have been fully paid up, and upon production

A.D. 1893:

Pooler.

As to conversion of borrowed money into capital.

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

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

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

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

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

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.

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

11. Except as by this Order otherwise provided the further 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 further capital were part of the original capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

12. The Undertakers shall, when any shares or stock created under the powers of this Order are to be issued, and before offering the same to the holder of any other share 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 reserve price put upon such shares or stock 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 or stock of the Undertakers.

13. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock 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 or stock 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 or stock.

14. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

15. The intention to sell any shares or stock 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.

A.D. 1893.

Poole.

16. When any shares or stock 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 reserve 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 the manner provided by the Companies Clauses Act, 1863: Provided 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 in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order, but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares or stock so offered) and any shares or stock not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

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

17. Any sum of money which may arise from the issue of any shares or stock 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 or stock.

18. The Undertakers shall not in any year make out of their profits any larger dividends on the further 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 five 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 further capital.

19. 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 or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividend on different classes of ordinary shares to be paid proportionately.

20. 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 or in any Act or Order previous to this Order 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 by the Undertakers under any previous Act 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

Power to create debenture stock.

A.D. 1893. shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Poole.

Existing mortgages to have priority.

2. All mortgages granted by the Undertakers under the authority of the Act of 1859 or the Order of 1881 or the Order of 1887 before the commencement of this Order and subsisting at the date of such commencement shall, during the continuance of such mortgages and subject to the provisions of the said Act and Orders, have priority over all mortgages granted under the authority of this Order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers, and notwithstanding anything in the said Act or Orders contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order, whether under the said Act or either of the said Orders or this Order shall rank *pari passu*.

Limit of interest on moneys borrowed.

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.

Application of moneys.

23. All moneys raised under this Order shall be applied to the purposes of the water undertaking authorised by the Act of 1859, the Orders of 1881 and 1887, and this Order, to which capital is properly applicable.

Lands.

Undertakers may purchase lands by agreement.

24. Notwithstanding anything in the Act of 1859, the Undertakers may by agreement purchase, take on lease, acquire and use such of the lands shown on the deposited plans and described in the schedule to this Order annexed as they may require for the purposes of the water undertaking, and they may by agreement from time to time purchase or take on lease, acquire and use any easements, rights or privileges (not being an easement or right to take water in which any persons other than the parties to the agreement have an interest) in, over, or affecting any lands which they may require for such purposes, and they may by agreement from time to time and with the consent in writing of the Board of Trade purchase or take on lease, acquire and use any other lands which they may require for such purposes: Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than thirty acres of land in the whole, in addition to the lands shown on the deposited plans and described in the schedule to this Order annexed and 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.

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

Construction of additional Waterworks.

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Poole.Power to
construct
additional
works.

26. The Undertakers may on the lands shown on the deposited plans when they have acquired, and while they are possessed of the same, make and maintain in the lines and according to the levels shown on the deposited plans the additional works herein-after described, with all needful pipes, culverts, cuts, conduits, drains, sluices, goits, channels, dams, weirs, pens, wells, standpipes, tanks, valves, air valves, hydrants, walls, fences, engines, pumps, meters and other works connected therewith.

The said works will be situate wholly in the county of Dorset, and are as follows:—

1. An engine-house, boiler-house, chimney-shaft, coal stores, filter bed and reservoir situate in the tything of Longfleet adjoining Hatch Pond.
2. A water tower and tank situate at Broadstone in the parish of Canford Magna, near the road leading from Broadstone to Wimborne.
3. A line of cast-iron water mains or conduit pipes leading from the before-mentioned engine-house to the before-mentioned water tower through and under land near Hatch Pond along and under the main road leading from Poole to Wimborne, the main road leading from Poole to Blandford, and the road from Broadstone to Canford, or such parts of the said roads respectively as lie between the said engine-house and the said water tower.
4. An engine-house, boiler-house, chimney-shaft, and coal stores, workmen's cottages and office, reservoir, impounding reservoir, and filter beds situate in Luscombe Valley, Lilliput, in the tything of Parkstone.
5. A water tower and tank situate in or near Mansfield Road in the said tything of Parkstone.
6. A line of cast-iron water mains or conduit pipes leading from the last-mentioned engine-house to the last-mentioned water tower through and under lands proposed to be acquired, the public road from Luscombe to Constitution Hill, crossing the main road from Poole to Bournemouth and along and under Mansfield Road aforesaid.
7. A gathering ground and tanks, situate in lands at Alderney in the tything of Kinson, near the main road from Poole to Ringwood.
8. A line of cast-iron water mains or conduit pipes leading from the last-mentioned gathering ground and tanks to the reservoir of the Undertakers situate near Longfleet Church in the said tything of Parkstone, through and under lands situate partly in the said parish of Canford Magna and partly in the said tything of Kinson belonging, or reputed to belong, to Lord Wimborne and in the occupation respectively of himself, Thomas Charles Rigler, Mark Vine and William Brown, the Old Wareham Road, an award road under the Great Canford and Poole Inclosure Act, and the main road leading from Poole to Ringwood.
9. Filter beds and tanks situate upon lands in or near a road called Springfield Road in the said tything of Parkstone.

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Poole.

10. A line of cast-iron water mains or conduit pipes leading from the last-mentioned beds and tanks to the said reservoir of the Undertakers situate near Longfleet Church, through and under lands belonging or reputed to belong to Lord Wimborne and in the occupation respectively of himself, Thomas Kendall Ingram, and the Undertakers, a public road called Queen's Grove, the road leading from Parkstone to Constitution Hill, North Road, and Brown Bottom Road.

Limits of
deviation.

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

Period for
completion
of works.

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

For protection
of London and
South-
western
Railway
Company.

29. For the protection of the London and South-western Railway Company (in this section referred to as "the South-western Company") the following provisions shall, unless otherwise agreed between the South-western Company and the Undertakers, apply and have effect:—

(A) In laying down repairing or removing any mains, pipes or conduits or executing any other works in the exercise of the powers contained in this Order upon, across, over, under or in any way affecting the railway of the South-western Company, or any bridge over or under such railway, or any approaches to any such bridge liable to be maintained by the South-western Company or within the South-western Company's boundary, the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South-western Company and according to such plans, sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers, and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto liable to be maintained as aforesaid or within the South-western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge: Provided that if the said engineer does not express his approval or disapproval of the said plans, sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof, and if the

said engineer shall refuse or neglect to superintend any operation, the Undertakers may execute the work without his superintendence:

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Poole.

- (B) If any injury or damage to the railway works or property of the South-western Company or any interruption of the South-western Company's traffic shall be in any way occasioned by the Undertakers or by their contractors, agents or workmen or arise from bursting or want of repair of any mains or pipes of the Undertakers, the Undertakers shall forthwith make full compensation to the South-western Company in respect thereof:
- (C) All mains, pipes, conduits and other works of the Undertakers upon across over under or in any way affecting the said railway or any bridge over or under the same or the approaches thereto liable to be maintained as aforesaid or within the South-western Company's boundary shall be at all times maintained in good repair by the Undertakers, and in default of their being so maintained the South-western Company may from time to time, by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers, require the Undertakers to forthwith put into good repair any such main pipe, conduit or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South-western Company may without any further notice to the Undertakers repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers: Provided that in case of accidents happening or immediate danger being apprehended to the said railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe, conduit or other work as aforesaid being in want of repairs the South-western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Undertakers:
- (D) The Undertakers shall bear and on demand pay to the South-western Company all costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching, lighting and protection of the said railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary, but such superintendence by the South-western Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors, agents or workmen:
- (E) The South-western Company may at any time or times hereafter, upon giving to the Undertakers seven days notice thereof in writing signed by the said engineer and delivered at the principal office for the time being of the Undertakers, divert or alter the level of any main pipe or conduit of the Undertakers within the South-western Company's boundary, so as to admit of any repairs, alterations or extensions of their railway or works which they may think necessary without being liable to pay compensation in respect thereof:

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Poole.

(F) Any difference which may arise between the South-western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

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

30. If any difference arise between the Undertakers and any railway, canal or other company, other than the London and South-western Railway Company, whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purpose of meeting the demand 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.

Water supplied by agreement.

31. The Undertakers may from time to time by agreement supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as shall 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 of the Act of 1859, 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 fifty-two of the Public Health Act, 1875, or any similar provision.

Supply of water by meter.

32. 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 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.

Undertakers to keep meters in repair.

33. The Undertakers shall at all times at their own expense, keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing, such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes

aforesaid, have access to, and be at liberty to remove, test, inspect, and replace any such meter, or other instrument at all reasonable times.

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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.

Registers of
meters &c.
to be evidence.

35. The Undertakers may by agreement supply with water ships or vessels resorting to the port of Poole and for the purpose of supplying such ships or vessels with water may from time to time lay down and erect such pipes and other works as they may think necessary in convenient stations upon or near to any of the piers, quays or wharves within the limits of supply, and may also for the like purpose from time to time vary and alter such pipes and other works, and the Undertakers may charge such remuneration or rate of payment for the water supplied to any ships or vessels as may be reasonable: Provided that no pipes or other works shall be laid or erected upon any such piers, quays or wharves unless with the previous consent of the owner or owners thereof and of the persons having the control and management of the same.

For supply
of vessels.

36. 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 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.

37. 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 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.

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

38. 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 water laid on by the Undertakers to any other of such tenements unless such tenant or occupier in respect of the tenement so occupied by him is rated under the Act of 1859 or this Order for a supply of water.

Supply of
water to
tenements in a
row.

39. Sections thirty and thirty-four of the Act of 1859 shall be and the same are hereby repealed, as from the commencement of this Order, and from and after such commencement the following provisions for preventing waste, misuse,

Regulations
for preventing
waste of water.

A.D. 1893.

Poole.

undue consumption, or contamination of the water of the Undertakers 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.
- (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.

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Poole.

- (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.

Penalties.

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. And in any case in which any person has wilfully, fraudulently or by culpable negligence injured or suffered to be injured any pipe, meter, instrument or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed or used water of the Undertakers, the Undertakers may also until the matter complained of has been remedied but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such injury, alteration or prevention, or for abstracting, consuming or using water of the Undertakers when such pipe, meter, instrument or fittings is or are under the custody or control of the consumer shall be *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.

Injuring
meters &c.

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.

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

42. 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

Incoming
tenant not
liable to pay
arrears.

A.D. 1893.

Poole.

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.

Power to make
water meters
&c.

43. The Undertakers may manufacture, purchase or hire and supply water meters, fittings, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus and may also manufacture, purchase, let or deal in and contract for doing work in connexion with water meters, fittings, tubes, pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, stoves, ranges and apparatus and all articles and things in any way connected with waterworks, or with the supply of water, and may take charges and remunerations in respect thereof.

Costs of Order.

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

SCHEDULE of Lands shown on deposited Plans.

1. All that piece or parcel of land adjoining Hatch Pond, and situate in the tything of Longfleet in the borough of Poole, containing four acres or thereabouts together with the several buildings erected thereon and lately in the occupation of Messrs. Howell and Sons and used as an iron foundry.

2. All that piece or parcel of land covered with water called Hatch Pond and the land surrounding the said pond, situate partly in the tything of Longfleet aforesaid and partly in the parish of Canford Magna in the county of Dorset, containing eighteen acres or thereabouts.

3. All that piece or parcel of land situate at Broadstone, in the said parish of Canford Magna, in or near the road leading from Broadstone to Wimborne, containing two roods.

4. All that piece or parcel of land situate in Luscombe Valley, Lilliput, in the tything of Parkstone, in the said borough of Poole, containing two roods and fifteen perches or thereabouts being part of the allotment, No. 1074, map D to the award of the Commissioners, under the Great Canford and Poole Inclosure Act.

5. All that piece or parcel of land adjoining the last-described piece or parcel of land, formerly forming part of the Flag Farm Estate, and containing one acre or thereabouts.

6. All that piece or parcel of land, containing thirteen acres or thereabouts, situate in Luscombe Valley in the said tything of Parkstone.

7. All that piece or parcel of land, containing twelve acres or thereabouts, situate in Luscombe Valley, aforesaid, adjoining the last-described piece or parcel of land.

SOUTH-WEST SUBURBAN.

A.D. 1893.

Order empowering the South-west Suburban Water Company to raise additional Capital.

*South-west
Suburban.*

1. This Order may be cited as the South-west Suburban Water Order 1893. Short title.

2. The South-west Suburban Water Act 1883 (in this Order referred to as "the Act of 1883") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction
of Order.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation 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 ;

and Part I. (relating to cancellation and surrender of shares) and 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.

4. The South-west Suburban Water Company incorporated by the Act of 1883 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

5. The capital of one hundred and sixty thousand pounds of the Undertakers under the Act of 1883 is hereby reduced to the sum of one hundred and twenty thousand pounds and the powers to raise sixteen thousand pounds of original capital and the whole of the twenty-four thousand pounds of additional capital as defined or authorised by the said Act and now unissued Reduction
of capital
authorised by
Act of 1883.

A.D. 1893.

*South-west
Suburban.*

is hereby absolutely cancelled extinguished and determined. The power conferred on the Undertakers by the said Act to borrow the sum of forty thousand pounds on mortgage in respect of their capital as defined or authorised by that Act is hereby limited to the sum of thirty thousand pounds and the unexercised power of raising the remaining ten thousand pounds of the said sum either by mortgage or debenture stock is hereby absolutely cancelled extinguished and determined.

Additional
capital.

6. In addition to the capital of one hundred and twenty thousand pounds of the Undertakers authorised by the Act of 1883 as amended by this Order (herein-after referred to as "the reduced original capital") they may from time to time :

(1.) Raise any further sums not exceeding in the whole fifty 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 additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds ;

(2.) Borrow on mortgage in respect of the additional capital of fifty thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock any sum or sums not exceeding in the whole twelve thousand five hundred pounds and the Undertakers may as each sum of twenty-five thousand pounds of such additional capital has been issued and accepted and one half thereof has been paid up borrow on mortgage in respect of each such sum of twenty-five thousand pounds any sum or sums not exceeding in the whole six thousand two hundred and fifty pounds but in no case shall any part of the said respective sums of six thousand two hundred and fifty pounds be borrowed until shares for so much of the said additional capital in respect of which such borrowing powers are sought to be exercised and as is to be raised by means of shares are issued and accepted and one half of such portion of capital 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 the whole of such portion of capital in respect of which such borrowing powers are sought to be exercised have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said portion of additional capital in respect of which such borrowing powers are sought to be exercised as is to be raised by means of stock is fully paid up and the Undertakers have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up as herein-before provided 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.

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

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As to conversion of borrowed money into capital.

8. The Undertakers shall not issue any share under the authority of this Order nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share has been paid up in respect thereof.

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

9. One-fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call and three months at least shall be the interval between the successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

10. Except as is by this Order otherwise provided the additional 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 capital were part of the reduced original capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to be subject to same incidents as existing shares or stock.

11. 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.

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

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

Limits of dividend on additional capital.

13. 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 reduced original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of ordinary shares to be paid proportionately.

14. 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 or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of

Power to create debenture stock.

[Ch. cxxiii.] *Water Orders Confirmation* [56 & 57 VICT.]
(No. 1) Act, 1893.

A.D. 1893. *South-west Suburban.* this Order created and issued or granted by the Undertakers under any previous Act 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 mortgages and certificates of debenture stock.

Existing mortgages to have priority.

15. All mortgages granted by the Undertakers under the authority of the Act of 1883 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Act contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or this Order shall rank pari passu.

Limit of interest on moneys borrowed.

16. 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.

For appointment of receiver.

17. Section thirty-seven of the Act of 1883 (for appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or any proceedings then pending. And from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or 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 five thousand pounds in the whole.

Application of moneys.

18. All moneys raised under this Order shall be applied to the purposes of the water undertaking authorised by the Act of 1883 to which capital is properly applicable.

Costs of Order.

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

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