



## CHAPTER cxxv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Maidenhead Water and Newington Water. A.D. 1893.  
[27th July 1893.]

**W**HEREAS 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. 2) 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 any city, borough, or other urban sanitary district, or Special provisions as to houses of labouring class.

A.D. 1893. — 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, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

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## SCHEDULE OF ORDERS.

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MAIDENHEAD WATER.—Order empowering the Maidenhead Waterworks Company to raise additional capital and to extend their limits of supply.

NEWINGTON WATER.—Order empowering the Newington Water Company Limited to raise additional capital and to construct additional waterworks.

## MAIDENHEAD WATER.

A.D. 1893.

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

1. This Order may be cited as the Maidenhead 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 Maidenhead Waterworks Act 1875 (in this Order referred to as "the Act of 1875") 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 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 non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

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

The making of dividends

The giving of notices, and

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

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 and the Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by this Order incorporated with and form part of this Order.

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

5. The Undertakers shall have and may exercise (subject to the provisions herein-after contained) within the following new limits namely the parish of Hurley and such parts of the parishes of White Waltham Wargrave and Ruscombe all in the county of Berks as are situated northward of the main line of the Great Western Railway in the said county all the like powers privileges and authorities for or in relation to the supply of water and be subject to all the like duties liabilities and obligations in respect thereof as they now have

Extension of limits of supply.

[Ch. cxxv.] *Water Orders Confirmation* [56 & 57 VICT.]  
(No. 2) Act, 1893.

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Water.*

and are subject to within the limits of the Act of 1875 and the expression "limits of this Act" in the said Act (in this Order referred to as "the limits of supply") shall (subject to the said proviso) be deemed from and after the commencement of this Order to include the said new limits: Provided that the Undertakers shall not exercise any such powers privileges or authorities or be subject to any such duties liabilities or obligations in any part of the said parish of Wargrave nor shall any part of the said parish be deemed to be included within the limits of supply unless and until the consent thereto in writing of the local authority having jurisdiction within the said parish has been first had and obtained.

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

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing within the new limits defined by this Order other than the parish of Hurley a sufficient supply of water in accordance with the provisions of the Act of 1875 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 district or part of the district within such 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 such part of the said district 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.

Supply of  
water to the  
parish of  
Hurley.

7. Notwithstanding anything in this Order the Act of 1875 or in the Acts incorporated therewith contained or implied to the contrary the Undertakers shall within a period of three years from the commencement of this Order provide a supply of pure and wholesome water sufficient for the domestic use of all the inhabitants of the parish of Hurley and shall from time to time on receiving such requisition and agreement as are provided for in section 35 of the Waterworks Clauses Act 1847 cause pipes to be laid down and water to be brought to every part of the said parish whereunto they shall be required by so many owners or occupiers of houses as are referred to in the said section and shall also supply water at a rate to be agreed upon between the Undertakers and the consumers and failing agreement to be settled by the Board of Trade for cattle and horses and for washing purposes in stables and yards and if in the opinion of the Board of Trade to be signified in writing under the hand of an Assistant Secretary of that Board such supplies are not at all times after the said three years duly provided or furnished the powers by this Order granted to the Undertakers so far as they relate to the parish of Hurley shall absolutely cease.

*Undertakers.*

Undertakers.

8. The Maidenhead Waterworks Company incorporated by the Act of 1875 shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

*Additional Capital.*

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*Water.*Additional  
capital.

9. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1875 (in this Order referred to as "the original capital") they may from time to time—

(1.) Raise any further sums not exceeding in the whole eight 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 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 on 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 eight thousand pounds; and

(2.) Borrow on mortgage any sum or sums not exceeding in the whole two 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 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.

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.

As to conversion of  
borrowed  
money into  
capital.

11. Except as 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 additional 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.

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

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

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

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*Water.*

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 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.

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

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.

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

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.

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

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.

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

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 share or stock not then

sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

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Water.*

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 dividend 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 of so much of such capital as may be issued as preference capital.

Limits of  
dividend on  
additional  
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.

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

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 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 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.

Debenture  
stock.

21. All mortgages granted by the Undertakers under the authority of the Act of 1875 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*.

Existing  
mortgages to  
have priority.

[Ch. cxxv.] *Water Orders Confirmation* [56 & 57 VICT.]  
(No. 2) Act, 1893.

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Water.*

Limit of  
interest on  
moneys  
borrowed.

Appointment  
of a receiver.

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.

23. The mortgagees of the Undertakers under the Act of 1875 and this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Application  
of money.

24. All moneys raised under this Order shall be applied to the purposes of the water undertaking authorised by the Act of 1875 and this Order to which capital is properly applicable.

*Works.*

Power to  
lay mains in  
parishes of  
Wargrave  
and Bisham.

25. For the purpose of conveying water to any part of the district included within the limits of supply situate to the westward or south-westward of the parishes of Wargrave and Bisham the Undertakers shall have power to lay water mains and pipes in the said parishes subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes but (subject to the proviso herein-after contained) the Undertakers shall not exercise such powers in the said parishes or either of them without the consent of the road authorities or authority of such parishes or parish respectively being first had and obtained nor shall they (subject to the said proviso) be subject or entitled to any liabilities or privileges in relation to the supply of water in either of the said parishes: Provided that if the said parish of Wargrave is at any time under the provisions of this Order included within the limits of supply the restrictions herein-before in this section contained shall cease to apply in relation to the said parish.

For pro-  
tection of  
Conservators  
of River  
Thames.

26.—(1) All works whether permanent or temporary that may be constructed by the Undertakers under the powers of this Order or the Act of 1875 so far as the same affect the River Thames (which expression includes the towing paths and banks of the river) shall be executed according to a plan and elevation to be approved by the Conservators of the River Thames (herein-after called "the Conservators") and deposited at their office and the works in or under the River Thames shall be executed and performed to the satisfaction of the engineer for the time being of the Conservators and the traffic of the said River Thames shall not be interfered with more than may be absolutely necessary in the construction of the said works and the Undertakers shall within fourteen days after notice from the Conservators so to do remove any temporary works or materials for temporary works which may have been placed in or under the River Thames by the Undertakers and on their failing to do so the Conservators may remove the same charging the Undertakers with the expense of so



doing and the Undertakers shall forthwith repay to the Conservators all expenses so incurred.

(2) The Undertakers shall not make or commence any work in or under the River Thames without the consent in writing of the Conservators until the aforesaid plan has been approved in writing by the Conservators.

(3) Nothing herein or in the Act of 1875 contained shall be construed as authorising the Undertakers to embank encroach upon or interfere with any part of the River Thames except according to the plan to be approved in writing by the Conservators and in accordance with the terms of a license to be granted under the seal of the Conservators and the consideration or compensation for any such license as may be granted by the Conservators for any embankment encroachment upon or interference with any part of the River Thames shall be assessed in manner prescribed by section fifty-eight of the Thames Conservancy Act 1857.

(4) The Undertakers shall not take any gravel soil or other material from the River Thames without the previous consent of the Conservators signified in writing under the hand of their secretary.

(5) The Undertakers shall on all their works affecting the River Thames if required by the Conservators exhibit such lights as shall in the opinion of the Conservators be sufficient and necessary for the navigation and safe guidance of vessels and in case the Undertakers fail to exhibit and keep burning such lights they shall for every such offence forfeit to the Conservators the sum of ten pounds.

(6) Nothing in this Order or in the Act of 1875 shall be construed as authorising the Undertakers to take any water directly or indirectly from the River Thames or from any tributary thereof or from any defined channel discharging into the River Thames or tributary thereof without the consent in writing of the Conservators.

(7) Nothing contained in this Order or in the Act of 1875 shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Conservators or prohibit defeat alter or diminish any powers authority or jurisdiction which at the commencement of this Order the Conservators did or might lawfully claim use or exercise.

27.—(1) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the Henley Branch Railway of the Great Western Railway Company (herein-after referred to as the Great Western Company) shall so far as they may affect such railway be laid down by the Undertakers at such time 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 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 and the reasonable charges of such engineer shall be borne by the Undertakers: Provided that where any mains or pipes require to be laid under

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*Maidenhead*  
*Water.*For protection  
of Great  
Western  
Railway  
Company.

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Water.*

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.

(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 injuries 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 as aforesaid.

(4) The Undertakers shall acquire only such an easement across over or under any of the railways works or property of the Great Western Company or any lands belonging to that Company as may be necessary for constructing or maintaining any of the works of the Undertakers and shall pay to the Great Western Company for the easement (except in the case of public roads) such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled in manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation with respect to the purchase and taking of lands otherwise than by agreement and the easements so to be taken shall be deemed to be lands so far as regards the proceedings for the acquisition thereof.

(5) If the Great Western Company at any time hereafter require 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 Undertakers across over or 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.

Differences  
with railway  
or other  
companies.

28. If any difference arise between the Undertakers and any railway or other Company 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.

Costs of Order.

29. 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.

## NEWINGTON WATER.

A.D. 1893.

*Order empowering the Newington Water Company Limited to raise additional Capital and to construct additional Waterworks.*

*Newington  
Water.*

1. This Order may be cited as the Newington 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."

Commence-  
ment of Order.

3. The Newington Water Order 1875 (in this Order referred to as "the Order of 1875") 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. In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

Interpretation.

*Additional Capital.*

5. The limitation prescribed by the Order of 1875 with respect to the amount of the share capital of the Undertakers shall not prevent the Undertakers from raising additional share capital not exceeding thirty thousand pounds (in this Order referred to as "the additional capital") for the purposes of the undertaking authorised by the Order of 1875 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 one hundred 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.

6. 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

New shares  
to be offered  
by auction  
or tender.

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Water.*

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

Purchase money of shares sold by auction 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 additional capital.

Prescribed rates to be paid proportionately.

sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

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 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.

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

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*Newington  
 Water.*

14. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking shall not exceed in the whole twenty-one thousand pounds or at any time 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.

Borrowing  
 powers.

*Lands.*

15. Notwithstanding anything in the Order of 1875 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 water undertaking and they may by agreement from time to time purchase or take on lease acquire and use any other lands and any easements rights or privileges in over or affecting any lands which they may require for such purposes: Provided that they shall not 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 1875 more than ten acres of land in the whole.

Power to purchase lands.

*Construction of Waterworks.*

16. 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 and deposited sections the works herein-after described with all necessary engines tanks drains gauges cuts roads pipes machinery works and conveniences connected therewith:

Power to construct additional works.

The works authorised by this Order are as follows:—

- (1) A well and pumping station situate on the lands shown on the deposited plans and bounded on the north by the road leading from Duns-well to the Hull and Beverley turnpike road on the east and south by lands belonging or reputed to belong to Francis Reckitt and on the west by lands belonging or reputed to belong to John Adamson;
- (2) A conduit or line of pipes commencing at the said well and pumping station and terminating in the road leading from Hull to Beverley at the point where an imaginary line forming the boundary of the borough of Kingston-upon-Hull crosses the said road;

The said works shall be deemed to be part of the water undertaking authorised by the Order of 1875 and the provisions of the said Order shall (except where expressly varied by this Order) extend and apply to the said works in

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(No. 2) Act, 1893.

A.D. 1893.

*Newington*  
*Water.*  
Limits of  
deviation.

as full and complete a manner as if the said works had been part of the works authorised by the Order of 1875 to be maintained and continued.

17. 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 they may (subject to the provisions of this Order) deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or downwards: Provided that any conduit or line of pipes which the Undertakers may lay under or along any public road or footpath in the district of the Cottingham Local Board shall be laid in such a position under or along such road or footpath as shall be reasonably required by the said Local Board.

For protection  
of the East  
Riding County  
Council.

18. Notwithstanding anything in this Order contained the Undertakers shall not lay any pipes in the Beverley and Skidby drain except at such a height above the highest level of the water in time of flood in the said drain or at such a depth below the bottom of the said drain and in such manner as shall be reasonably approved in writing by the county surveyor of the East Riding County Council: Provided that if for one month after being requested so to do by the Undertakers the said Council omit to signify their approval or disapproval of the mode in which such pipes are proposed to be laid they shall be deemed to have approved thereof. If any difference shall arise between the Undertakers and the said Council with regard to the matters referred to in this section such difference shall be referred to the arbitration of an engineer to be appointed on the application of either party by the Board of Trade and the decision of such engineer shall be final and the cost of such reference and arbitration shall be borne and paid as he shall direct.

Provided always that nothing herein contained shall be construed so as to vest in the Undertakers or the said Council any right or authority in or over the said drain or the banks thereof or to diminish prejudice or affect the rights and powers of the trustees of the Beverley and Skidby drainage with regard to the said drain and the waterway therein and the banks thereof.

Supply to  
water places  
injuriously  
affected.

19. If at any time the supply of water to the existing cattle watering-places or springs within the limits of supply in the Newland or Skidby wards or districts of the Cottingham Local Board or within two hundred yards of the western boundary of the former district shall have become insufficient by reason of the execution of the powers conferred by this Order the Undertakers shall on receipt of a request from the clerk of the said Cottingham Local Board pump such amount of water not exceeding one hundred thousand gallons per diem into the Pan Bottom drain on the Dunswell Road as shall suffice to supply the ditches or dykes in connection therewith with water to the satisfaction of the said Local Board and shall also construct to the reasonable satisfaction of the said Local Board a tank at the Beverley Road end of the Endyke Lane to contain two thousand gallons and keep the same supplied with water for the use of the owners and occupiers of the farms and agricultural land in the neighbourhood: Provided that in the event of any difference arising between the Undertakers and the said Local Board as to the sufficiency of the supply

of water to the said places or springs or as to whether the insufficiency (if any) of such supply is caused by the execution by the Undertakers of the said powers such difference shall be referred to the arbitration of an engineer to be jointly appointed by the Undertakers and the said Local Board or in case of disagreement by the Board of Trade but pending the decision of such engineer the Undertakers shall pump such amount of water as aforesaid into the said drain so long as they are required so to do by the said Cottingham Local Board.

A.D. 1893.

*Newington*  
*Water.*

20. If in the opinion of the said Cottingham Local Board the supply of water to any existing pumps belonging to or used by persons residing in the hamlet of Dunswell in the district of the said Local Board shall be diminished by reason of the Undertakers in the execution of the powers conferred on them by this Order taking any water in and under or on the lands taken for the construction of the works authorised by this Order the Undertakers shall supply such persons at the site of their existing pumps respectively and free of expense with such quantity of water per diem as the said Local Board shall reasonably consider to be equivalent to the supply at present enjoyed by the persons aforesaid from the said pumps.

Supply to  
pumps in-  
juriouly  
affected.

21. Section twelve of the Order of 1875 shall from and after the commencement of this Order be read and construed as if the words "on any premises within the limits of supply" had been inserted therein after the words "beyond the first" and as if the words "in the district of the Newington Local Board" and the words "and in the other district one pound" had been omitted therefrom.

Amending  
section 12 of  
Order of 1875.

22.—(1) On and from the thirtieth day of September one thousand eight hundred and ninety-three the whole of the undertaking and all the property real and personal of every description (except cash in hand or at the bankers) and all the rights powers and privileges of the Undertakers (except powers of raising or borrowing money) shall be transferred to and vest in and be exerciseable and enjoyed by the mayor aldermen and burgesses of the borough of Kingston-upon-Hull (herein-after referred to as "the Corporation").

Provision for  
transfer of  
undertaking  
to Corporation  
of Hull.

(2) The consideration for the transfer shall be the creation and issue by the Corporation to the Undertakers or their nominees on or before the said thirtieth day of September of Hull Corporation redeemable stock to the amount of one hundred thousand pounds bearing interest at the rate of three pounds and fifteen shillings per centum per annum and redeemable at par on the thirtieth day of September one thousand nine hundred and fifty-three and the Corporation may and shall create and issue that amount of stock accordingly and in respect thereof sixty years shall be the prescribed period within the meaning of section 35 of the Hull Corporation Loans Act 1881.

The Corporation shall also on the said thirtieth day of September one thousand eight hundred and ninety-three pay to the Undertakers the capital sum of three thousand pounds.

(3) The Undertakers shall be entitled to all their revenue accruing up to the said thirtieth day of September one thousand eight hundred and ninety-three and shall fulfil and discharge all their contracts obligations debts and liabilities up to that date.

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A.D. 1893.

*Newington  
Water.*

(4) A Queen's Printer's copy of this Order shall be chargeable with the same stamp duty as would be chargeable if the transaction effected by this Order were a transaction effected by an executed instrument in writing and the copy were the instrument and that copy shall within three months from the said thirtieth day of September one thousand eight hundred and ninety-three be produced as such instrument to the Commissioners of Inland Revenue for their opinion as to the stamp duty chargeable thereon under the provisions of the Stamp Act 1891 and all the provisions of that Act shall apply thereto accordingly except that the Corporation if dissatisfied with the assessment of the Commissioners shall not be required to pay duty in conformity with such assessment as a condition of appeal to the High Court Provided that in case of delay of payment under the above exception the amount of duty assessed or determined by the court to be chargeable shall be a debt due from the Corporation to Her Majesty and shall be paid with interest thereon at the rate of five pounds per centum per annum from the expiration of the said three months until the day of payment.

Costs of Order.

23. 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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FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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