



CHAPTER cciii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Broughton-in-Furness Water Hayling Water Portsmouth Water Ross Water Saint Neot's Water and Wrexham Water.

A.D. 1898.

[2nd August 1898.]

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 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 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 Act 1898. 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 urban district or in any parish or part of Special provisions as to houses of labouring class.

A.D. 1898. — a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board 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.

BROUGHTON - IN - FURNESS WATER.—Order empowering the Broughton-in-Furness Water Company Limited to construct and maintain Waterworks and to supply Water within the town of Broughton-in-Furness and the hamlets of Sykehouse and Keppleway in the township of Broughton West in the county of Lancaster.

HAYLING WATER.—Order empowering the South Hayling Water Company Limited to construct additional Waterworks and to extend their limits of supply.

PORTSMOUTH WATER.—Order empowering the Borough of Portsmouth Waterworks Company to raise additional Capital and for other purposes.

ROSS WATER.—Order empowering the Undertakers of the Ross Waterworks to raise additional Capital.

ST. NEOT'S WATER.—Order empowering the St. Neot's Water Company to construct and maintain Waterworks.

WREXHAM WATER.—Order empowering the Wrexham Waterworks Company to raise additional Capital.

BROUGHTON-IN-FURNESS WATER.

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Order empowering the Broughton-in-Furness Water Company Limited to construct and maintain Waterworks and to supply Water within the town of Broughton-in-Furness and the hamlets of Sykehouse and Kepplewray in the township of Broughton West in the county of Lancaster.

Broughton-in-Furness.

1. This Order may be cited as the Broughton-in-Furness Water Order 1898. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order. Incorporation of Acts.
4. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings. Interpretation.

In this Order the expression "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.
5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the town of Broughton-in-Furness and the hamlets of Sykehouse and Kepplewray in the township of Broughton West in the county of Lancaster. Limits of Order.
6. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no company authorised by this Order to supply water therein. Where Undertakers not furnishing sufficient supply local authority or company may supply.

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

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Undertakers.

Broughton-in-Furness.
Undertakers.

7. The Broughton-in-Furness Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

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

Limits of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to acquire lands.

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

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

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

Construction of Waterworks.

Power to construct water-works and to supply water.

12. The Undertakers may on the lands shown on the deposited plans when the same have been acquired by them and so long as they are possessed of the said lands or so long as they may be entitled to do so under agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works herein-after described and other works and conveniences connected therewith and may from time to

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time enlarge renew and improve the same and may collect impound and distribute any springs streams or waters on or near the site of the works or any other waters in or under any lands for the time being belonging to or held by the Undertakers and they may subject to the provisions of this Order supply and sell water for domestic or other purposes within the limits of supply.

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in-Furness.

The works authorised by this Order will be wholly situate within the county of Lancaster and are as follows:—

- (1.) A covered service reservoir in about 240 square yards of land situate in a piece numbered 711 on the $\frac{1}{2500}$ Ordnance map (1890 edition) for the said township and called Bank allotment situate at Woodhouse in the said township belonging or reported to belong to James Carter.
- (2.) A break pressure tank in about 9 square yards of land situate in a piece numbered 710 on the said map and called plantation situate at Woodhouse aforesaid also belonging or reputed to belong to the said James Carter.
- (3.) An aqueduct or line of pipes in and from the said pieces of land to and through the town of Broughton-in-Furness and the hamlets of Sykehouse and Keppleway in the said township and also branch aqueducts or lines of pipes along the various roads and streets in the said township.

13. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards Provided that the Undertakers shall not raise any aqueduct or pipe above the surface of the ground unless so shown on the sections and then only to the extent shown.

Limits of
deviation.

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

Period for
completion of
works.

15. For the protection of the county council of the county palatine of Lancaster (in this section called "the council") the following provisions shall have effect (that is to say):—

For the protec-
tion of the
Lancashire
County
Council.

- (1.) Before commencing to execute any work upon any main road under the jurisdiction of the council the Undertakers shall submit to the council for its approval plans sections and specifications of the proposed works Provided that if the council fail within thirty days after such submission to signify their disapproval they shall be deemed to have approved thereof.
- (2.) The company shall maintain the portion of the said main road affected by the works of the Undertakers for such period (not being less than

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twelve months from the date of the efficient restoration thereof) as there shall be any subsidence in the surface thereof.

(3.) All works affecting the said main road shall be executed under the superintendence and to the reasonable satisfaction of the surveyor to the council.

(4.) If any difference arises between the council and the Undertakers touching anything to be or not to be done under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be binding on both parties and the costs of the arbitration shall be borne as he shall direct.

For the protec-
tion of the
Furness Rail-
way Company.

16. For the protection of the Furness Railway Company (in this section called "the Furness Company") the following provisions shall be in force and have effect:—

(1.) All works to be constructed by the Undertakers in the exercise of any powers conferred by this Order in any way affecting the railways of the Furness Company or any of the bridges or works thereof or any lands or property belonging to the Furness Company shall be constructed under the superintendence and to the reasonable satisfaction of the engineer of the Furness Company and according to plans to be previously submitted to and reasonably approved by him but in all things at the expense of the Undertakers and so as to cause no injury to such railways bridges works lands or property or interruption to the passage or conduct of traffic over such railways:

(2.) If in consequence of the construction of such works any injury be caused to such railways bridges works lands or property or any interruption be caused to such traffic the Undertakers shall make full compensation to the Furness Company in respect of such injury or interruption the amount of such compensation failing agreement to be settled by arbitration in the 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:

(3.) The Furness Company may from time to time at the expense of the Undertakers appoint and employ such inspectors and watchmen as may be reasonably necessary to superintend the execution of such works and to secure the safety of the said railways or the works and conveniences thereof and of the traffic on the railway and in default of the payment of such expense by the Undertakers the same may be recovered by the Furness Company in any court of competent jurisdiction:

(4.) In case of any difference between the Undertakers and the Furness Company as to any of the matters referred to in this section (other than the question of compensation) the same shall be determined by a single arbitrator to be appointed in manner provided by the Arbitration Act 1889.

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

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Differences with road authority or railway or other company.

Supply.

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

Limit of pressure.

19. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates herein-after specified (that is to say):—

Rates for supply for domestic purposes.

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

Where such rateable value amounts to seven pounds and does not exceed twenty-five pounds the rate of six pounds five shillings per centum upon such rateable value ;

Where such rateable value exceeds twenty-five pounds and does not exceed fifty pounds the rate of six pounds per centum upon such rateable value ;

Where such rateable value exceeds fifty pounds the rate of five pounds fifteen shillings per centum upon such rateable value ;

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

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

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

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

Rates for
waterclosets
&c.

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

Regulations for
preventing
waste &c. of
water.

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

- (1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size 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 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.

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(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.

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

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

22. The Undertakers may from time to time by agreement supply any local authority or company authorised to supply water outside the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply under such agreement whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes within the limits of supply under the provisions of this Order and every such agreement which is not for a supply for domestic purposes shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing. Provided always that nothing in this section contained shall be construed as conferring any powers on the Undertakers in relation to laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work without the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Water supplied
by agreement.

Notwithstanding anything contained in this Order the Undertakers shall not supply water in bulk or otherwise for distribution or consumption outside the township of Broughton West.

Limitation to
supply of water
in bulk outside
the township of
Broughton West.

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Supply of
water by
agreement to
the owner of
the mansion
called Eccle
Riggs cottages
and the appur-
tenances.

23. The Undertakers may by agreement supply water in bulk beyond the limits of supply to the Right Honourable Richard Assheton Viscount Cross his heirs and assigns for the purposes herein-after mentioned for such remuneration and upon such terms and conditions as shall be agreed between the Undertakers and the said Viscount Cross his heirs and assigns. The water so supplied shall be used only for the supply of the mansion called Eccle Riggs and the appurtenances thereto together with the adjacent cottages belonging to or in occupation of the said Viscount Cross his heirs or assigns. Provided always that no such supply shall be afforded whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes within the limits of supply under the provisions of this Order. Provided also that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Supply of
water by
measure.

24. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers
to keep meters
&c. in repair.

25. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of
meters &c. to
be evidence.

26. 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 recoverable by the Undertakers. Provided always that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

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

27. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom. Provided always that any rent paid by an occupier in

pursuance of the provisions of the said section may be deducted from any rent from time to time due by him to such owner.

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Where several houses supplied by one pipe each to pay.

28. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the waterworks of the Undertakers by a distinct pipe. Provided always that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

29. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Supply of water to tenements in a row.

Penalties.

30. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *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.

31. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses by a common pipe.

Miscellaneous.

32. In case any consumer of water supplied by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears

Incoming tenant not liable to pay arrears.

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A.D. 1898. left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Broughton-in-Furness.

Several sums in one summons.

33. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.

Warrant of distress may include costs.

34. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices from acting.

35. No justice or judge of any county or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Power to Undertakers to sell undertaking to local authority.

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

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

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

Costs of Order.

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

HAYLING WATER.

A.D. 1898.

Order empowering the South Hayling Water Company Limited to construct additional Waterworks and to extend their limits of supply.

Hayling.

1. This Order may be cited as the Hayling Water Order 1898.

Short title.

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

Commencement of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order.

Incorporation of Acts.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and 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 expression "the Order of 1895" shall mean the South Hayling Water Order 1895 and the Order of 1895 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.

Interpretation.

5. The South Hayling Water Company Limited shall be the Undertakers for the purpose of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

6. The Undertakers shall have and may exercise subject to the provisions of this Order within the parish of North Hayling in the county of Southampton (in this Order referred to as "the said parish") all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1895 and the expression "limits of supply" in the said Order and in this Order shall from and after the commencement of this Order be deemed to include the said parish.

Extension of limits of supply.

7. If at the expiration of a period of three years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order within the limits of supply the powers of the Undertakers shall absolutely cease and determine.

Cesser of powers.

8. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the Undertaking and they may by agreement from time to time

Power to acquire lands.

[Ch. cciii.] *Water Orders Confirmation Act, 1898.* [61 & 62 VICT.]

A.D. 1898.

Hayling.

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

Persons under disability may grant easements &c.

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

Power to construct waterworks and supply water.

10. The Undertakers may on the lands shown on the deposited plans when the same have been acquired by them and so long as they are possessed of the said lands or so long as they may be entitled to do so under agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works herein-after described with all necessary approaches fences excavations roads pipes channels adits levels valves wells pumps drains filters filter beds and other works conveniences and appliances connected therewith.

The works authorised by this Order will be situate wholly in the parish of North Hayling in the county of Southampton and are as follows:—

A pumping station and well or wells to be situate on a piece or pieces of land adjoining the main road at North Hayling and numbered 186 on the $\frac{1}{2500}$ Ordnance map (1897 edition) for the parish of North Hayling and now or late in the occupation of William I. Fletcher.

Limits of deviation.

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

12. The works authorised by this Order shall be commenced constructed and completed within a period of eighteen months from the commencement of this Order and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided always that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge deepen and extend their engines machinery wells mains pipes filters filter beds buildings and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

[61 & 62 VICT.] *Water Orders Confirmation Act, 1898.* [Ch. cciii.]

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

A.D. 1898.

Hayling.

Differences with road authority or railway or other company.

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.

PORTSMOUTH WATER.

Portsmouth.

Order empowering the Borough of Portsmouth Waterworks Company to raise additional Capital and for other purposes.

1. This Order may be cited as the Borough of Portsmouth Water Order 1898.

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 Borough of Portsmouth Waterworks Acts and Order 1857 to 1896 (in this Order referred to as "the Acts and Order 1857 to 1896") 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 Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry on lands by the promoters) and the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (that is to say):—

Incorporation of Acts.

The distribution of the capital of the company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

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

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

The consolidation of shares into stock ;

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

[Ch. cciii.] *Water Orders Confirmation Act, 1898.* [61 & 62 Vict.]

A.D. 1898. the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are
Portsmouth. (except where expressly varied by this Order) incorporated with and form part
of this Order.

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

Undertakers. 5. The Borough of Portsmouth Waterworks Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Power to purchase lands by agreement. 6. The Undertakers may in addition to any other lands which they are by the Acts and Order 1857 to 1896 authorised to purchase and hold purchase by agreement and hold any lands and rights and easements in lands necessary for the protection of their springs and waterworks from contamination or danger of contamination and the supply of water to at and from those springs and works and may hold any such lands already acquired by them Provided always that so long as such lands may be necessary for the purposes aforesaid they shall not be deemed superfluous lands within the meaning of section 127 of the Lands Clauses Consolidation Act 1845 Provided also that no buildings shall be erected by the Undertakers upon such lands other than buildings which may be necessary for or connected with the waterworks of the Undertakers.

Power to owners to grant easements, &c. 7. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Order grant to the Undertakers any easement right or privilege (not being an easement or right to take water in which persons other than the grantors have an interest) required for the purposes of the Undertakers 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 and to such easements rights and privileges as aforesaid respectively.

Additional capital. 8. In addition to the capital already authorised to be raised by the Undertakers they may—

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

(2) Borrow on mortgage in respect of the new capital by this Order authorised to be raised any sum or sums not exceeding in the whole one third part of the amount of the additional capital by this Order authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall 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 and stock have been issued and fully paid up and the premium (if any) has been paid thereon 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.

A.D. 1898.
Portsmouth.

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

As to conversion of borrowed money into capital.

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

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

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

12. Notwithstanding anything in this Order contained 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 shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers shall determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if any bidding or offer

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

[Ch. cciii.] *Water Orders Confirmation Act, 1898.* [61 & 62 VICT.]

A.D. 1898. by tender of any holder or holders of shares or stock be the same in amount as
— any bid or offer made by any other person the bidding or offer of such holder
Portsmouth. or holders of shares or stock shall be accepted in preference.

Purchase
money of
shares or
stock sold to
be paid within
three months.

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

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

14. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Portsmouth 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 once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

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

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

Application of
premiums
arising on issue
of shares or
stock.

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

Power to
create
debenture
stock.

17. The Undertakers may create and issue debenture stock subject to the provisions of section fifty of the Borough of Portsmouth Waterworks Act 1883 and of Part III. of the Companies Clauses Act 1863 notice of the effect of that section shall be indorsed on all mortgages and certificates of debenture stock issued under the powers of this Order.

Existing
mortgages to
have priority.

18. All mortgages granted by the Undertakers in pursuance of the powers of any former Act before the commencement of this Order and which shall be subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be

granted under the authority of this Order but nothing in this section shall affect the priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Acts contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Acts or this Order shall rank *pari passu*.

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Portsmouth.

19. Section 49 (For appointment of a receiver) of the Borough of Portsmouth Waterworks Act 1883 is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or to the continuance of any proceedings then pending The mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

For appointment of a receiver.

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

Limits of dividend on new capital.

21. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Acts and Order 1857 to 1896 and this Order to which capital is properly applicable including the execution carrying out and contributing towards the construction of any works for protecting the springs and waterworks of the Undertakers from contamination or danger of contamination and for preventing the pollution or risk of pollution thereof.

Application of moneys.

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

Costs of Order.

ROSS WATER.

Ross.

Order empowering the Undertakers of the Ross Waterworks to raise additional Capital.

1. This Order may be cited as the Ross Water Order 1898.

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 Ross Water Order 1892 (herein-after referred to as "the Order of 1892") 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. Thomas Blake of Lebaun Ross in the county of Hereford and his executors administrators and assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as the Undertakers Provided

Undertakers.

[Ch. cciii.] *Water Orders Confirmation Act, 1898.* [61 & 62 VICT.]

A.D. 1898.

Ross.

that if at any time the undertaking is assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or assistant secretary of the said Board. Provided also that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Additional capital.

5. Notwithstanding the limitation prescribed by the Order of 1892 it shall be lawful for the Undertakers to increase the capital of the undertaking by a further sum of two thousand pounds (herein-after referred to as "the additional capital") Provided always that unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament the capital of the undertaking shall not exceed seventeen thousand pounds.

"Paid up capital in the undertaking."

6. If and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the construction of the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profits to be received by the Undertakers when the waterworks are carried on for their benefit the expression "paid up capital in the undertaking" shall be deemed to mean so much of the aforesaid capital of the Undertakers for the purposes of the undertaking as has actually been expended on or is actually being expended for the purposes of the undertaking.

Limits of dividend on capital.

7. The Undertakers shall not in any year make out of their profits any larger dividend on their additional capital than six pounds in respect of every one hundred pounds actually paid up of such capital.

Limits of borrowing powers.

8. Notwithstanding the limitation prescribed by the Order of 1892 it shall be lawful for the Undertakers to borrow on mortgage of the undertaking any further sums not exceeding five hundred pounds. Provided that the amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole four thousand two hundred and fifty pounds and no higher rate of interest than the sum of 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.

Costs of Order.

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

ST. NEOT'S WATER.

A.D. 1898.

Order empowering the St. Neot's Water Company to construct and maintain Waterworks.

St. Neot's.

1. This Order may be cited as the St. Neot's Water Order 1898.

Short title.

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

Commencement of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order.

Incorporation of Acts.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings.

Interpretation

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

The expression "the Act of 1897" shall mean the St. Neot's Water Act 1897 and the Act of 1897 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.

5. The St. Neot's Water Company incorporated by the Act of 1897 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

6. The Undertakers may on the lands shown on the deposited plans when the same have been acquired by them and so long as they are possessed of the said lands make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the waterworks herein-after described and may enlarge renew and improve the same together with all mains pipes machinery and other works connected therewith and may take collect impound and distribute any waters in or under any lands for the time being belonging to or held by the Undertakers and they may subject to the provisions of the Act of 1897 and this Order supply and sell water for domestic and other purposes within the limits of supply defined by the Act of 1897.

Power to construct works and to supply water.

The works herein-before referred to are—

- (1) A well or wells and pumping station to be situate in the field numbered 114 on the Ordnance map (1889 edition) on a scale of $\frac{1}{2500}$ of the parish of Eynesbury Haruwicke near the north-eastern corner of the said field.

[Ch. cciii.] *Water Orders Confirmation Act, 1898.* [61 & 62 VICT.]

A.D. 1898.
St. Neot's.

(2) A covered service reservoir to be situate in the field numbered 230 on the map aforesaid and near the north-eastern corner of the said field.

(3) A conduit or line of pipes commencing at the well and pumping station already described and terminating in the reservoir already described.

In the construction of wells pumping station and works the Undertakers shall make such embankments around those works as may be necessary to protect the site thereof from flood water so that the top of such embankments shall be not less than fifty-six feet above Ordnance datum. The said wells pumping station and works shall be situate at a distance measured in a straight line from the River Ouse or any backwater thereof of not less than one hundred and fifty yards and no adit or tunnel for the purpose of obtaining water shall be situate nearer to the said river unless the Local Government Board (who are hereby empowered to give or withhold their consent) otherwise allow.

Limits of deviation.

7. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards but the Undertakers shall not construct any conduit or line of pipes above the surface of the ground unless so shown on the sections and then only to the extent shown.

Period for completion.

8. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 provided that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge deepen and extend their engines machinery wells mains pipes filters filter beds buildings and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Repeal of section 24 of Act of 1897.

9. Section 24 of the Act of 1897 is hereby repealed and the Undertakers shall not exercise any of the powers with reference to the construction of works or the compulsory purchase of lands conferred upon them by that section or otherwise by the Act of 1897 or any Act incorporated therewith but nothing in this section contained shall in any way prejudice or affect the right of any owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Undertakers on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of works.

Provision for protection of Great Northern Railway and Ouse Navigation Commissioners.

10. The provisions contained in the Act of 1897 for the protection of the Great Northern Railway Company and the Ouse Navigation Commissioners shall apply to the works authorised by this Order as if they were the works authorised by the Act of 1897.

Costs of Order.

11. 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.

WREXHAM WATER.

A.D. 1898.

Order enabling the Wrexham Waterworks Company to raise additional Capital.

Wrexham.

1. This Order may be cited as the Wrexham Waterworks Order 1898.

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.

3. The Wrexham Waterworks Act 1864 (in this Order referred to as "the Act of 1864") the Wrexham Waterworks Act 1874 (in this Order referred to as "the Act of 1874") the Wrexham Waterworks Act 1880 (in this Order referred to as "the Act of 1880") 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 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 the creditors of the Company against the shareholders ;

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

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 as amended by the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

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

5. In this Order the expression "the Company's Acts" means the Act of 1864 the Act of 1874 and the Act of 1880 and the several words terms and expressions to which by any Act in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings Provided that proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Order or any incorporated enactment whether provision is

Interpretation.

A.D. 1898. or is not made for the recovery in any specified court or manner may be taken
Wrexham. in the county court.

Undertakers.

Undertakers. 6. The Wrexham Waterworks Company incorporated by the Act of 1864 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Power to
raise
additional
capital.

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

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

(2) Borrow on mortgage from time to time in respect of the new capital by this Order authorised to be raised by the issue of shares or stock any sum or sums not exceeding in the whole one fourth part of the amount payable in respect of such new 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 new 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 and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to con-
version of
borrowed
money into
capital.

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

[61 & 62 Vict.] *Water Orders Confirmation Act, 1898.* [Ch. cciii.]

stock instead of by borrowing or to convert into share capital any money borrowed under the provisions of this Order. A.D. 1898.

Wrexham.

9. The new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in the capital. The capital in new shares or stock shall form part of the capital of the Undertakers. New shares or stock to be subject to same incidents as other shares or stock.

10. Every person who becomes entitled to shares or stock in the new capital shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on the shares or stock so held by him. Dividends on new capital.

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 nor be qualified in respect of such shares to act as a director. Restrictions as to votes in respect of preferential shares or stock.

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

13. It shall be one of the conditions of any sale of shares or stock under this Order that the full price thereof including any premiums given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale. Purchase money of capital sold to be paid within three months.

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

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

15. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any lot of shares 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 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.

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

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

Application of premium arising on issue of shares or stock.

17. Any sum of money which shall 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 Provided that for the purpose of ascertaining the maximum amount of the reserve fund of the Undertakers the sums received by way of premium as aforesaid shall be reckoned as part of the nominal capital of the Undertakers.

Debenture stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted 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 such mortgages and certificates of debenture stock.

Existing mortgages to have priority.

19. All mortgages and bonds granted by the Undertakers in pursuance of the powers of the Company's Acts before the commencement of this Order and which shall be subsisting at the date of such commencement shall during the continuance of such mortgages and bonds and subject to the provisions of

[61 & 62 VICT.] *Water Orders Confirmation Act, 1898.* [Ch. ccciii.]

the Acts under which such mortgages and bonds were respectively granted have priority over all mortgages to be 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.

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20. Every provision of the Company's Acts with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment heretofore made or any proceedings pending at the commencement of this Order under any such provision and after the commencement of this Order the mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

For appointment of receiver.

21. The Undertakers shall not in any one year make out of their profits any larger dividend on the new capital in shares or stock to be raised under the powers of this Order than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or at the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Rates of dividend on shares or stock in new capital.

22. In case in any half-year the net revenue of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or ordinary stock in the capital of the Undertakers a rateable reduction shall be made in the dividend of each class.

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

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

Limit of interest on money borrowed.

24. All moneys raised under this Order whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Order or of the Company's Acts to which capital is properly applicable.

Application of moneys raised under this Order.

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

Costs of Order.

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