



CHAPTER lix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bridport Water, Deal Water, Kettering Water, Southwold Water, and Lyndhurst Gas and Water.

A.D. 1886.

[25th June 1886.]

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 :

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 Gas and Water Orders Confirmation Act, 1886. Short title.

2. The several Orders 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.

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Special provision as to houses of labouring class.

3. The undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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.

SCHEDULE OF ORDERS.

BRIDPORT WATER.—Order empowering the Bridport Waterworks Company to borrow a further sum of money and to construct additional waterworks.

DEAL WATER.—Order empowering the Company of Proprietors of the Deal Waterworks to raise additional capital.

KETTERING WATER.—Order empowering the Kettering Waterworks Company, Limited, to construct new and additional waterworks in the parishes of Kettering, Weekley, and Warkton, in the county of Northampton, and to extend the limits of their water supply, and to raise additional capital.

SOUTHWOLD WATER.—Order authorising the construction and maintenance of waterworks and the supply of water to the borough of Southwold, in the county of Suffolk.

LYNDHURST GAS AND WATER.—Order empowering the Lyndhurst Gas and Water Company, Limited, to construct and maintain gasworks and waterworks, and to make and supply gas, and to supply water within the parishes of Lyndhurst and Minstead, in the county of Southampton.

BRIDPORT WATER.

A.D. 1886.

Bridport.

Order empowering the Bridport Waterworks Company to borrow a further sum of Money and to construct additional Waterworks.

1. This Order may be cited as the Bridport Water Order, 1886. 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 Bridport Waterworks Act, 1872 (in this Order referred to as "the Act of 1872"), and the Bridport Water Order, 1877 (in this Order referred to as "the Order of 1877"), 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 Act, 1845, with respect to the several matters following; (that is to say)
 - The borrowing of money by the company on mortgage or bond;
 - The conversion of the borrowed money into capital;
 - The giving of notices; and
 - The provision to be made for affording access to the special Act by all parties interested;and the provisions of the Waterworks Clauses Acts, 1847 and 1863, and 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) are, except where expressly varied by this Order, incorporated with and form part of this Order. Incorporation of Acts.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.
 5. The several words and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings: Provided always, that for the purposes of this Order the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute. Interpretation.
- In this Order—
- The terms "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.
6. The Bridport Waterworks Company incorporated by the Act of 1872 shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.

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Act, 1886.

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Additional Capital.

Bridport.

Additional
borrowing
powers.

7. In addition to the sum of four thousand pounds authorised to be borrowed by the Undertakers under the Act of 1872, and the sum of two thousand pounds authorised to be borrowed by them under the Order of 1877, they may from time to time borrow on mortgage of the water undertaking authorised by the Act of 1872 and this Order any further sums not exceeding in the whole eleven thousand pounds.

Priority of
existing
mortgages.

8. Every mortgage granted by the Undertakers under the authority of the Act of 1872 and the Order of 1877 shall have priority over all mortgages granted under the authority of this Order.

Limit of
interest on
moneys
borrowed.

9. 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 under the authority of this Order.

Appointment
of a receiver.

10. Section nineteen of the Act of 1872 (arrears may be enforced by appointment of a receiver) shall be and the same is hereby repealed, as from the commencement of this Order, but without prejudice to any appointment theretofore made or any proceedings then pending; and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or 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 thousand pounds in the whole.

As to con-
version of
borrowed
money into
capital.

11. The Undertakers shall, as soon as their revenue will enable them to do so, convert into ordinary or preference shares in their capital any money borrowed under the provisions of this Order, but all dividends on the shares, whether ordinary or preferential, into which such borrowed money may be converted are hereby limited to a rate not exceeding five pounds per centum per annum.

Application
of money.

12. All moneys raised under this Order shall be applied—

- (1.) In payment of such debts of the Undertakers as may be properly chargeable to capital (other than the bonds herein-after mentioned existing at the commencement of this Order), and as may not be secured by mortgage under the authority of the Act of 1872 or the Order of 1877:
- (2.) In payment of the cost of constructing the works authorised by this Order and of the land required for the same:
- (3.) In payment or discharge of any bonds which may have been granted by the Undertakers before the commencement of this Order in excess of their borrowing powers under the Act of 1872 and the Order of 1877, and existing at the date of such commencement for any sum or sums, not exceeding in the whole seven thousand four hundred pounds, which may have been expended for any of the purposes of the undertaking authorised by the Act of 1872 to which capital is properly applicable:

Additional Lands and Waterworks.

Undertakers
may purchase
lands by
agreement.

13. The Undertakers may by agreement purchase, take on lease, and use such of the lands delineated on the deposited plans as may be required for the purposes of

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the undertaking authorised by the Act of 1872 and this Order, and they may by agreement from time to time purchase or take on lease and use any other lands and any easements, rights, or privileges, in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for such purposes more than three acres of land under the authority of this Order.

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Bridport.

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

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

15. The Undertakers may, on the lands shown on the deposited plans, when the same have been acquired by them, 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 additional reservoir herein-after described, with all needful approaches, fences, excavations, embankments, dams, weirs, outfalls, valves, culverts, drains, sluices, and other works connected therewith, and they may from time to time alter, enlarge, and repair the same.

Power to construct additional works.

The reservoir authorised by this Order is as follows:

A storage reservoir to be situate in a field reputed to belong to General Pitt-Rivers, and to be now in the occupation of Mr. Bradford, twelve chains or thereabouts westward of the road from Bothenhampton to Burton Bradstock, and known as "Eighteen Acre Field," being a portion of land formerly known as "North Hill," where the same is crossed by the company's aqueduct or line of pipes, which field is surrounded on all sides by other lands reputed to belong to General Pitt-Rivers, and to be now in the occupation of Mr. Bradford.

16. In constructing the reservoir 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 also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Limits of deviation.

17. The reservoir authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their reservoir and other works in such way and manner as may be requisite or advisable for supplying water, subject to the provisions of the Act of 1872 and this Order.

Time for completion of works.

Miscellaneous.

18. The following sections of the Act of 1872; that is to say, section eleven (provision for compensation in respect of irrigation and other rights), section

Certain provisions of Act of 1872 to

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Bridport.

apply to
additional
works.

Costs of Order.

twelve (for protection of the mill of Richard Groves), and section thirteen (for protection of the Grove Mill, Burton) shall extend and apply to the works executed under the authority of this Order as fully as if those sections had been respectively repeated in or incorporated with this Order.

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

Deal.

DEAL WATER.

Order empowering the Company of Proprietors of the Deal Waterworks to raise additional Capital.

Short title.

1. This Order may be cited as the Deal Water Order, 1886.

Commence-
ment of
Order.

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

Construction of
Order.

3. The Act passed in the session of Parliament held in the third and fourth years of the reign of Her present Majesty, intituled "An Act for better supplying with water the town and borough of Deal, and the neighbourhood thereof, in the county of Kent" (in this Order referred to as the "Act of 1840") and the Deal Water Act, 1878 (in this Order referred to as the "Act of 1878"), as the same are respectively 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.

Incorporation
of Acts.

4. The provisions, so far as the same relate to the powers conferred by this Order, of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following; (that is to say,)

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The 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 Com-

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panies Clauses Act, 1863, and the Companies Clauses Act, 1869, are (except where expressly varied by this Order) incorporated with and form part of this Order. A.D. 1886.
Deal.

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

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

Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

Undertakers.

6. The Company of Proprietors of the Deal Waterworks incorporated by the Act of 1840 shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.

Additional Capital.

7. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1840 and the Act of 1878, and to the capital created under the last-named Act (in this Order referred to "as the original and additional capital"), the Undertakers may from time to time— Additional capital.

- (1.) Raise any further sums, not exceeding in the whole twelve thousand pounds, by the issue of new ordinary shares or preference shares, or partly ordinary and partly preference shares (in this Order referred to as "new capital"); but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, and not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and
- (2.) Borrow on mortgage, in respect of the new capital of twelve thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sum not exceeding in the whole three thousand pounds, and the Undertakers may, as each sum of three thousand pounds of such new capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage in respect of each such sum of three thousand pounds any sum or sums not exceeding in the whole seven hundred and fifty pounds; but in no case shall any part of the said respective sums of seven hundred and fifty pounds be borrowed until shares for so much of the new capital in respect of which such borrowing powers are sought to be exercised are issued and accepted, and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of the new capital in respect of which such borrowing powers are sought to be exercised have been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account

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thereof before or at the time of the issue or acceptance thereof, and that such shares were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

8. 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.

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

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

Calls.

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

Receipt clause in case of person not sui juris.

11. If any money be payable to a shareholder, being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

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

12. Except as by this Order otherwise provided, the new capital created by the Undertakers under this Order, and the new shares therein and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that new capital were part of the capital "A." of the Undertakers of the same class or description, and the new shares were shares in that capital.

Debenture stock.

13. The company 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 company 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.

Existing mortgages to have priority.

14. All mortgages granted by the Undertakers under the authority of the Act of 1840 or of the Act of 1878 before the commencement of this Order, and subsisting at the time of such commencement, shall, during the continuance of such mortgages, and subject to the provisions of the Act of 1840 and of the Act

of 1878 respectively, have priority over any mortgages granted under the authority of this Order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

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Deal.

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

Limits of
dividend on
new capital.

16. In case in any year or in any half year, if the Company declare a dividend half-yearly, the net revenues of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers, a proportionate deduction shall be made in the dividend of each class.

Dividends
different
classes of
shares to be
paid rateably.

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

Limit of
interest on
moneys
borrowed.

18. Section twenty-two of the Act of 1878 (as to appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order, but without prejudice to any appointment theretofore made or any proceedings then pending; and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Appointment
of a receiver.

19. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1840 and the Act of 1878 and this Order to which capital is properly applicable.

Application of
money.

20. 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.

KETTERING WATER.

Kettering.

Order empowering the Kettering Waterworks Company, Limited, to construct new and additional Waterworks in the Parishes of Kettering, Weekley, and Warkton, in the County of Northampton, and to extend the limits of their Water Supply, and to raise additional Capital.

1. This Order may be cited as the Kettering Waterworks Order, 1886.

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.

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Kettering.
Construction
of Order.

3. The Kettering Waterworks Order, 1872 (in this Order referred to as the "Order of 1872"), 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.

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

Limits of
supply.

5. The Undertakers shall have and may exercise, subject to the provisions of this Order, within the parishes or places of Kettering, Weekley, and Warkton, in the county of Northampton, 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 1872; and the expression "limits of supply" in the said Order shall from and after the commencement of this Order be deemed to include the said parishes or places.

Capital.

Additional
capital.

6. The limitation prescribed by the Order of 1872 with respect to the amount of the share capital of the Undertakers shall not prevent the Undertakers from raising further share capital, not exceeding in the whole the sum of fifteen thousand pounds (in this Order referred to as the "additional capital"), for the purpose of the undertaking authorised by the Order of 1872 and this Order, provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of twenty-five 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.

Limits of
dividends on
additional
capital.

7. 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 such capital as may be issued as ordinary capital, or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Limit of
borrowing
powers.

8. The amount of all moneys borrowed by the Undertakers and secured by the mortgage of the undertaking shall not at any time exceed in the whole the sum of six thousand two hundred and fifty pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order.

Lands.

Power to
acquire lands
by agreement.

9. The Undertakers may, by agreement, purchase, take on lease, hire, or otherwise acquire and use such of the lands delineated on the deposited plans as may be required for the works authorised by this Order. Provided that the Undertakers shall not at any time hold for the purposes of this Order and the Order of 1872 more than eight acres of land in the whole.

Undertakers
may acquire
easements by
agreement.

10. Persons empowered by the Lands Clauses Acts to sell, convey, and release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of

water, in, over, or affecting any such lands, and the provisions of the said Acts with respect to land and rentcharges, so far as the same are applicable, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

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Kettering.

Construction of Waterworks.

11. In addition to the works which the Undertakers are by the Order of 1872 authorised to construct and maintain, the Undertakers may from time to time, as they think fit, on the lands now in their possession and on lands acquired by them under the authority of this Order, make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after described, with all needful approaches, embankments, roads, wells, mines, pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith.

Power to
construct
additional
waterworks.

The works authorised by this Order, as follows :

- (a.) A shaft or well, called Shaft No. 1, in a pasture field, in the parish of Weckley, belonging to His Grace the Duke of Buccleuch and Queensberry, and occupied by the executors of the late William Blott, at a point 95 yards or thereabouts in a southerly direction from the engine-house of the Undertakers, and 25 yards or thereabouts in a south-westerly direction from the statue known as Stone Moses.
- (b.) A shaft or well, called Shaft No. 2, in the same field, at a point 140 yards or thereabouts in a southerly direction from the engine-house, and 110 yards or thereabouts in a south-westerly direction from the statue before mentioned.
- (c.) An adit or tunnel, called Tunnel No. 1, commencing in the well at the engine-house of the Undertakers, and terminating in the Shaft No. 1 before described.
- (d.) An adit or tunnel, called Tunnel No. 2, commencing at Shaft No. 1, and terminating in Shaft No. 2 before described.
- (e.) A shaft or well, called Shaft No. 3, at or near the Statue Moses before described, on the west side thereof.
- (f.) An adit or tunnel, called Tunnel No. 3, commencing at Shaft No. 1 already described, and terminating at Shaft No. 3.
- (g.) A shaft or well, called Shaft No. 4, and a deep boring therein, and a pumping engine and additional buildings at or near the engine-house of the Undertakers on the south side thereof.
- (h.) A shaft or shallow well, called Shaft No. 5, at a point in a field, in the parish of Kettering, belonging to His Grace the Duke of Buccleuch and Queensberry, occupied by the executors of the late William Blott, being 30 yards or thereabouts in a south-westerly direction from the avenue leading to Warkton from the Kettering and Stamford main road, and 260 yards or thereabouts in a south-easterly direction from the said main road.
- (j.) A conduit or line of pipes, called Conduit No. 1, commencing at Shaft No. 5 last described, and terminating in Shaft No. 3.
- (k.) A shaft or well, called Shaft No. 6, and a pumping engine and buildings near or adjoining the same, at a point in a pasture field, in the parish of Warkton, belonging to His Grace the Duke of Buccleuch and Queensberry, and occupied by John George Johnson, such point being 130 yards or

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thereabouts north of the farm buildings at Cinque Foil Farm, and 16 yards or thereabouts east of the occupation or farm road leading from the aforesaid farm buildings to the public road from Warkton to Grafton Underwood.

(l.) A conduit or line of pipes, called Conduit No. 2, commencing at the pumping engine lastly herein-before described, and terminating by a connexion with the main of the Undertakers in the parish of Weekley, in or under the main road from Kettering to Stamford, at the point where the public road leading from Warkton joins the said main road.

(m.) A reservoir or covered tank immediately adjoining and on the north side of the existing reservoir of the Undertakers in the parish of Kettering.

And the provisions of the Order of 1872 shall (except where expressly varied by this Order) extend and apply to the works authorised by this Order in as full and complete a manner as if the same had been part of the works authorised by the Order of 1872.

Regulations.

Repeal of sections 18 and 19 of Order of 1872.

12. Sections eighteen and nineteen of the Order of 1872 shall be and the same are hereby repealed, provided that any regulations made thereunder and in force at the commencement of this Order shall continue in force (unless previously cancelled by the Undertakers) for a period of three months from the date of such commencement, and may be enforced under the provisions of the said sections as though the same were unrepealed, and that if within such period of three months any of such regulations are approved by the Local Government Board, such regulations so approved shall be deemed to be regulations duly made and approved under the provisions of this Order, and shall have effect accordingly as from the date of such approval.

Powers for Undertakers to make regulations for preventing waste, misuse, or contamination of water.

13. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board, for preventing the waste, misuse, or contamination of water, and, among other things, may prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus proper and suitable for the purpose of supply. Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford (and do in fact afford) a constant supply.

Publication of regulations.

14. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times without payment, and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same, on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

15. A printed copy of any such regulations purporting to have been made by the Undertakers, and to have been approved by the Local Government Board, shall be primâ facie evidence in all legal proceedings of the due making, confirmation, publication, and existence of such regulations without further or other proof.

Power for Undertakers to refuse supply where regulations not complied with.

16. In the event of any such regulation not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference arises as to whether the

regulations have been complied with, the difference may be referred by either party to, and shall be settled by, two justices.

A.D. 1886.

Kettering.

Costs.

17. 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.

SOUTHWOLD WATER.

Southwold.

Order authorising the Construction and Maintenance of Waterworks and the Supply of Water to the Borough of Southwold, in the County of Suffolk.

1. This Order may be cited as the Southwold Water Order, 1886.

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) and 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: Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

Interpretation.

In this Order—

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

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the borough of Southwold, as the same is constituted at the date of the commencement of this Order.

Limits of Order.

Undertakers.

6. The Southwold Waterworks Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

[Ch. lix.] *Gas and Water Orders Confirmation* [49 & 50 VICT.]
Act, 1886.

A.D. 1886.

Capital.

Southwold.
Capital.

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

Limit of
borrowing
powers.

8. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking shall not at any time exceed in the whole one fourth of the nominal value of their paid-up capital for the time being, 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.

9. The Undertakers may, by agreement, purchase, take on lease, hold, 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 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 at any time hold for such purposes more than three acres of land in the whole.

Persons under
disability may
grant ease-
ments to
Undertakers.

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

Construction of Waterworks.

Power to con-
struct water-
works and to
supply water.

11. The Undertakers may, on the lands shown on the deposited plans and described in the Schedule to this Order annexed, 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, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order are as follows :

A well and pumping station and a tank or reservoir, with all necessary works, pipes, conveniences, and appliances, in and upon the Southwold Common, in the parish of Southwold, in the county of Suffolk, at or near a point about 300 yards to the west of the windmill situate on the said common, and commonly known as Southwold Windmill.

Limits of
deviation.

12. 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.

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

A.D. 1886.

Southwold.

Period for completion of works.

14. If any difference arise between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power under the authority of this Order to cross as to the mode of laying down, repairing, altering, or enlarging their conduits, mains, pipes, or other works in, over, or upon such land or works, or as to 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.

Differences with railway and other companies.

Supply.

15. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir authorised by this Order.

Limits of pressure.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates per annum hereinafter specified; (that is to say,)

Rates for supply for domestic purposes.

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

Where such rateable value amounts to twenty pounds but does not amount to forty pounds per annum, the rate of seven pounds per centum per annum upon such rateable value, and so in proportion for any shorter period:

Where such rateable value amounts to forty pounds but does not amount to sixty pounds per annum, the rate of six pounds ten shillings per centum per annum upon such rateable value, and so in proportion for any shorter period:

Where such rateable value amounts to or exceeds sixty pounds per annum, the rate of six pounds per centum per annum upon such rateable value, and so in proportion for any shorter period:

Provided always, that the Undertakers shall not be compellable to furnish any such supply for any less rate than twopence per week. The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues.

17. The Undertakers may charge, in respect of every watercloset beyond the first on any premises within the limits of supply, an additional sum not exceeding ten shillings per annum, and for every fixed bath capable of containing not more than fifty gallons, an additional sum not exceeding ten shillings per annum, and for every fixed bath capable of containing more than fifty gallons, such

Rates for water-closets, baths, &c.

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Southwold.

Water
supplied by
agreement.

additional sum as the Undertakers may think fit, and such additional sums may be received with and as part of and recovered by the same means as the rate for the supply of water for domestic purposes.

18. The Undertakers may from time to time, by agreement, supply any body or person with water for use within the limits of supply for other than domestic purposes for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such body or person; but, notwithstanding any such agreement, no such body or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this Order, and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing.

Supply of
water by meter.

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

Undertakers
to keep meters
in repair.

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

Register of
meters to be
evidence.

21. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed, and in respect of which any water rate is charged and sought to be recovered by the Undertakers. Provided that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the cost of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

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

22. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purposes of this Order, have effect as if the words "with the consent in writing" of the owner or reputed owner of any such house, or of the agent of such "owner," were omitted therefrom. Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several
houses supplied
by one pipe
each to pay.

23. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe. Provided 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.

Supply of
water to
tenements
a row.

24. 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.

A.D. 1886.
—
Southwold.

25. Subject to the provisions of this Order the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board, for preventing the waste, misuse, or contamination of water, and, among other things, may prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply, provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford, a constant supply.

Preventing
waste of
water.

26. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times without payment, and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Publication of
regulations.

27. A printed copy of any such regulation purporting to have been made by the Undertakers, and to have been approved by the Local Government Board, as aforesaid, shall be primâ facie evidence in all legal proceedings of the due making, confirmation, publication, and existence of such regulations without further or other proof.

Evidence of
regulations.

28. In the event of any such regulation not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water or may cut off the water supplied to such person unless and until the regulations be complied with, and if and whenever any difference arises as to whether the regulations have been complied with, the difference may be referred by either party to, and shall be settled by, two justices.

Power to
refuse supply
if regulations
not complied
with.

Penalties.

29. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, or commits any breach of any authorised regulation against waste, misuse, or contamination of the water supplied by the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or

Injuring
meters, &c.

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—
Southwold.

used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, 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 user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipe, meter, instrument, or fittings.

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

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

Incoming tenant not liable to pay arrears.

31. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Miscellaneous.

Several names in one summons.

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

Warrant of distress to include costs.

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

Liability to water rate not to disqualify justices, &c. from acting.

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

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

35. Section one hundred and forty of the Companies' Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order. Provided that for the purposes of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

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

SCHEDULE.

A.D. 1886.

Southwold.

LANDS FOR PURPOSES OF ORDER.

A piece or parcel of land situate upon the common in the borough of Southwold, in the county of Suffolk, containing by admeasurement two roods (more or less), abutting on or towards the south-east upon a road leading from Barnaby Green and High Street to Blackshore, and having a frontage to the said road of 167 feet or thereabouts, and a depth therefrom of 131 feet or thereabouts, and lying at the junction of the said road with a road leading to a windmill commonly known as Southwold Windmill.

LYNDHURST GAS AND WATER.

Lyndhurst.

Order empowering the Lyndhurst Gas and Water Company, Limited, to construct and maintain Gasworks and Waterworks, and to make and supply Gas and to supply Water within the Parishes of Lyndhurst and Minstead, in the County of Southampton.

1. This Order shall consist of four parts :

Order to consist of four parts.

Part I.—Preliminary, relating both to the Gas Undertaking and to the Water Undertaking.

Part II.—Relating to the Gas Undertaking.

Part III.—Relating to the Water Undertaking.

Part IV.—General provisions, relating both to the Gas Undertaking and to the Water Undertaking.

PART I.—*Preliminary, relating both to the Gas Undertaking and to the Water Undertaking.*

2. This Order may be cited as the Lyndhurst Gas and Water Order, 1886. Short title.

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) are hereby incorporated with this Order, except where the same are expressly varied by this Order. Incorporation of Lands Clauses Acts.

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

In this Order :—

The expressions “deposited map,” “deposited plans,” and “deposited sections” used in relation to the gas undertaking or the water undertaking by this

[Ch. lix.] *Gas and Water Orders Confirmation [49 & 50 VICT.] Act, 1886.*

A.D. 1886.

Order authorised shall mean respectively the map, plans, and sections relating to such undertakings deposited for the purposes of this Order.

Lyndhurst.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Lyndhurst and Minstead, in the county of Southampton.

Undertakers.

6. The Lyndhurst Gas and Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

PART II.—*Relating to the Gas Undertaking.*

Incorporation of Gasworks Clauses Acts.

7. The provisions of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order.

Capital.

Gas capital.

8. The share capital of the Undertakers shall not, for the purposes of the Undertaking authorised by this part of this Order (in this part of this Order referred to as "gas capital") exceed nine thousand six hundred and twenty-five pounds, unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limits of dividend on gas capital.

9. Except as by this Order expressly provided, the Undertakers shall not in any year make out of their profits in respect of the gas undertaking authorised by this part of this Order any larger dividends on their said gas capital than the standard rates of dividend herein-after mentioned; namely, ten pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital, and such dividends, or such dividends as reduced or increased in accordance with the provisions of this part of this Order, are in this part of this Order referred to as "the prescribed rates."

Limit of borrowing powers in respect of gas undertaking.

10. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the gas undertaking authorised by this part of this Order shall not at any time exceed in the whole two thousand four hundred and six pounds and five shillings, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid.

If profits exceed the amount limited, excess may be invested and form an insurance fund.

11. If the clear profits of the undertaking authorised by this part of this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid up gas capital of the Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid up gas

capital of the Undertakers, which fund shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers in relation to such undertaking from accident, strike, or other circumstance, which in the opinion of a justice due care and management could not have prevented; and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction happens. Provided that when and so often as the said fund reaches one-twentieth part of such paid up capital, the interest thereon shall be carried to the credit of the fund available for dividend. Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim, demand, or charge as aforesaid, although such fund may not at the time have reached, or may have been reduced below, the full amount of one twentieth as aforesaid.

A.D. 1886.

Lyndhurst.

12. If the clear profits of the Undertaking authorised by this part of this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Application of excess of profits over prescribed rates.

13. Where in any year the amount of the standard rates of dividend in respect of the undertaking authorised by this part of this Order is by reason of a diminution of the standard price of gas charged by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of the Undertakers existing at the passing of the Act confirming this Order in relation to such undertaking, may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called "the Gas Reserve Fund," and shall be applicable to the payment of dividends in respect of such undertaking in any year in which the clear profits of the Undertakers are in respect of such undertaking insufficient to enable the Undertakers in such year to pay the prescribed rates, and, save as in this Order otherwise provided, no sum shall in any year be in relation to such undertaking carried by the Undertakers to any reserve fund.

Power to create a reserve fund out of dividends in excess of the standard rates of dividend, and application thereof.

Acquisition of Land for Gas Purposes.

14. The Undertakers may for the purposes of the gas undertaking authorised by this part of this Order (by agreement, but not otherwise) purchase or take on lease and hold such of the lands shown on the deposited map, and described in the Schedule A. to this Order annexed, as may be required for the purposes of the said undertaking.

Power to acquire lands.

15. The Undertakers may for the purposes of the gas undertaking authorised by this part of this Order (by agreement, but not otherwise) purchase or take on lease and hold in addition to the lands shown on the deposited map, and described in the Schedule A. to this Order annexed, any lands and hereditaments, not exceeding in the whole three acres, which the Undertakers may from time to

Additional lands.

[Ch. lix.] *Gas and Water Orders Confirmation* [49 & 50 Vict.]
Act, 1886.

A.D. 1886.

Lyndhurst.
Gas not to be
manufactured
except on
lands
scheduled.

time require for the purposes of such undertaking, but no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products, except the lands described in the Schedule A. to this Order annexed.

Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke and Residual Products.

Construction
and main-
tenance of
gasworks
and sale of
gas and
residual
products.

16. The Undertakers, on the lands shown on the deposited map and described in the Schedule A. to this Order annexed, when they have acquired, and while they are possessed of the same, may construct and maintain, and from time to time alter and enlarge, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom, and they may, subject to the provisions of this part of this Order, make and store gas, and supply and sell the same within the limits of supply, and may manufacture and store coke, coal-tar, pitch, asphaltum, ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the gasworks and elsewhere. Provided always, that, notwithstanding anything in this part of this Order contained, the Undertakers shall not, save in so far as may be necessary for or incidental to the manufacture of gas, use any of their lands or works in the conversion or manufacture of any products or residuum of any materials obtained in or resulting from the manufacture of gas.

Quality of Gas.

Quality of gas.

17. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fifteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

Fixing maxi-
mum price of
gas with
sliding scale
as to dividend.

18. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings and sixpence per one thousand cubic feet, and so in proportion for any less quantity supplied. Provided that the Undertakers may increase or diminish such standard price, subject to a reduction or increase in the standard rates of dividend on the gas capital of the Undertakers, to be calculated as follows:

For every penny or part of a penny charged in excess or in diminution of such standard price in any one year, the standard rates of dividend shall for such year be reduced or increased by five shillings in the one hundred pounds per annum:

Provided always, that the standard rate of dividend payable by the Undertakers in respect of any preference shares or preference stock at any time created and issued by the Undertakers, and forming part of such capital, shall not be increased or diminished so long as any such preference continues. Provided also, that the maximum-price to be charged by the Undertakers for gas supplied by them shall not at any time exceed the sum of six shillings for one thousand cubic feet.

Pressure of Gas.

A.D. 1886.

Lyndhurst.
Pressure of gas.

19. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing gas.

20. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing gas shall be a Sugg's London Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which shall from time to time be approved for the purpose by the Board of Trade; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this part of this Order may from time to time, subject to the terms of his appointment, at such testing place or elsewhere as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Miscellaneous.

21. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was produced by unavoidable cause or accident.

No penalty in case of unavoidable cause.

22. The Undertakers shall keep separate annual accounts with respect to their gas undertaking authorised by this part of this Order, showing the amount of their paid up capital in relation to such undertaking, and such accounts shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Separate accounts to be kept in respect of gas undertaking.

23. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Undertakers to pay interest on deposit.

PART III.—*Relating to the Water Undertaking.*

24. The provisions of the Waterworks Clauses Acts, 1847 and 1863, are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order.

Incorporation of Waterworks Clauses Acts.

[Ch. lix.] *Gas and Water Orders Confirmation* [49 & 50 VICT.]
Act, 1886.

A.D. 1886.

Lyndhurst.
Interpretation.

25. The expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

Capital.

Capital.

26. The share-capital of the Undertakers shall not, for the purposes of their water undertaking authorised by this part of this Order, exceed seven thousand eight hundred and seventy-five pounds, unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of
borrowing
powers.

27. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of their water undertaking authorised by this part of this Order, shall not at any time exceed in the whole one thousand nine hundred and sixty-eight pounds and fifteen shillings, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order, and secured as aforesaid.

Acquisition of Lands for Water Purposes.

Power to
acquire lands.

28. The Undertakers may, by agreement, purchase, take on lease, enter upon, and use such of the lands shown on the deposited plans, and described in the Schedules A. and B. to this Order annexed, as they may require for the purposes of the water undertaking authorised by this part of this Order, and they may, by agreement, from time to time purchase or take on lease and use any other lands and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for such purposes more than three acres of land.

Persons under
disability may
grant ease-
ments, &c. to
Undertakers.

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

Construction of Waterworks.

Power to
construct
waterworks
and to supply
water.

30. 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 approaches, embankments, roads, filtering beds, wells, dams, sluices, culverts, mains, pipes, engines, and all works and conveniences connected therewith, and they may, subject to the provisions of this part of this Order, supply and sell water within the limits of supply.

The works authorised by this part of this Order are as follows :—

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—
Lyndhurst.

- (a.) A well, pumping station with pumping engines, engine, and boiler houses, tanks, and other works, buildings, and fences, to be situate in and upon and forming the eastern angle of the piece or parcel of land numbered 115 on the 25-in. Ordnance Survey map of the parish of Lyndhurst.
- (b.) An aqueduct or line of pipes situate wholly in the parish of Lyndhurst, and commencing at the pumping station herein-before described, and terminating in the high road leading from Lyndhurst to Romsey at a point on the said road at the angle of the junction of Pike's Hill Road with the said road leading from Lyndhurst to Romsey.
- (c.) All such other branch and distribution mains, works, and conveniences connected therewith and required for the supply of water by the Undertakers within the limits of supply.
- (d.) A reservoir or tank capable of containing 40,000 gallons or thereabouts to be constructed on a piece or parcel of land 50 feet square or thereabouts belonging or reputed to belong to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and situate at or near a point 650 feet or thereabouts measured in a straight line due south of the north-west corner of the graveyard to the church called "Christ Church," at Emery Down, in the said county of Southampton.
- (e.) A line of mains or pipes, and all works connected therewith, commencing at and carried from the said reservoir or tank in a north-easterly direction through land belonging or reputed to belong to the said Commissioners, and terminating in the public road in Emery Down village in the said county at or near to the north-east corner of the said graveyard to the said church called "Christ Church."

31. In constructing the works authorised by this part of 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.

Limits of deviation.

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

Period for completion of works.

Supply.

33. 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 reservoir or tank authorised by this Order.

Limits of pressure.

34. 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 part of this Order to demand a supply of water for domestic purposes furnish to

Rates for supply for domestic purposes.

[Ch. lix.] *Gas and Water Orders Confirmation* [49 & 50 VICT.]
Act, 1886.

A.D. 1886. 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,)

Lyndhurst.

Where the rateable value of the premises so supplied with water does not exceed five pounds, the rate of twopence per week:

Where such rateable value exceeds five pounds but does not exceed ten pounds, the rate of seven pounds and ten shillings per centum per annum upon such rateable value, and so in proportion for any shorter period:

Where such rateable value exceeds ten pounds but does not exceed thirty pounds, the rate of seven pounds per centum per annum upon such rateable value, and so in proportion for any shorter period:

Where such rateable value exceeds thirty pounds but does not exceed forty pounds, the rate of six pounds and ten shillings per centum per annum upon such rateable value, and so in proportion for any shorter period:

Where such rateable value exceeds forty pounds, the rate of five pounds and fifteen shillings per centum per annum upon such rateable value, and so in proportion for any shorter period:

Provided always, that in the case of any inn or hotel (public or private) so supplied with water, the rateable value of which exceeds fifteen pounds, the Undertakers shall be entitled to demand and take in respect of such supply at a rate not exceeding the rate of seven pounds and ten shillings per centum per annum upon such rateable value, and so in proportion for any shorter period.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues.

Rates for
waterclosets,
&c.

35. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding twelve shillings and sixpence per annum: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of twelve shillings and sixpence, increased 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 filled for use more than fifty gallons of water; and such additional sums may be received with and as part of and recovered by the same means as the rate for the supply of water for domestic purposes.

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

36. Subject to the provisions of this part of this Order the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board, for preventing the waste, misuse, or contamination of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply: Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford, a constant supply.

Publication of
regulations.

37. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times without payment, and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

[49 & 50 VICT.] *Gas and Water Orders Confirmation* [Ch. lix.]
Act, 1886.

38. A printed copy of any such regulations purporting to have been made by the Undertakers, and to have been approved by the Local Government Board, shall be *primâ facie* evidence in all legal proceedings of the due making, confirmation, publication, and existence of such regulations without further or other proof.

A.D. 1886.

—
Lyndhurst.

Evidence of regulations.

39. In the event of any such regulation not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with, and if and whenever any difference arises as to whether the regulations have been complied with, the difference may be referred by either party to, and shall be settled by, two justices.

Power for Undertakers to refuse supply where regulations not complied with.

40. The Undertakers may from time to time by agreement supply any corporation, sanitary or local authority, company, or person, whether within or without the limits of supply, with water in bulk or otherwise, upon such terms and conditions, and for such remuneration as may from time to time be agreed upon between the Undertakers and such corporation, authority, company, or person; but, notwithstanding any such agreement, no such corporation, authority, company, body, or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this part of this Order, and every such agreement shall be by virtue of this part of this Order determinable by the Undertakers on one month's notice in writing: Provided always, that nothing herein contained shall authorise the Undertakers to lay down or place any pipe or conduit, or to break up any road or street, or execute any work in any district beyond the limits of supply without the consent in writing of the local authority and the road authority of such district, or to supply or continue to supply water within the limits of supply of any corporation, sanitary or local authority, company, or person now or hereafter empowered by Act of Parliament or by Provisional Order confirmed by Act of Parliament to supply water without the consent in writing of such corporation, authority, company, or person first had and obtained.

Water supplied by agreement.

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

Supply of water by measure.

42. 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.

Undertakers to keep meters &c. in repair.

43. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed, and in respect of which any water rate is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers

Register of meters, &c. to be evidence.

[Ch. lix.] *Gas and Water Orders Confirmation* [49 & 50 VICT.]
Act, 1886.

A.D. 1886. and the person to whom the water is supplied differ as to the quantity consumed
Lyndhurst. such difference shall be determined upon the application of either party by two
justices, who may also order by which of the parties or in what proportion between
the parties the costs of the proceedings before them shall be paid, and the decision
of such justices shall be final and binding on all parties.

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

44. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the
purposes of this part of this Order, have effect as if the words "with the consent
" in writing of the owner or reputed owner of any such house or of the agent of
" such owner" were omitted therefrom: Provided always, that any rent paid by
an occupier in pursuance of the provisions of the said section may be deducted
by such occupier from any rent from time to time due by him to such owner.

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

45. When several houses or parts of houses in the occupation of several persons
are supplied by one common pipe, the several owners or occupiers of such houses
or parts of houses shall be liable to the payment of the same rates for the supply
of water as they would have been liable to if each of such several houses or parts
of houses had been separately supplied with water from the 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.

Supply of
water to tene-
ments in a
row.

46. 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 the tenant or
occupier be in respect of the tenement so occupied by him rated under this part
of this Order for a supply of water.

Penalties.

Injuring
meters, &c.

47. Every person who wilfully, fraudulently, or by culpable negligence injures
or suffers to be injured any pipe, meter, or other instrument for measuring
water, or any fittings belonging to the Undertakers, or who fraudulently alters
the index to any meter or other instrument for measuring water, or prevents any
meter or other instrument for measuring water from duly registering the quantity
of water supplied, or fraudulently abstracts, consumes, or uses water of the
Undertakers, or commits any breach of any authorised regulation against waste,
misuse, or contamination of the water supplied by the Undertakers, shall
(without prejudice to any other right or remedy for the protection of the
Undertakers or the punishment of the offender) for every such offence forfeit and
pay to the Undertakers a sum not exceeding five pounds, and the Undertakers
may in addition thereto recover the amount of any damage by them sustained,
and in any case in which any person has wilfully, fraudulently, or by culpable
negligence injured or suffered to be injured any pipe, meter, instrument, or
fittings belonging to the Undertakers, or has fraudulently altered the index to
any meter or other instrument for measuring water, or prevented the same from
duly registering the quantity of water supplied, or has fraudulently abstracted,
consumed, or used water of the Undertakers, the Undertakers may also, until
the matter complained of has been remedied, but no longer, discontinue the
supply of water to the person so offending (notwithstanding any contract
previously existing), and the existence of artificial means for causing such injury,
alteration, or prevention, or for abstracting, consuming, or using water of the

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Act, 1886.

Undertakers when such pipe, meter, instrument, or fittings is or are under the custody or control of the consumer, shall be primâ facie evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipes, meter, instrument, or fittings. A.D. 1886.
Lyndhurst.

48. 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 part of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. Misuser where supply to several houses is by a pipe common to all.

Miscellaneous.

49. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. Incoming tenant not liable to pay arrears.

50. The Undertakers shall keep separate annual accounts with respect to their water undertaking authorised by this part of this Order, showing the amount of their paid-up capital in relation to such undertaking, and such accounts shall in all respects be in accordance with the provisions of the Waterworks Clauses Act, 1847. Separate accounts to be kept in respect of water undertaking.

51. Any summons or warrant issued for any of the purposes of this part of this Order may contain in the body thereof or in the schedule thereto several names and several sums, Several names in one summons.

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

53. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this part of this Order by reason of his being liable to the payment of any water rate or other charge under this part of this Order. Liability to water rate not to disqualify justices from acting.

PART IV.—*General Provisions applying to Gas and Water Undertakings.*

54. If any difference arise between the Undertakers and any railway, canal, or other company, whose land or works the Undertakers have power to cross under the authority of this Order, or any part of this Order, for the purpose of meeting the demands for gas or water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their mains, pipes, or works, or as to 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. As to pipes crossing the works of a railway or other company.

55. With respect as well to the gas undertaking as the water undertaking authorised by this Order, the Undertakers shall, except in case of emergency, at Undertakers to submit plan of mains and

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A.D. 1886. least seven clear days before laying any main or pipe other than a service pipe in any street or part of a street within the district of the New Forest Highway Board, submit to the said board a plan on a scale of not less than twenty-five inches to the mile, showing the situation and manner in which such main or pipe is intended to be laid, and if within such period of seven days the said board shall require any reasonable modification to be made in such plan, the same shall be modified accordingly, and the main or pipe shall be laid in accordance with such plan to the reasonable satisfaction of the surveyor of the said board: Provided that any difference which may arise between the Undertakers or their engineer on the one hand, and the New Forest Highway Board on the other hand, as to the reasonableness of any such modification shall be settled by a court of summary jurisdiction at the request of either party, and such court shall have full power as to the determination of such difference, with power to make such order as to the payment of costs as the court may think fit. If the Undertakers lay any main or pipe without submitting a plan as required by this section, or otherwise than in accordance with a plan approved by the New Forest Highway Board or a court of summary jurisdiction, they shall incur for every such offence a penalty not exceeding twenty pounds, and the said board may remove any main or pipe so laid, and recover the expenses incurred by them from the Undertakers.

Undertakers
to make maps,
showing mains,
&c.

56. The Undertakers shall within six months after the construction of the works authorised by this Order cause a map on a scale of not less than twenty-five inches to a mile to be made for the New Forest Highway Board showing the position of all the mains, pipes, and conduits of the Undertakers other than service pipes laid in any street or part of a street within the district of the said board, and also, as nearly as may be, the position of all valves, syphons, and other appliances in any such street or part of a street, and shall deposit such map with the clerk of the said board, who shall keep the same at the office of the said board, and the Undertakers shall once in every year thereafter cause such map to be corrected, and such additions and alterations to be made thereon as may be necessary to show correctly, as nearly as may be, the lines, positions, and sizes of the various mains or pipes laid in any such street or part of a street, and also of such valves, syphons, and appliances, and the Undertakers shall from time to time give to the said board upon their request such information in writing as to the depths at which such pipes are laid as the said board may reasonably require, and in case the Undertakers fail to comply with any of the requirements of this section the Undertakers for every such offence shall be liable to a penalty not exceeding ten pounds.

Provisions as
to rights of
commoners of
the New Forest.

57. As regards the interests or rights of the commoners of the New Forest in or over any lands required for the purposes of this Order, the open lands of the New Forest over which rights of common exist shall be deemed to be common or waste lands within the meaning of the Lands Clauses Consolidation Act, 1845; and the verderers of the New Forest as constituted by the New Forest Act, 1877, shall be deemed to represent the commoners for the purposes of this Order and to constitute a committee of such commoners within the meaning of the one hundred and fourth and following sections of the Lands Clauses Consolidation Act, 1845, save only and except such part of section one hundred and four as provides for the distribution of compensation received by a committee. Any money to be received by way of compensation by the verderers

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acting as such committee as aforesaid shall be applicable by them to and for the purposes and in the manner to and for and in which the same would be applicable by them in case the same were money coming to their hands under or by virtue of the New Forest Act, 1877. A.D. 1886.
Lyndhurst.

58. Notwithstanding the payment to the verderers of any such compensation as aforesaid in respect of the rights of the commoners of the New Forest upon or over any of the open lands of the New Forest required for the purposes of this Order, such rights shall in the event of and immediately upon the expiration by lapse of time or upon the sooner determination (by re-entry under any power of re-entry that may be contained therein, but not otherwise) of any lease or licence to use and occupy the open lands required as aforesaid that may be granted by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; or either of them, in pursuance of the powers of leasing given by an Act of the session holden in the tenth year of His Majesty King George the Fourth, chapter fifty, or any other Act enabling them in this behalf, revive and be capable of being again enjoyed and exercised upon and over such land by the persons (if any) who may then be entitled to enjoy and exercise common rights upon or over the open lands of the New Forest. As to revival of rights of commoners.

59. All penalties, costs, and expenses under this Order may be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.

60. The construction of works, the laying down of pipes, and all other things, which the Undertakers are by this Order authorised to do in relation to the gas undertaking hereby authorised, shall be proceeded with by the Undertakers so far as may be simultaneously with the construction of works, the laying down of pipes, and the doing of all other things which they are by this Order authorised to do in relation to their water undertaking hereby authorised, and they shall not without the consent of the Board of Trade supply under the authority of this Order either gas or water unless and until they shall be in a position to so supply, and shall so supply both gas and water. Construction of gasworks and waterworks to proceed simultaneously.

61. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order, provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16. s. 140 incorporated.

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

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Lyndhurst.

SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

GAS AND WATER LANDS.

A piece or parcel of land situate in the parish of Lyndhurst, in the county of Southampton, containing by admeasurement one acre or thereabouts, belonging or reputed to belong to Her Majesty's Commissioners of Woods, Forests, and Land Revenues in the right of the Crown, and bounded on the north, south, and west sides respectively by other lands belonging or reputed to belong to the said Commissioners, and on the east side by land belonging or reputed to belong to Frederick Smith, and which land is part of a piece or parcel of land forming the eastern angle of a piece or parcel of land numbered 115 on the 25-inch Ordnance Survey map of the parish of Lyndhurst.

SCHEDULE B.

SITE OF LAND FOR RESERVOIR.

A piece or parcel of land 50 feet square or thereabouts belonging or reputed to belong to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and situate at or near a point 650 feet or thereabouts measured in a straight line due south of the north-west corner of the graveyard to the church called "Christ Church" at Emery Down, in the county of Southampton.
