



### CHAPTER lx.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Cranleigh Water, Farnham Water, Frith Hill, Godalming, and Farncombe Water, Howden Water, and Tonbridge Water. [25th June 1886.]

A.D. 1886.  
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**W**HEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

33 & 34 Vict.  
c. 70.

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

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

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

1. This Act may be cited as the Water Orders Confirmation 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.

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

Special provision as to houses of labouring classes.

A.D. 1886. 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.

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## SCHEDULE OF ORDERS.

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CRANLEIGH WATER. — Order empowering the Cranleigh Water Company Limited to construct and maintain waterworks and to supply water in the parish of Cranleigh and part of the parish of Wonersh, all in the county of Surrey.

FARNHAM WATER.—Order authorising the maintenance and continuance of waterworks and the supply of water in and to the parish of Farnham in the county of Surrey.

FRITH HILL, GODALMING, AND FARNCOMBE WATER.—Order empowering the Frith Hill, Godalming, and Farncombe Water Company, Limited, to construct additional waterworks; to extend their limits of supply; and to raise additional capital.

HOWDEN WATER.—Order empowering the Howden Water Company, Limited, to construct and maintain waterworks, and to supply water in the parish of Howden in the East Riding of the county of York.

TONBRIDGE WATER.—Order conferring powers for the maintenance, continuance, and extension of waterworks and the supply of water within certain parts of the parishes of Tonbridge, Leigh, and Shipbourne, all in the county of Kent.



CRANLEIGH WATER.

A.D. 1886.

*Order empowering the Cranleigh Water Company Limited to construct and maintain Waterworks and to supply Water in the Parish of Cranleigh and part of the Parish of Wonersh, all in the County of Surrey.*

*Cranleigh.*

1. This Order may be cited as the "Cranleigh 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 of the undertaking), and of the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order. Incorporation of Acts.
4. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings. Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or in part incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute. Interpretation.

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 parish of Cranleigh and so much of the parish of Wonersh as lies within a distance of one thousand two hundred yards from the north-eastern corner of the building known as the Surrey County School Laundry, in the said parish of Wonersh, all in the county of Surrey. Limits of Order.

*Undertakers.*

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

*Capital.*

7. The share capital of the Undertakers shall not for the purposes of the water undertaking exceed ten 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. Capital.



A.D. 1886.

*Cranleigh.*

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, acquire, and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking, and they may by agreement from time to time purchase or take on lease 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 in the whole.

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

Persons under  
disability may  
grant ease-  
ments in con-  
sideration of  
rentcharge,  
&c.

11. Persons empowered by the Settled Land Act, 1882, to sell any part of the land shown on the deposited plans, or any easement, right, or privilege in, over, or in relation to the same, may if they think fit grant or lease to the Undertakers either in fee or for a term of years of any length any such land or any such easement, right, or privilege in, over, or in relation to the same in consideration of such rent or rentcharge as may be agreed upon to be paid by the Undertakers either in perpetuity or during the continuance of such grant or lease.

*Construction of Waterworks.*

Power to  
construct  
waterworks  
and supply  
water.

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

The works authorised by this Order will be situate in the county of Surrey, and are—

(a.) A covered reservoir or collecting chamber (reservoir No. 1) situate in the parish of Bramley, in the north-western corner of a certain piece of woodland known as "Nore Brook," numbered 599 in the said parish of Bramley on the 25-inch Ordnance map of the county of Surrey. The said reservoir will be distant 143 yards or thereabouts in a northerly direction from the bench mark at the south-eastern corner of Nore Cottage, and will have a superficial area of 50 feet or thereabouts.



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*Cranleigh.*

(b.) A covered reservoir or collecting chamber (reservoir No. 2) situate in the said parish of Bramley, in the said piece of woodland known as "Nore Brook," and in a north-easterly direction from the lastly herein-before described covered reservoir, and distant 240 yards or thereabouts in a north-easterly direction from the said bench mark at the south-eastern corner of Nore Cottage, and distant 166 yards or thereabouts in an easterly direction from the gateway in the south-western corner of the lands numbered 598 in the said parish of Bramley on the 25-inch Ordnance map of the county of Surrey, and will have a superficial area of 50 feet or thereabouts.

(c.) A covered reservoir or collecting chamber (reservoir No. 3) situate in the said parish of Bramley, in the said piece of woodland known as "Nore Brook," and in a north-easterly direction from the lastly herein-before described covered reservoir, and distant 270 yards or thereabouts in a north-easterly direction from the said bench mark at the south-eastern corner of Nore Cottage, and distant 190 yards or thereabouts in an easterly direction from the gateway in the south-western corner of the lands numbered 598 in the said parish of Bramley on the 25-inch Ordnance map of the county of Surrey, and will have a superficial area of 50 feet or thereabouts.

(d.) A covered service reservoir (reservoir No. 4) situate in the said parish of Bramley, in the said piece of woodland known as "Nore Brook," and in a southerly direction from the lastly herein-before described covered reservoir, and the centre of which reservoir No. 4 will be distant 253 yards or thereabouts in a north-easterly direction from the said bench mark at the south-eastern corner of "Nore Cottage," and distant 187 yards or thereabouts in an easterly direction from the gateway in the south-western corner of the lands numbered 598 in the said parish of Bramley on the 25-inch Ordnance map of the county of Surrey, and which reservoir No. 4 will have a superficial area of 2,376 feet or thereabouts.

(e.) An aqueduct, conduit, or line of main pipes (conduit No. 1) wholly in the said parish of Bramley, and wholly in the said piece of woodland known as "Nore Brook," commencing on the eastern side of the reservoir No. 1 herein-before described, and terminating on the south-eastern side of the reservoir No. 4 herein-before described.

(f.) An aqueduct, conduit, or line of main pipes (conduit No. 2) wholly in the parish of Bramley, commencing in the said piece of woodland known as "Nore Brook," on the south-eastern side of the reservoir No. 4 herein-before described, and terminating in the high road leading from Horsham to Guildford at a point in that road distant 130 feet or thereabouts in a westerly direction from the front door of the farmhouse known as "Tillings" in the parish of Cranleigh.

(g.) An aqueduct, conduit, or line of main pipes (conduit No. 3) commencing in the said parish of Bramley by a junction with the said conduit No. 2 at the point of termination of that conduit as herein-before described in the said high road leading from Horsham to Guildford, and terminating in the said parish of Cranleigh at the point of junction of the high road leading from Wonersh to Cranleigh with another high road leading from Dunsfold to Cranleigh.

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*Cranleigh.*  
Limits of  
deviation.

13. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, but in no case beyond the width of any road shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for  
completion  
of works.

14. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that, subject to the 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.

Protection of  
Brighton  
Company.

15. For the protection of the London, Brighton, and South Coast Railway Company (in this section referred to as the "Brighton Company"), the following provisions shall have effect (namely):—

(1.) All works of the Undertakers crossing or affecting the railway of the Brighton Company, under which term are included the stations, sidings, works, conveniences, and approaches connected with that railway, shall, if the Brighton Company so elect, be executed by them at the expense of the Undertakers, under the superintendence and to the satisfaction of the engineer of the Brighton Company, and according to plans and specifications to be previously submitted to the said engineer, and such works shall be at all times maintained at the option of the Brighton Company either by that company or by the Undertakers, in either case at the sole expense of the Undertakers.

(2.) If any difference shall arise between the engineer of the Brighton Company and the engineer of the Undertakers concerning the said plans or specifications, or concerning the execution of the said works, every such difference shall be settled [by an umpire to be appointed by the two engineers, or if they cannot agree upon an umpire then by an umpire to be appointed by the Board of Trade on the application of either party.

3.) The said works shall be so constructed and maintained that the traffic upon the railway of the Brighton Company shall not be in any wise impeded, and if by the neglect or default of the Undertakers, or from any other cause, the said work shall fall into such condition as to damage or injure the said railway or to endanger the said traffic, or to impede or interfere with the use of the said railway, the Brighton Company may repair or remove the said works, and may from time to time recover on demand from the Undertakers all reasonable costs and expenses from time to time incurred by the Brighton Company in or about such repair or removal.

(4.) The Undertakers shall also indemnify the Brighton Company for any damages or compensation which may be recovered against them by reason of any interruption of the traffic on their railway, or by reason of any accident on the said railway, which interruption or accident shall have been occasioned by the acts or defaults of the Undertakers.



(5.) The Undertakers shall not, otherwise than by agreement with the Brighton Company, acquire any right, title, or interest other than an easement in perpetuity only in and upon any works, land, and property of the Brighton Company which may be necessary for constructing and maintaining the said conduit or line of pipes by this order authorised to be laid.

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*Cranleigh.*

(6.) The amount to be paid for the acquisition of any easement upon or under any railway of the Brighton Company as herein-before provided shall, in case of difference between the parties, be settled in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of land otherwise than by agreement, and any difference which may arise between the Brighton Company and the Undertakers with respect to any matter arising out of these provisions shall be settled in like manner.

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

16. If any difference arise between the Undertakers and any railway, canal, or other company other than the London, Brighton, and South Coast Railway Company, whose lands or works the Undertakers have power to cross under the authority of this Order, as to the mode of laying down, repairing, altering, or enlarging their conduits, mains, pipes, or works, in, over, or upon such lands or works, or the facilities to be afforded for the same, such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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

#### *Supply.*

17. 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.

18. 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 water-closet), 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 exceed five pounds the sum of eight shillings and eightpence.

Where such rateable value exceeds five pounds and does not exceed ten pounds the sum of sixteen shillings.

Where such rateable value exceeds ten pounds at a rate per centum not exceeding seven pounds ten shillings.

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.

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

Rates for water-closets and baths.

[Ch. ix.] *Water Orders Confirmation Act, 1886.* [49 & 50 VICT.]

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and for every fixed bath capable of containing more than fifty gallons such 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.

Power for Undertakers to make regulations for preventing waste or contamination of water.

20. 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.

Publication of regulations.

21. 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.

22. 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 *prima 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.

23. 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 to supply water in bulk within or without limits of supply.

24. The Undertakers may from time to time, by agreement, supply any body or person, within or without the limits of supply, with water in bulk for other than domestic purposes, for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such body or person; but, notwithstanding any such agreement, no body or person shall be entitled to a supply of water under any such agreement whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order; and every such agreement shall, by virtue of this Order, be determinable by the Undertakers on one month's notice in writing: Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit, or the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act, 1875, or any similar provision.

Supply of water by measure.

25. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any person within the limits of supply, and may



charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the 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.

A.D. 1886.

*Cranleigh.*

26. 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.

27. 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 always, that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid; and the decision of such justices shall be final and binding on all parties.

Register of meter, &c. to be evidence.

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

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

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

When several houses supplied by one pipe each to pay.

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

Supply of water to tenements in a row.

#### *Penalties.*

31. 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

Injuring meters, &c.



A.D. 1886. 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 Undertakers when such pipe, meter, instrument, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption, or 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.

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

*Miscellaneous.*

Incoming tenant not liable to pay arrears.

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

Several names in one summons.

34. 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.

35. 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.

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

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

37. 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.

A.D. 1886.

*Cranleigh.*  
Costs of  
Order.

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

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## FARNHAM WATER.

*Farnham*

*Order authorising the maintenance and continuance of Waterworks, and the supply of water in and to the parish of Farnham, in the county of Surrey.*

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

Short title.

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

Commence-  
ment of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking,) and the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order, and the said provisions of the last-mentioned Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the commencement of this Order, for the purposes of supplying water within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Incorporation  
of Acts.

4. The several words, terms, and expressions to which, by 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; and in the construction of the said Acts for the purposes of this Order the expression "superior court" or "court of competent jurisdiction" 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.

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 so much of the parish of Farnham, in the county of Surrey, as is within the district of the Farnham Local Board.

Limits of  
Order.

### *Undertakers.*

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

Undertakers.



A.D. 1886.

*Capital.*

*Farnham.*  
Capital.

7. The share capital of the Undertakers, for the purposes of the water undertaking, shall not exceed fifteen thousand pounds, consisting of original share capital amounting to seven thousand pounds, and of additional share capital not exceeding eight 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.

Limit of  
dividend on  
additional  
capital.

8. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised 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.

Limit of  
borrowing  
powers.

9. 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 three thousand seven 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 after the commencement of this Order, and secured as aforesaid.

*Lands.*

Power to  
acquire land.

10. The Undertakers may by agreement from time to time purchase or take on lease and hold any lands, and any easements, rights, or privileges in, over, or affecting any lands which they may require for the purposes of the water undertaking: Provided always, that they shall not at any time hold for such purposes more than five acres of land in addition to the lands held by them at the date of the commencement of this Order.

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

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

*Maintenance of Waterworks.*

Power to main-  
tain works.

12. The Undertakers on the lands upon which the same are situate, so long as they are possessed of the said lands, or so long as they may be entitled to do so under any agreement, may from time to time, as they think fit, maintain, continue, alter, enlarge, renew, and improve their existing waterworks hereinafter described, and the works connected therewith, with all needful goits, conduits, or pipes, channels, sluices, pens, engines, engine-houses, machinery, stand-pipes, tanks, valves, air-valves, hydrants, apparatus, walls, fences, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works herein-before referred to are as follows:—

Gauging tank, collecting mains, wells, pipes, and works on the lands known as Bog Piece.



Collecting pipes, wells, mains, pipes, and works at Warren Corner and in Heathy Park, and the main leading from Warren Corner across Heathy Park to the gauging tank at Hoghatch, together with such gauging tank.

The collecting pipes and wells at Landay House Common and the mains leading thence to the gauging tank at Hoghatch.

The reservoir at Castle Hill.

And the Undertakers may also maintain and continue, alter, enlarge, renew, and improve upon the lands upon which the same is situate,

The main leading from the gauging tank at Hoghatch to the reservoir at Castle Hill.

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

For the protection of the London and South-western Railway Company.

(a.) In laying down, repairing, or removing any mains, pipes, or conduits, or executing any other works in the exercise of the powers contained in this Order, over, under, or in any way affecting the South-western Railway or any bridge over that railway, or any approaches to any such bridge, the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the railway company, and according to such plans, sections, and specifications, and except in case of urgent necessity at such times as shall be previously submitted to, and as shall be reasonably approved in writing by him, and shall be executed by, and at the expense in all things of the Undertakers, and so as not to cause any injury to the said railway, or to any such bridge, or the approaches thereto within the railway company's boundary, and shall within such boundary so execute any works as, having regard to the existing level of the roadway, shall interfere with or impede as little as possible any improvement or widening of the railway or bridge thereover, or the introduction of side openings to such bridge: Provided that if the said engineer does not express his approval or disapproval of the said plans, sections, and specifications within fourteen days after the same have been submitted to him, he shall be deemed to have approved thereof, and if the said engineer shall refuse or neglect to superintend any operation, the Undertakers may execute the work without his superintendence.

(b.) If any injury or damage, or any interruption of the railway company's traffic arise from bursting or want of repair of any mains or pipes of the Undertakers, the Undertakers shall forthwith make full compensation to the railway company in respect thereof.

(c.) All mains, pipes, conduits, and other works of the Undertakers, under, over, or in any way affecting the South-western railway, or any bridge over the same or the approaches thereto, shall be at all times maintained in good repair by the Undertakers, and in default of their being so maintained the railway company may from time to time, by notice in writing signed by their said engineer, and delivered at the principal office for the time being of the Undertakers, require the Undertakers to forthwith put into good repair any such main pipe, conduit, or other work as aforesaid as may be in want of repair, and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same, and

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do not dispute the necessity thereof, the railway company may, without any further notice to the Undertakers, repair the same, and all expenses properly incurred by them, in or about such repair, shall be repaid to them by the Undertakers: Provided always that in case of accidents happening or immediate danger being apprehended to the South-western Railway by reason of any such main pipe, conduit, or other work as aforesaid being in want of repairs, the railway company may, without giving such notice as aforesaid, make such repairs as may be necessary, and the expenses of the same if (in case of difference) decided by the arbitrator to have been immediately necessary, shall be repaid as herein-before provided.

(d.) The Undertakers shall bear, and on demand pay to the railway company, all costs of the superintendence by them of the construction of the works and repairs thereof, and all proper costs of watching, lighting, and protection of the railway with reference to and during such construction and repairs, so far as such costs may be in case of difference determined by the arbitrator to have been necessary.

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

(f.) Except as is by this Order otherwise provided, this Order, or anything herein contained, shall not take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, and privileges of the railway company.

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

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

*Supply.*

Limits of  
pressure.

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 reservoir authorised to be maintained by this Order, but notwithstanding anything in this section, the Undertakers, if at any time after the expiration of ten years from the date of the commencement of this Order, they are required to do so by the owners or occupiers of houses situate in that part of the district of supply which lies to the south of the London and South-western Railway, and which would not be reached by gravitation from such reservoir, shall, subject to the provisions of section thirty-five of the Waterworks Clauses Act, 1847, be bound to deliver water to such houses at such pressure as will make the water reach the first floor thereof.

Rates for  
supply for  
domestic  
purposes.

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, furnish to such owner



or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates herein-after specified (that is to say) :—

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Where the rateable value of any premises so supplied with water does not exceed four pounds, at a rate not exceeding eight shillings and eightpence per annum.

Where such rateable value exceeds four pounds but does not exceed seven pounds, at a rate not exceeding twelve shillings per annum.

Where such rateable value exceeds seven pounds and does not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds.

Where such rateable value exceeds forty pounds and does not exceed sixty pounds, at a rate per centum per annum not exceeding six pounds and ten shillings.

Where such rateable value exceeds sixty pounds and does not exceed eighty pounds, at a rate per centum per annum not exceeding six pounds.

Where such rateable value exceeds eighty pounds, at a rate per centum per annum not exceeding five pounds.

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

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.

17. The Undertakers may charge, in respect of every water-closet 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 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.

Rates for water-closets, &c.

18. 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.

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

19. 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.

20. A printed copy of any such regulation purporting to be 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.

21. 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

Power for Undertakers to refuse



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supply where  
regulations  
not complied  
with.

Water sup-  
plied by  
agreement.

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.

22. The Undertakers may, from time to time, by agreement, supply any body or person, within or without the limits of supply, with water in bulk or otherwise 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 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 the provisions of this Order; and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing: Provided always, that nothing in this section contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipes, or the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the limits of supply, within the meaning of section fifty-two of the Public Health Act, 1875, or any similar provision.

Supply of  
water by  
measure.

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

Undertakers  
to keep meters,  
&c. in repair.

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

Register of  
meters, &c.  
to be evidence.

25. Where water is supplied by measure, the register of the meter or other instrument for measuring water shall be *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 always, that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties, or in what proportion between the parties, the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

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

26. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purposes of this Order, have effect as if the words "with the consent in writing" of the owner or reputed owner of any such house, or of the agent of such owner, were omitted therefrom: Provided always, that any 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.



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

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When several houses supplied by one pipe, each to pay.

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

Supply of water to tenements in a row.

*Penalties.*

29. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or other instrument used 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 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 pipe, meter, instrument, or fittings.

Injuring meters, &c.

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

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

A.D. 1886.

*Miscellaneous.*

*Farnham.*

Incoming  
tenant not  
liable to pay  
arrears.

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

Several names  
in one sum-  
mons.

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

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

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.

Saving rights  
of Farnham  
Local Board  
as to supply  
of water for  
public pur-  
poses.

36. Nothing in this Order contained shall interfere with, take away, prejudice, abridge, or affect any rights, powers, authorities, or privileges vested in or exercisable by the Local Board for the district of Farnham in relation to the supply of water by them within their said district for the watering of streets, the flushing of sewers, and other like public purposes.

Costs of  
Order.

37. 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.



FRITH HILL, GODALMING, AND FARNCOMBE WATER. A.D. 1886.

*Order empowering the Frith Hill, Godalming, and Farncombe Water Company, Limited, to construct additional Waterworks; to extend their Limits of Supply; and to raise additional Capital.*

*Frith Hill,  
Godalming,  
and Farncombe.*

1. This Order may be cited as the "Frith Hill, Godalming, and Farncombe 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 Frith Hill, Godalming, and Farncombe Water Order, 1878 (in this Order referred to as "the Order of 1878"), as amended by this Order, and this Order, shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.

4. The Undertakers shall have and may exercise, subject to the provisions of this Order, within so much of the parishes and places of Witley, Hambledon, Hascombe, Compton, Puttenham, Peperharow, Elstead, and Shalford, in the county of Surrey, as are included within the limits of supply shown and coloured pink on the map deposited at the office of the Board of Trade (a duplicate of which map has been deposited at the office of the clerk of the peace for the county of Surrey), and marked "Frith Hill, Godalming, and Farncombe Water Order, 1886," and signed Henry G. Calcraft, all and the like powers, privileges, and authorities for and in relation to the supply of water, and be subject to all and the like duties, liabilities, and obligations in respect thereof, as they now have and are subject to within limits of supply as defined by the Order of 1878; and the expression "limits of supply" in the Order of 1878 and in this Order shall from and after the commencement of this Order be deemed to include so much of the said parishes and places as above specified. The said duplicate map, deposited at the office of the said clerk of the peace, shall be deemed to have been required to be deposited by the Gas and Water Works Facilities Act, 1870, and shall be received and retained by the said clerk of the peace accordingly. Undertakers to exercise powers within extended limits.

*Capital.*

5. The limitation prescribed by the Order of 1878 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 twenty thousand pounds (in this Order referred to as the "additional capital"), for the purpose of the undertaking authorised by the Order of 1878 and this Order: Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of thirty-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. Additional capital.

A.D. 1886.

[Ch. ix.] - *Water Orders Confirmation Act, 1886.* [49 & 50 VICT.]

*Frith Hill,  
Godalming,  
and Farncombe.*

Limits of  
dividend on  
additional  
capital.

Limit of  
borrowing  
powers.

6. 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 six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

7. The amount of all moneys borrowed by the Undertakers and secured by the 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 and secured as aforesaid after the commencement of this Order.

*Lands.*

Power to  
acquire lands.

8. The Undertakers may by agreement purchase, take on lease, acquire, and use such of the lands shown on the plans deposited for the purposes of this Order as they may require for the purposes of the water undertaking, and they may by agreement from time to time purchase or take on lease 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 the purposes of this Order, and of the Order of 1878, more than eight acres of land in the whole.

*Construction of Waterworks.*

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

9. In addition to the works which the Undertakers are by the Order of 1878 authorised to construct and maintain, the Undertakers may, from time to time, as they think fit, on the lands shown on the deposited plans, when the same have been acquired by them, make, and so long as they continue possessed of the same, maintain in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order, the works herein-after described, with all necessary pipes, mains, culverts, cuts, drains, wells, dams, sluices, engines, pumps, filtering beds, machinery, apparatus, approaches, and all works, appliances, and conveniences connected therewith.

The additional works authorised by this Order will be situate wholly in the parish of Godalming, in the county of Surrey, and are—

(1.) A reservoir and pumping station, to be constructed on a piece of land one acre or thereabouts in extent, situate on the southern side of Catteshall Lane, at or near the eastern end of Spring Place; now belonging or reputed to belong to the Undertakers, and bounded on the north by Catteshall Lane, and on the east, south, and west by other lands belonging or reputed to belong to the trustees of Mrs. Eliza Marshall;

(2.) A water tower, to be constructed on a piece of land about two roods in extent, situate at Crownpits, bounded on the north and east by land belonging or reputed to belong to the trustees of Mrs. Eliza Marshall, on the south partly by the allotment ground and partly by a strip of land intended as a roadway, herein-after described, and on the west by land belonging or reputed to belong to Mr. Roderick B. Shearburn, and also an approach road, on a strip of land about ten perches in extent, situate at



Crownpits, intended as a roadway leading from the high road from Godalming to Hascombe to the piece of land the site of the water tower herein-before described ;

A.D. 1886.  
—  
*Frith Hill,  
Godalming,  
and Farncombe.*

And the provisions of the Order of 1878 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 1878.

10. For the protection of William More Molyneux, of Loseley Park, in the county of Surrey, or other the persons for the time being liable for the costs of the maintenance and repair of the bridge situate in the parish of Godalming, called or known as Eashing Bridge, and the approaches thereto, for a distance of two hundred yards on each side of such bridge (all of which persons are hereinafter in this section included in the expression "the owners"), the following provisions shall, subject and without prejudice to the provisions of the section of this Order, the marginal note of which is "For protection of Surrey county bridges," have effect (that is to say):—

Provisions for  
the protection  
of William  
More Moly-  
neux.

(A.) In laying down, executing, or in effecting the repairs and renewals of any mains, pipes, or other works upon, across, over, under, or in any way affecting the said bridge or approaches, the same shall be done under the superintendence and to the reasonable satisfaction of the surveyor of the owners, and only according to such plans to be submitted to, and in such manner as shall be previously reasonably approved by him, and in all things by and at the expense of the Undertakers: Provided that if the said surveyor does not express his approval or disapproval of the said plans within fourteen days after the same have been submitted to him, he shall be deemed to have approved thereof, and if the said surveyor shall refuse or neglect to superintend any operation, the Undertakers may execute the work without his superintendence. The Undertakers shall make good and repair such bridge and approaches which the owners are or may be liable to maintain so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers. All such works shall be constructed, executed, and done so as not to cause any injury to such bridge and approaches or unnecessary interruption to the traffic over the same. And if any such injury or interruption shall arise from or be in any way owing to any of the acts, works, and operations aforesaid, or the bursting, leaking, or failure of any such mains, pipes, or works, the Undertakers shall make compensation in respect thereof to the owners, the amount of such compensation, together with full costs, to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable ;

(B.) The reasonable costs, charges, and expenses of and incident to the approval of the said plans and the superintendence of the works shall be paid by the Undertakers ;

(C.) Whenever and so often as the owners require to reconstruct, alter, or repair such bridge or approaches, and they shall find it necessary for effecting any of such purposes that the mains, pipes, or other works of the Undertakers shall be temporarily diverted, and shall, except in cases of emergency, give to the Undertakers three clear days' notice in writing requiring such diversion, such mains, pipes, or other works shall be diverted

A.D. 1886.

Frith Hill,  
Godalming,  
and Farncombe.

For the protec-  
tion of the  
London and  
South-western  
Railway Com-  
pany.

accordingly at the expense of the Undertakers, and under the superintendence and to the reasonable satisfaction of their engineer, if such engineer shall give such superintendence, and so as to interrupt the free and full use of such mains, pipes, and other works, as little as possible.

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

(A.) In laying down, repairing, or removing any mains, pipes, or conduits, or executing any other works in the exercise of the powers contained in this Order, over, under, or in any way affecting the South-western Railway, or any bridge over that railway, or any approaches to any such bridge, the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the railway company, and according to such plans, sections, and specifications, and except in case of urgent necessity at such times as shall be previously submitted to, and as shall be reasonably approved in writing by him, and shall be executed by and at the expense in all things of the Undertakers, and so as not to cause any injury to the said railway, or to any such bridge or the approaches thereto within the railway company's boundary, and shall within such boundary so execute any works as, having regard to the existing level of the roadway, shall interfere with or impede as little as possible any improvement or widening of the railway or bridge thereover, or the introduction of side openings to such bridge.

Provided that if the said engineer does not express his approval or disapproval of the said plans, sections, and specifications within fourteen days after the same have been submitted to him, he shall be deemed to have approved thereof, and if the said engineer shall refuse or neglect to superintend any operation, the Undertakers may execute the work without his superintendence.

(B.) If any injury or damage, or any interruption of the railway company's traffic, arise from bursting or want of repair of any mains or pipes of the Undertakers, the Undertakers shall forthwith make full compensation to the railway company in respect thereof ;

(C.) All mains, pipes, conduits, and other works of the Undertakers, under, over, or in any way affecting the South-western Railway, or any bridge over the same or the approaches thereto, shall be at all times maintained in good repair by the Undertakers, and in default of their being so maintained the railway company may from time to time, by notice in writing signed by their said engineer, and delivered at the principal office for the time being of the Undertakers, require the Undertakers to forthwith put into good repair any such main, pipe, conduit, or other work as aforesaid as may be in want of repair, and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof, the railway company may, without any further notice to the Undertakers, repair the same, and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers: Provided always, that in case of accidents happening or immediate danger being apprehended to the South-western Railway by reason of any such main, pipe, conduit, or other work as aforesaid being in



want of repairs, the railway company may, without giving such notice as aforesaid, make such repairs as may be necessary, and the expenses of the same, if (in case of difference) decided by the arbitrator to have been immediately necessary, shall be repaid as herein-before provided ;

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*Frith Hill,  
Godalming,  
and Farncombe.*

(D.) The Undertakers shall bear and on demand pay to the railway company all costs of the superintendence by them of the construction of the works and repairs thereof, and all proper costs of watching, lighting, and protection of the railway with reference to and during such construction and repairs, so far as such costs may be, in case of difference, decided by the arbitrator to have been necessary ;

(E.) Any difference which may arise between the railway company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator, to be appointed, on the application of either party, by the Board of Trade, and the costs of such arbitration and of the parties shall be in the discretion of the arbitrator ;

(F.) Except as is by this Order otherwise provided, this Order or anything herein contained shall not take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, and privileges of the railway company.

12. For the protection of Surrey county bridges and approaches thereto, and other property, be it enacted as follows :—

For protection  
of Surrey  
county bridges.

(A.) No works at any time affecting any bridge belonging to or under the control of Her Majesty's justices of the peace for the county of Surrey, or the approaches to any such bridge, shall be placed or constructed, and no alteration or disturbance of any county bridge or approach road thereto shall be begun, except in accordance with plans and specifications previously submitted to and signed by the surveyor for the time being of the county of Surrey, and the said works shall be executed under the superintendence of the said surveyor and to his reasonable satisfaction, and shall be thereafter maintained by the Undertakers at their own expense, and under such superintendence as aforesaid : Provided that if the said surveyor omit to signify his approval or disapproval to the said plans and specifications during fourteen days after the same shall have been submitted to him, such omission shall be deemed an approval.

(B.) Notwithstanding anything in this Order contained, the Undertakers shall be responsible for and make good to the said justices all costs, losses, damages, and expenses which they may be put to or sustain by reason of the execution or failure of any of the intended works, or of any act or omission of the Undertakers or of any of their contractors, agents, workmen, or servants, or any of the persons in their employ, or in the employ of their contractors or others, and the Undertakers will effectually indemnify and hold harmless the justices from all claims and demands upon or against them by reason of such execution or failure, or of any such act or omission.

(C.) The costs, charges, and expenses of the said surveyor of and incident to the approval of the said plans and specifications and the superintendence of the works shall be paid by the Undertakers.

13. Sections eighteen and nineteen of the Order of 1878 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

Repeal of sec-  
tions 18 and 19  
of Order of  
1878.

[Ch. ix.] *Water Orders Confirmation Act, 1886.* [49 & 50 VICT.]

A.D. 1886.

*Frith Hill,  
Godalming,  
and Farncombe.*

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.

14. 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.

15. 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.

16. 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 *prima 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.

17. 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.

*Miscellaneous.*

Costs of Order.

18. 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.



HOWDEN WATER.

*Order empowering the Howden Water Company, Limited, to construct and maintain Waterworks, and to supply Water in the Parish of Howden, in the East Riding of the County of York.* A.D. 1886.  
Howden.

1. This Order may be cited as the "Howden 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 of the undertaking), and of the Water Works Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order.

Incorporation of Acts.

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

Interpretation.

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.

In this Order—

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purpose 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 so much of the parish of Howden, in the East Riding of the county of York, as is comprised within a radius of half a mile from the north-west corner of St. Peter's church, in the parish of Howden aforesaid, and so much of the township of Asselby, in the said parish of Howden, as is comprised within a radius of a quarter of a mile from the N.W. corner of Asselby Hall, in the township of Asselby aforesaid, and also so much of the respective townships of Barmby-on-the-Marsh, Asselby, and Knedlington, in the said parish of Howden, and of the parish of Howden as is comprised within and is intermediate with and lies between the said two radii and extending northwards to and bounded by the several drains known as the Derwent, Yarmshaw, and Howden drains, and extending southwards to and bounded by a line drawn at a distance of 300 yards from but running parallel with the highway leading from Asselby to Howden aforesaid.

Limits of supply.

*Undertakers.*

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

Undertakers.

A.D. 1886.

*Capital.*

*Howden.*  
Capital.

7. The share capital of the Undertakers shall not, for the purposes of the water undertaking, exceed five 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.

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, acquire, and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking, and they may by agreement from time to time purchase or take on lease 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.

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  
construct  
waterworks  
and to supply  
water.

11. 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 works herein-after described, with all needful pipes, conduits, and other works, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order will be situate in the parish of Howden, in the East Riding of the county of York, and are as follows:—

(a.) A well or shaft and borings with headings.

(b.) A pumping station with engines.

(c.) A tower with service and storage reservoir.

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 that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time and at any time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, towers, 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.

A.D. 1886.

*Howden.*  
Period for completion of works.

14. The Undertakers may if necessary carry any main or pipe under or across the railway of the North-eastern Railway Company (herein-after called "the railway company") where crossed by any public street on the level, but any main or pipe carried under the railway shall, if so required by the engineer of the railway company, be carried thereunder in a culvert or casing pipe of sufficient dimensions to admit of the relaying or repair of the main or pipe without interference with the railway, and the laying down and subsequent repair or reinstating of any main pipe or culvert and of any other work of the Undertakers over, across, or affecting the railway or property of the railway company shall be executed by and at the expense of the Undertakers at such times as may be required or approved by and under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company, and when required by him, in accordance with plans and specifications previously submitted to and approved by him.

For the protection of the North-eastern Railway Company.

All mains, pipes, and other works shall be laid down, executed, maintained, repaired, and used so that the traffic on the railway shall not be in any wise impeded.

If by reason or in consequence of any act or work of the Undertakers, or the laying down, relaying, maintenance, use, want of repair, failure, or bursting of any pipe of the Undertakers, or during the laying down, or repair thereof, or otherwise, the railway company or their railway, or any work connected therewith, or the traffic thereon shall be damaged, injured, or impeded, the Undertakers shall forthwith at their own expense make good the same, or compensate the railway company for any loss, damage, injury, or expense they may sustain or incur thereby.

15. If any difference arise between the Undertakers and any railway, canal, or other company, other than the North-eastern Railway Company, whose land or works the Undertakers have power to cross under the authority of this Order, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, in, over, or upon such land or works, or the facilities to be afforded for the same, the same 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.*

16. 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.

17. 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 water-closet), furnish to such owner or occupier a sufficient supply of water

Rates for supply for domestic purposes.

A.D. 1886. for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say) :—

*Howden.*

Where the rateable value of the premises so supplied with water does not exceed five pounds, the sum of eight shillings and eightpence.

Where such rateable value exceeds five pounds and does not exceed ten pounds, the sum of sixteen shillings.

Where such rateable value exceeds ten pounds and does not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds ten shillings.

Where such rateable value exceeds twenty pounds and does not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds.

Where such rateable value exceeds forty pounds and does not exceed sixty pounds, at a rate per centum per annum not exceeding six pounds ten shillings.

Where such rateable value exceeds sixty pounds, at a rate per centum per annum not exceeding six pounds.

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.

Rates for  
water-closets,  
&c.

18. The Undertakers may charge in respect of every water-closet 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 twelve shillings and sixpence per annum, and for every fixed bath capable of containing more than fifty gallons such additional sum as they think fit; and such additional sums as aforesaid 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.

Regulations  
for preventing  
waste of water.

19. 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 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.

20. 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.

21. 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 to  
refuse to  
supply if

22. 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.

23. The Undertakers may from time to time, by agreement, supply any body or person within or without the limits of supply with water in bulk for other than domestic purposes for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such body or person; but, notwithstanding any such agreement, no body or person shall be entitled to a supply under any such agreement whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order, and every such agreement shall, by virtue of this Order, be determinable by the Undertakers on one month's notice in writing: Provided that nothing in this section contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe, or the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act, 1875, or any similar provision.

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

25. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any body or person in proper order for correctly registering the supply of water, and in default of their so doing such body or 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.

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

27. 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.

D. 1886

*Howden.*  
regulations  
not complied  
with.  
Supply of  
water in bulk.

Supply of  
water by  
meter.

Undertakers  
to keep meters  
in repair.

Register of  
meters to be  
evidence.

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



28. 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.

*Howden.*

When several houses are supplied by one pipe each to pay.

Supply of water to tenements in a row.

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

*Penalties.*

Injuring meters, &c.

30. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or other instrument for measuring water, or any fittings belonging to the Undertakers, or 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 offenders) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, instrument, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers when such pipe, meter, instrument, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption, or 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.

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



*Miscellaneous.*

A.D. 1886.

32. 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.

*Howden.*  
Incoming tenant not liable to pay arrears.

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

Several names in one summons.

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

Warrant of distress to include costs.

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

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

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

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

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

Costs of Order.

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SCHEDULE.

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LAND FOR PURPOSES OF WORKS.

All that piece or parcel of land situate and being at Asselby, in the parish of Howden, in the East Riding of the county of York, containing by admeasurement three roods or thereabouts, bounded on the east by land reputed to belong to Thomas Sinclair Clarke, on the west by land reputed to belong to John Everatt, on the north by the highway leading from Asselby to Howden, and on the south by other land reputed to belong to the said Thomas Sinclair Clarke.

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A.D. 1886.

TONBRIDGE WATER.

*Tonbridge.*

*Order conferring powers for the maintenance, continuance and extension of Waterworks and the supply of Water within certain parts of the parishes of Tonbridge, Leigh, and Shipbourne, all in the county of Kent.*

*Preliminary.*

Short title.

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

Incorporation  
of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), and the Waterworks Clauses Acts, 1847 and 1863, are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Waterworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the commencement of this Order, and situate within the limits of supply, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Interpretation.

4. The several words, terms, and expressions to which, by any Act in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings: Provided that the expressions "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 with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

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 parish of Tonbridge, in the county of Kent (except such parts thereof as lie within the limits of the Tonbridge Wells Improvement Act, 1846, or of the Tunbridge Wells Water Act, 1865, or within the local board district of Southborough, in the said county) and such parts of the parishes of Leigh and Shipbourne in the said county as are within a radius of four miles drawn from the centre of the western door of the parish church of St. Peter and St. Paul in Tonbridge aforesaid.

Undertakers.]

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



*Capital.*

A.D. 1886.

7. The share capital of the Undertakers, for the purposes of the water undertaking, shall not exceed twenty-four thousand eight hundred and sixty-nine pounds, consisting of original share capital amounting to fourteen thousand eight hundred and sixty-nine pounds, already expended upon the waterworks by the Undertakers, and of additional share capital not exceeding ten 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.

*Tonbridge.*  
Capital.

8. The Undertakers shall not in any year make any larger profits on the said original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of such original capital, nor than seven pounds in respect of every one hundred pounds actually paid up of such additional capital.

Limits of  
profit on  
capital.

9. In case in any half year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary stock or shares in the capital of the Undertakers, a proportionate reduction shall be made in the dividend payable on each class.

Rateable  
reduction of  
dividends.

10. 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.

Limit of  
borrowing  
power.

*Lands.*

11. The Undertakers may, for the purposes of the water undertaking, purchase or take on lease (by agreement but not otherwise) and may hold and use any lands which the Undertakers may from time to time require: Provided that they shall not at any time hold for such purposes more than three acres of land in addition to the lands held by them for such purposes at the date of the commencement of this Order.

Power to  
acquire lands.

12. 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 ease-  
ments, &c.

*Maintenance and Continuance of Waterworks.*

13. The Undertakers on the lands upon which the same are situate, so long as they are possessed of the said lands, may from time to time, as they think fit, maintain, continue, alter, enlarge, and improve their existing waterworks hereinafter described, and the works connected therewith, with all needful pipes, culverts, cuts, conduits, drains, sluices, goits, engines, pumps, meters, and other works connected therewith, and lay down a new pumping main from the engine

Power to  
maintain  
existing water-  
works.



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—  
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and boiler house situate at New Wharf, Tonbridge, to the reservoir situate at Marl Field, Primrose Hill, Tonbridge, and from thence to the new reservoir at or near Bloodshot, Primrose Hill, with all needful works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works herein-before referred to are as follows:—

- (a.) The existing reservoir and works connected therewith, situate at Marl Field, Primrose Hill, Tonbridge, and the existing engine and boiler house, wells, tanks, filter beds, conduits, &c., situate at New Wharf, Tonbridge, in the county of Kent.
- (b.) A reservoir in the course of construction on a piece of land containing one acre or thereabouts, situate at or near Bloodshot, Primrose Hill, Tonbridge.

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

14. 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, as to the mode of laying down, repairing, altering, or enlarging their mains, pipes, or other works in, over, or upon such land or works, or the facilities to be afforded for the same, such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

*Supply.*

Limits of pressure.

15. The water supplied by the Undertakers need not at any time be delivered at a height greater than can be reached by gravitation from one of the reservoirs authorised to be maintained by this Order.

Rates of supply of water for domestic purposes.

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 water-closet), furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates hereinafter specified (that is to say):

Where the rateable value of the premises so supplied with water does not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds, ten shillings;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds;

Where such rateable value exceeds forty pounds, and does not exceed sixty pounds, at a rate per centum per annum not exceeding six pounds ten shillings;

Where such rateable value exceeds sixty pounds, and does not exceed eighty pounds, at a rate per centum per annum not exceeding six pounds;

Where such rateable value exceeds eighty pounds, and does not exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds ten shillings;

Where such rateable value exceeds one hundred pounds, at a rate per centum per annum not exceeding five pounds;

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

Provided always, that the Undertakers shall not be compellable to furnish a supply of water for domestic purposes to any such owner or occupier for any less



sum than eight shillings and eightpence in any one year for every dwelling-house, or part of a dwelling-house, nor for a less period than twelve months.

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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 twelve shillings and sixpence per annum, and for every fixed bath capable of containing more than fifty gallons such 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.

Rates for water closets and baths.

18. The Undertakers may manufacture, purchase, deal in, sell, or let for hire, and supply water meters, service taps and fittings, and apparatus and other things connected with the supply or consumption of water, and may take charges and remuneration in respect thereof.

Power to make water meters, &c.

19. 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.

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

20. 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.

21. 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.

22. 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 to Undertakers to refuse supply where regulations not complied with.

23. The Undertakers may, from time to time, by agreement, supply any body or person, within or without the limits of supply, with water in bulk, for other than domestic purposes, for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such body or person; but, notwithstanding any such agreement, no body or person shall be entitled to a supply of water under any such agreement whenever and as long as

Power to supply water in bulk within or without limits of supply.



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*Tonbridge.*

the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order, and every such agreement shall by virtue of this Order be determinable by the Undertakers on one month's notice in writing: Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit, or the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of Section fifty-two of the Public Health Act, 1875, or any similar provision.

Supply of water by measure.

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

Undertakers to keep meters, &c., in repair.

25. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and, in default of their so doing, such 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.

Registers of meters, &c. to be evidence.

26. Where water is supplied by measure, the register of the meter or other instrument for measuring water shall be *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 to whom the water is supplied differ as to the quantity consumed, such difference shall be determined upon the application of either party by two justices, who may also order by which of the parties, or in what proportion between the parties, the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

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

27. 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.

28. 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.



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

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Supply of water to tenements in a row.

*Penalties.*

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

Injuring meters, &c.

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

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

*Miscellaneous.*

32. 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.

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

Several names in one summons.

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*Tonbridge.*  
Warrant of  
distress to  
include costs.

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

Purchase of  
undertaking by  
Local Board.

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

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

36. If the local board of Tonbridge (herein-after called "the local board") within three years from the twenty-fifth day of March, one thousand eight hundred and eighty-six, give to the Undertakers notice under their seal of the desire of the local board to purchase the undertaking authorised by this Order, the Undertakers shall sell and transfer such undertaking to the local board with such title as the Undertakers have, but free from incumbrances except so far as herein otherwise expressed, at the price of nineteen thousand seven hundred and fifty pounds (herein-after called "the purchase money") on and subject to the following terms and conditions ;

(a.) For the purposes of this Order the expression "the undertaking authorised by this Order" (hereafter in this section called "the undertaking") shall include the lands, reservoirs, filter-beds, mains, plant, pipes (laid, fixed, or connected), works, machinery, books, plans, documents, easements, rights, powers, privileges, property, matters, and things belonging to the Undertakers under this Order or otherwise at the time of their receipt of the notice to purchase, or afterwards acquired by them, except nevertheless the stock in trade of the Undertakers, money and securities for money belonging to them, rates, rents, or debts due to them at the time fixed for completion of the purchase, for water supplied, work done, or otherwise, the register of members of the Tonbridge Waterworks Company, Limited (to which register, however, the local board shall have access), and the seal of such Company.

(b.) In addition to the purchase money the local board shall, at the time of the completion of their purchase, pay to the Undertakers the amount of capital expended by them after the twenty-fifth day of March one thousand eight hundred and eighty-six, in the construction of the new reservoir referred to in this Order, and the works in connection therewith, and in the laying down of the rising main to the reservoir now in course of construction at or near Bloodshot, and any extension of mains or other works which has been necessary or has been a permanent improvement, together with any other expenditure incurred by the Undertakers, and properly chargeable to capital account, together with interest at the rate of five pounds per centum per annum on the capital so expended from the time of the expenditure thereof. But no expenditure of capital as aforesaid, except in pursuance of any contract previously entered into, is to be incurred by the Undertakers after the receipt of the notice for purchase given by the local board, except with the consent of such board under their seal.

(c.) The local board shall pay the purchase-money, together with such amount as they may be liable to pay in respect of capital expended as aforesaid, on the day of the expiration of three calendar months from the day of the receipt by the Undertakers of the notice to purchase, exclusive of such last-



mentioned day (which first-mentioned day is in this provision referred to as the "day fixed for the completion of the purchase"), and upon such payment the Undertakers and all other necessary parties (if any) shall execute a proper assurance of the undertaking to the local board, to be prepared by them, or on their behalf, and at their expense, the engrossment thereof to be delivered at the office of the solicitors of the Undertakers before the day fixed for the completion of the purchase, for execution by the Undertakers and other necessary parties (if any), and the draft of such assurance for perusal and approval of the Undertakers and other necessary parties (if any) is to be left at the office of such solicitors at least fourteen days before the delivery of the engrossment.

- (d.) The local board shall be entitled to the possession of the undertaking, or (if the purchase has not been then completed) to the profits of the undertaking as from the time fixed for the completion of the purchase, subject to the contracts, covenants, and agreements entered into by the Undertakers before the receipt of the notice to purchase, and which they may become, or, if the purchase had not been made, would have become, after the day fixed for the completion of the purchase, liable to observe or perform; and the local board shall indemnify the Undertakers against the same, and the Undertakers shall pay, discharge, observe, and perform all rates, taxes, outgoings, debts, obligations, liabilities, and agreements which may become payable, or ought to be discharged, observed, or performed, up to the day last aforesaid, and shall indemnify the local board against the same, the matters aforesaid to be apportioned between the parties if necessary.
- (e.) If from any cause whatsoever, other than wilful default or neglect on the part of the Undertakers, the purchase is delayed beyond the day fixed for its completion, or all the money which ought then to be paid by the local board to the Undertakers is not then paid, so much thereof as is not so paid shall bear interest at the rate of five pounds per centum per annum from that day to the day of actual payment.
- (f.) All questions or disputes arising between the Undertakers and the local board touching the intent, construction, or effect of so much of this Order as relates to the purchase of the undertaking or the effect thereof, or touching any claim, demand, or matter whatsoever in anywise arising out of so much as aforesaid of this Order, shall, by virtue of this Order, stand referred to arbitration under and according to the Railway Companies' Arbitration Act, 1859, and any Act amending the same, subject nevertheless to any express provision herein contained at variance therewith, as if the Undertakers and the local board were two railway companies; and this Order shall be deemed an agreement for reference thereof, and a reference thereof in accordance with the said Railway Companies' Arbitration Act.
- (g.) All costs, charges, and expenses incurred by the Local Board in and about the purchase of and otherwise in connection with the undertaking shall be deemed to be costs, charges, and expenses incurred by them in the execution of the Public Health Act, 1875; and the provisions of the said Act shall apply to such costs, charges, and expenses, and, as amended by the District Auditors Act, 1879, to the audit of accounts to be kept by the Local Board, and their officers and assistants in relation thereto, and to the taxation of any bill in respect of legal business performed on behalf of the Local Board in connection therewith.

[Ch. ix.] *Water Orders Confirmation Act, 1886.* [49 & 50 VICT.]

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*Tonbridge.*

The execution by the Undertakers, under their common seal, and other necessary parties (if any) of a proper assurance of the undertaking shall be sufficient to vest the same, and all incidental rights, privileges, and easements, in the local board, free from incumbrances except so far as in this Order otherwise expressed, and the receipt in the body of the deed of assurance shall be a sufficient discharge for the money expressed to be received; and from and after such execution of such assurance the local board shall be the Undertakers for the purposes of this Order, and as well without as within their own district, and this Order shall be construed accordingly; Provided always, that nothing herein shall take away, limit, or restrict any rights, powers, privileges, or obligations which, under the Public Health Act, 1875, or otherwise, the local board would or might have, exercise, or be subject to for providing a supply of water, or in anywise in relation to the supply of water, if this Order had not been made.

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

37. 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.

Saving of  
existing  
contracts.

38. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred, before the commencement of this Order.

Costs of  
Order.

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

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