



CHAPTER cxxiv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Beverley Water, Freshwater and Yarmouth Water, Hoylake and West Kirby Water, Poole Water, and West Lulworth Water. A.D. 1887.

[19th July 1887.]

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

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

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

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

1. This Act may be cited as the Water Orders Confirmation Act, 1887. Short title.

2. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall from and after the passing of this Act have full validity and effect. Confirmation of Orders in schedule.

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Special provisions as to houses of labouring class.

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

For the purposes of this section, the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

SCHEDULE OF ORDERS.

BEVERLEY WATER.—Order empowering the Beverley Waterworks Company to raise additional capital.

FRESHWATER AND YARMOUTH WATER.—Order conferring powers for the construction and maintenance of waterworks and the supply of water within the parishes of Freshwater, Yarmouth, Thorley, and Shalfleet in the Isle of Wight in the county of Southampton.

HOYLAKE AND WEST KIRBY WATER.—Order empowering the Hoylake and West Kirby Gas and Water Company, Limited, to raise additional capital.

POOLE WATER.—Order empowering the Poole Waterworks Company to raise additional capital.

WEST LULWORTH WATER.—Order empowering Reginald Joseph Weld and his successors to maintain waterworks and to supply water within the parish of West Lulworth in the county of Dorset.

BEVERLEY WATER.

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*Order empowering the Beverley Waterworks Company to raise
additional Capital.**Beverley.*

1. This Order may be cited as the "Beverley Waterworks Order 1887." Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order." Commence-
ment of
Order.
3. The Beverley Waterworks Act 1881 (in this Order referred to as "the Act of 1881") as amended by this Order and this Order shall be construed together except as far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction
of Order.
4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):— Incorporation
of Acts.
- The distribution of the capital of the Company into shares.
- The transfer or transmission of shares.
- The payment of subscriptions and the means of enforcing the payment of calls.
- The forfeiture of shares for nonpayment of calls.
- The remedies of creditors of the Company against the shareholders.
- The borrowing of money by the Company on mortgage or bond.
- The conversion of the borrowed money into capital.
- The consolidation of the shares into stock.
- The general meetings of the Company and the exercise of the right of voting by the shareholders.
- The making of dividends.
- The giving of notices; and
- The provision to be made for affording access to the Special Act by all parties interested.
- And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are except where expressly varied by this Order incorporated with and form part of this Order.
- For the purposes of such incorporation the term "Special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers.
5. The Beverley Waterworks Company incorporated by the Act of 1881 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.
6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1881 (in this Order referred to as "the original capital") they may from time to time— Additional
capital.
- (1) Raise any further sums not exceeding in the whole three thousand pounds by the issue of new ordinary shares or stock or new preference

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shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained on the sale thereof as herein-after provided has been paid up in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of three thousand pounds; and

(2) Borrow on mortgage from time to time in respect of the additional capital of three thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock any sum or sums not exceeding in the whole one-fourth part of the amount at the time actually raised by the issue of any such additional capital but no part thereof shall be borrowed until shares or stock for so much of the additional capital in respect of which such borrowing powers are sought to be exercised together with the premium (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premium (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

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

Receipt clause in case of person not sui juris.

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

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

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

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

10. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject

to such conditions of sale as the Undertakers may from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

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11. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such share or stock.

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

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

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

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

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

14. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863: Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

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

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

Application of premium arising on sale of shares or stock.

16. 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

Limits of dividend on additional capital.

A.D. 1887. capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Beverley.

Dividends on different classes of shares or stock to be paid rateably.

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

Debenture stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

19. All mortgages granted by the Undertakers under the authority of the Act of 1881 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Act of 1881 have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Limit of interest on moneys borrowed.

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

Appointment of a receiver.

21. Section twenty-one of the Act of 1881 (as to appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage in the whole.

Application of money.

22. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1881 and this Order to which capital is properly applicable.

Costs of Order.

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

FRESHWATER AND YARMOUTH WATER.

A.D. 1887.

Order conferring powers for the construction and maintenance of Waterworks, and the supply of Water within the parishes of Freshwater, Yarmouth, Thorley and Shalfleet, in the Isle of Wight in the county of Southampton.

Freshwater
and Yarmouth.*Preliminary.*

1. This Order may be cited as "The Freshwater and Yarmouth Water Order, 1887." Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as the "commencement of this Order." Commence-
ment of Order.
3. The 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 wholly or partially incorporated with this Order, and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings: Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or 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 and
In this Order :—
The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order. 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 the parishes of Freshwater Yarmouth Thorley and Shalfleet in the Isle of Wight. Limits of
Order.

Undertakers.

6. George Fletcher Jones of 12 Old Jewry Chambers London and William Tucker Stratton of Carisbrooke Isle of Wight and the survivor of them and the executors and administrators of such survivor shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Provided that if the undertaking is at any time assigned to any other body or person in accordance with the provisions of this Order such body or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned. Undertakers.

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*Capital.**Freshwater
and Yarmouth
Capital.*

7. The capital of the Undertakers shall not for the purposes of the Water Undertaking in this Order referred to as "the authorised capital" exceed seven 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.

*Limitation of
profits.*

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

*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 one 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.

*Water under-
taking to
be personal
property.*

10. The Water Undertaking and any share thereof shall be personal estate and transmissible as such and shall not be considered to be of the nature of or be treated as real property.

*Lands.**Power to
acquire lands.*

11. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shewn 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 take on lease acquire and use any other lands and any easements rights or privileges in over or affecting any lands which they may require for such purposes. Provided that they shall not at any time hold for such purposes more than two acres of land.

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

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 rent charges 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.*

13. The Undertakers may on the lands shewn 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 shewn on the deposited plans and deposited sections the works hereinafter described with any works and conveniences connected therewith which they may consider necessary or expedient for the purposes of supplying 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 are as follows:—

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- (a) A well, pumping station with pumping engines, engine, and boiler houses, tanks, and other works, buildings, and fences to be situate in and upon the piece or parcel of land numbered 881, on the 25-in. Ordnance Survey map of the parish of Freshwater.
- (b) A reservoir to be constructed on a piece or parcel of land reputed to belong to the said George Fletcher Jones, forming part of Afton Down and situate at or near a point adjoining the high road over Afton Down, in the said parish of Freshwater, and at the easternmost fence of the said Afton Down.
- (c) A line of mains or pipes and all works connected therewith commencing at and carried from the said reservoir or tank in a westerly direction through land reputed to belong to the said George Fletcher Jones forming part of Afton Down and terminating in the public road at the western end of the said Afton Down near the north-western angle of a property known as Glenbrook.

—
*Freshwater
and Yarmouth.*

14. 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 an extent not exceeding three feet upwards or seven feet downwards.

Limits of
deviation.

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

Period for
completion
of works.

16. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes 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 competent 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 com-
pany.

17. The Undertakers shall except in case of emergency at least six weeks before laying any main or pipe other than a service pipe in any street or part of a street within the district of the Isle of Wight Highway Commissioners submit to the said Board a plan on a scale of not less than twenty-five inches to the mile showing the situation and manner in which such main or pipe is intended to be laid and if within such period of six weeks the said Board shall require any reasonable modification to be made in such plan the same shall be modified accordingly and the main or pipe shall be laid in accordance with such plan to the reasonable satisfaction of the surveyor of the said Board: Provided that any difference which may arise between the Undertakers or their engineer on the one hand and the Isle of Wight Highway Commissioners on the other hand as to the reasonableness of any such modification shall be settled by a court of

Undertakers
to submit plans
of mains and
pipes to the
Isle of Wight
Highway Com-
missioners.

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*Freshwater
and Yarmouth.*

summary jurisdiction at the request of either party and such court shall have full power as to the determination of such difference with power to make such order as to the payment of costs as the court may think fit.

If the Undertakers lay any main or pipe without submitting a plan as required by this section or otherwise than in accordance with a plan approved by the Isle of Wight Highway Commissioners or a court of summary jurisdiction they shall incur for every such offence a penalty not exceeding twenty pounds and the said Commissioners may remove any main or pipe so laid and recover the expenses incurred by them from the Undertakers.

Undertakers
to make maps
showing
mains &c.

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

*Supply.*Limits of
pressure.

19. 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 by this Order.

Rates for sup-
ply of water for
domestic pur-
poses.

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

Where the rateable value of the premises so supplied with water does not exceed ten pounds the rate of seven pounds and ten shillings per centum per annum upon such rateable value and so on in proportion for any shorter period ;

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

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

Where such rateable value exceeds forty pounds the rate of five pounds and fifteen shillings per centum per annum upon such rateable value and so in proportion for any shorter period not exceeding five pounds fifteen shillings.

Provided that the Undertakers shall not be compellable to furnish any such supply for any less rate than twopence per week.

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

*Freshwater
and Yarmouth.*

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.

21. 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 such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate: Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons of water.

Rates for
waterclosets
&c.

22. 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.

Regulations
for prevent-
ing waste
of water.

23. 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.

24. 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 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.

25. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers may if they think fit after 48 hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

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

26. 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

Power to
supply water
in bulk within

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—
Freshwater
and Yarmouth.
or without
limits of
supply.

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 such 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 power on the Undertakers in relation to the laying down or placing any pipe or conduit or to the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Supply of
water by
measure.

27. 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.

Undertakers
to keep
meters, &c.
in repair.

28. 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.

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

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

30. 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.

31. 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.

A.D. 1887.

*Freshwater
and Yarmouth.*

32. 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 tene-
ments in a
row.*Penalties.*

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

34. 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.*

35. 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.

A.D. 1887.

*Freshwater
and Yarmouth.*Several names
in one sum-
mons.Warrant of
distress to
include costs.Liability to
water rate not
to disqualify
justices, &c.
from acting.8 & 9 Vict. c.16.
s. 140 incor-
porated.No sale or
assignment of
Undertaking
without
consent of
Board of
Trade.

Costs of Order.

36. 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.

37. 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.

38. 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.

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

40. No sale or assignment of the Water Undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board: Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the Water Undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

41. 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.

HOYLAKE AND WEST KIRBY WATER.

A.D. 1887.

*Order empowering the Hoylake and West Kirby Gas and Water
Company Limited to raise additional capital.**Hoylake and
West Kirby.*

1. This Order may be cited as the "Hoylake and West Kirby Water Order 1887." Short title.

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

3. The Hoylake and West Kirby Gas and 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 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.

5. The Hoylake and West Kirby Gas and Water Company Limited being the Undertakers under the Order of 1878 shall be the Undertakers for the purpose of this Order and are in this Order referred to as "the Undertakers." Undertakers.

6. 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 ten thousand pounds (in this Order referred to as the "additional capital") for the purposes 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 twenty-five thousand pounds unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. Additional
capital.

7. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time determine, Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the

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

A.D. 1887.

*Hoyle and
West Kirby.*

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

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

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

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

Application of premium arising on issue of shares.

Limits of dividend on additional capital.

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

reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

8. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares or stock so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such lot.

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

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

11. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863. Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

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

13. 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.

14. 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 rate of dividend on each class of ordinary shares in the original and additional capital of the Undertakers a proportionate deduction shall be made in the dividends payable on each class.

15. The amount of all moneys borrowed by the Undertakers for the purposes of the undertaking and secured by mortgage thereof under the Order of 1878 and this Order shall not at any time exceed in the whole six thousand two hundred and fifty pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order.

A.D. 1887.

*Hoylake and
West Kirby.*Limit of
borrowing
power.

16. So much of section 29 (limits of pressure) of the Order of 1878 as provides that the water to be supplied by the Undertakers need not be constantly laid on under pressure shall be and the same is hereby repealed as from the commencement of this Order.

Repeal of
part of
section 29
of Order of
1878.

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

Costs of
Order.

A.D. 1887.

Poole.

POOLE WATER.

*Order empowering the Poole Waterworks Company to raise
additional Capital.*

Short title.

1. This Order may be cited as "The Poole Water Order 1887."

Commence-
ment of Order.

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

Construction of
Order.

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

Incorporation
of Acts.

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

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

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

Undertakers.

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

A.D. 1887.

*Additional Capital.**Pool.*Additional
capital.

6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1859, and the Order of 1881 (in this Order referred to as "the original and additional capital"), they may from time to time—

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

(2.) Borrow on mortgage from time to time in respect of the new capital of twenty-four thousand pounds by this Order authorised to be raised by the issue of ordinary or preference shares or stock any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of such new capital at the time actually issued, including the premiums (if any) realised on the sale thereof, but no part thereof shall be borrowed until shares or stock for so much of the new capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies that such shares or stock and premium (if any) have been fully paid up, and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

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

As to conver-
sion of
borrowed
money into
capital.

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

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

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

Receipt clause
in case of per-
son not sui
juris.

A.D. 1887.

Poole.

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

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

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

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

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

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

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

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

12. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender, under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor, then, and in every such case, such proprietor shall be declared to be the purchaser of and entitled to such share or stock.

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

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

15. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold, the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in the manner provided by the Companies Clauses Act, 1863: Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act, shall again be offered for sale by public auction or tender, in

the manner and subject to the provisions of this Order, with respect to the sale of shares and stock created under the powers of this Order.

A.D. 1887.

Pooler.

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

Application of premium arising on sale of shares or stock.

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

Limits of dividend on new capital.

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

Dividends on different classes of shares to be paid rateably.

19. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act, 1863, but notwithstanding anything therein, or in any Act or Order previous to this Order contained, the interest of all debenture stock, and of all mortgages at any time after the commencement of this Order, created and issued or granted by the Undertakers under any previous Act or Order or this Order, or any subsequent Act or Order, shall, subject to the provisions of any subsequent Act or Order, rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament, Orders, or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

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

Limit of interest on moneys borrowed.

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

Appointment of a receiver.

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

Application of money.

23. Notwithstanding anything in the Act of 1859 contained, the Undertakers shall, subject to the provisions of section 35 of the Waterworks Clauses Act, 1847, be bound to deliver water to every house within their district at such pressure as will make the water reach the top story thereof.

Pressure.

A.D. 1887. 24. All the costs, charges and expenses of and incidental to the applying for, preparing, obtaining and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Poole.
Costs of Order.

WEST LULWORTH WATER.

*West
Lulworth.*

Order empowering Reginald Joseph Weld and his successors to maintain Waterworks and to supply Water within the Parish of West Lulworth in the County of Dorset.

Short title. 1. This Order may be cited as "The West Lulworth Water Order 1887."

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 and expressions to which by the Acts wholly or partially 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:

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; and the expression "the undertaking" in this Order or in any such Act as aforesaid shall mean the waterworks and the works connected therewith by this Order authorised to be maintained and continued.

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 West Lulworth in the county of Dorset.

Undertakers.

Undertakers. 6. Reginald Joseph Weld of Lulworth Castle in the county of Dorset acting so long as he is a person of unsound mind by the committee for the time being of his estate his executors and administrators shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" provided that if the undertaking is at any time assigned to any other body or person in accordance with the provisions of this Order such body or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned

A.D. 1887.

Capital.

7. The capital of the Undertakers for the purposes of the Undertaking shall not exceed the sum of two 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.

*West
Lulworth.*
Capital.

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

Limitation of
profits.

9. That the amount of all moneys to be borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole five hundred 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.

Limit of bor-
rowing powers.

10. The undertaking and any share thereof shall be personal estate and shall be assignable and transmissible as such and shall not be considered to be of the nature of or be treated as real estate.

Undertaking to
be personal
property.

Works.

11. 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 are 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 herein-after 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.

Power to main-
tain works.

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

(a.) The existing reservoir situate in a field known as Longwell's Field and which forms part of West Lulworth Farm in the parish of West Lulworth:

(b.) The adits and valve-house and other works connected with the said reservoir:

(c.) The mains and pipes running from the said reservoir through the said field and through a field called School Plot also forming part of West Lulworth Farm aforesaid to the high road leading from St. Andrew's Farm to West Lulworth.

Supply.

12. 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 in use for the time being.

Limits of
pressure.

13. 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

Rates for
supply for
domestic pur-
poses.

A.D. 1887.

*West
Lulworth.*

this Order to demand a supply of water for domestic purposes (which shall include one watercloset) furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say) :—

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 at a rate per centum per annum not exceeding eight pounds :

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
waterclosets
and baths.

14. 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 they think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water-rate.

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

15. 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 52 of the Public Health Act 1875 or any similar provision.

Supply of
water by
meter.

16. 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.

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*West
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17. 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 doing so 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.

Undertakers
to keep meters
&c. in repair.

18. 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-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 a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of
meter, &c., to
be evidence.

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

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

20. When several houses or parts of houses in the occupation of several persons shall be 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.

When several
houses supplied
by one pipe
each to pay.

21. 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 to
tenements in
a row.*Penalties.*

22. 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 regulations 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

Injuring
meters, &c.

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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 or 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.

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

23. 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.

24. 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.

25. Any summons or warrant issued for any 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.

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

Liability to
water-rate not
to disqualify
justices from
acting.

27. 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.

No sale or
assignment of
Undertaking
without the
consent of
Board of Trade.

28. No sale or assignment of the Undertaking authorised by this Order shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided always that nothing in this Order contained shall prevent the Undertakers borrowing money on the security

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*Water Orders Confirmation
Act, 1887.*

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of mortgages of the said Undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

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

Costs of Order.

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