



CHAPTER lxi.

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Chew Magna Gas, Garstang Gas, Halstead Gas, Harrogate Gas, Holywell Gas, Long Eaton Gas, Trowbridge Gas, Broadstairs Water, East Blatchington and Seaford Water, Gisborough Water, Harrogate Water, Luton Water, Newhaven and Denton Water, Norwood (Middlesex) Water, and Pwllheli Water. A.D. 1880.

[19th July 1880.]

**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 : 33 & 34 Vict.  
c. 70.

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

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

1. This Act may be cited as the Gas and Water Orders Confirmation Act, 1880. Short title.

2. The several Orders set out in the schedule to this Act annexed 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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The SCHEDULE of ORDERS.

1. GAS ORDERS.

1. CHEW MAGNA GAS.—Order empowering the Chew Magna Gas and Coal Company (Limited) to maintain and continue Gasworks and to make and supply Gas in the parish of Chew Magna, in the county of Somerset.
2. GARSTANG GAS.—Order empowering the Garstang Gas Company (Limited) to construct and maintain Gasworks and to manufacture and supply Gas within certain townships in the parish of Garstang, in the county of Lancaster.
3. HALSTEAD GAS.—Order conferring powers for the maintenance and continuance of Gasworks and for the manufacture and supply of Gas in the parish of Halstead, in the county of Essex.
4. HARROGATE GAS.—Order empowering the Harrogate Gas Company to raise Additional Capital.
5. HOLYWELL GAS.—Order empowering the British Gas Light Company (Limited) to maintain and continue Gasworks and to make and supply Gas in certain parts of the parishes of Holywell and Whitford, in the county of Flint.
6. LONG EATON GAS.—Order empowering the Long Eaton Gas Company (Limited) to maintain and continue Gasworks and to construct additional Gasworks, and to make and supply Gas, in the township of Long Eaton, and in the parishes or townships of Sawley, Little Wilne, Draycott, Breaston, Risley, and Wilsthorpe, all in the county of Derby.
7. TROWBRIDGE GAS.—Order empowering the British Gas Light Company (Limited) to maintain and continue Gasworks and to make and supply Gas in the town and parish of Trowbridge, the tything of Studley and Staverton, and the parishes of Hilperton, West Ashton, North Bradley (including Southwick and Yarnbrook), Steeple Ashton, Semington, and Winkfield, all in the county of Wilts.

2. WATER ORDERS.

8. BROADSTAIRS WATER.—Order empowering the Broadstairs Waterworks Company to raise Additional Capital.
9. EAST BLATCHINGTON AND SEAFORD WATER.—Order authorising the construction of Waterworks and the supply of Water in the parishes of East Blatchington and Bishopstone, and the town and parish of Seaford, in the county of Sussex.
10. GISBOROUGH WATER.—Order conferring powers for the construction and maintenance of additional Waterworks within the township of Gisborough, in the North Riding of the county of York, and for the raising of Additional Capital for such purposes.

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11. HARROGATE WATER.—Order defining and extending the limits of supply of the Harrogate Waterworks Company, and empowering them to raise Additional Capital and to construct and maintain Additional Waterworks. A.D. 1880.
12. LUTON WATER.—Order empowering the Luton Water Company to raise Additional Capital.
13. NEWHAVEN AND DENTON WATER.—Order authorising the construction of Waterworks and the supply of Water in the parishes of Newhaven and Denton, in the county of Sussex.
14. NORWOOD (MIDDLESEX) WATER.—Order empowering the Norwood (Middlesex) Waterworks Company (Limited) to supply Water within the parishes of East Bedfont, Feltham, Hanworth, and Cranford, in the county of Middlesex, and to raise Additional Capital.
15. PWLLHELI WATER.—Order authorising the maintenance and continuance of Waterworks, the construction of additional Waterworks, and the supply of Water in the several parishes and places of Llangybi, Abererch, and Denio, and in the borough of Pwllheli, in the county of Carnarvon.

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CHEW MAGNA GAS.

*Chew  
Magna Gas.*

*Order empowering the Chew Magna Gas and Coal Company (Limited) to maintain and continue Gasworks and to make and supply Gas in the parish of Chew Magna, in the county of Somerset.*

1. This Order may be cited as "The Chew Magna Gas Order, 1880." Short title.
2. 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), of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order, and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate 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.
3. 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.



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*Chew  
Magna Gas.*  
Limits of  
Order.

4. 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 Chew Magna in the county of Somerset.

*Undertakers.*

Undertakers.

5. The Chew Magna Gas and Coal Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of the original share capital, amounting to two thousand and thirty pounds, already raised by the Undertakers, and of additional share capital to be raised subject to the provisions of this Order not exceeding three thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed five thousand and thirty 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.

New shares to  
be offered by  
auction or  
tender.

7. The Undertakers shall, when any shares forming part of the said additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares, and that the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

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

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

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

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

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

10. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction

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or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the said additional capital.

A.D. 1880.

*Chew  
Magna Gas.*

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

Application of  
premium  
arising on  
issue of shares.

12. Except as by this Order expressly provided, the Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of such original capital, and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

Limits of  
dividend on  
capital.

13. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking shall not at any time exceed in the whole 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 passing of the Act confirming this Order and secured as aforesaid.

Limit of  
borrowing  
powers.

*Maintenance and Continuance of Gasworks; Manufacture and Sale of Gas,  
 Coke, and Residual Products.*

14. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the Schedule to this Order annexed, while they are possessed of the same, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers  
may maintain  
and continue  
gasworks on  
lands described  
in Schedule,  
and may make  
and sell gas,  
&c.

15. The Undertakers shall cause all tanks used by them for the reception of residual products obtained in the manufacture of gas and matters producible therefrom, and for the reception of foul lime used for the purification of gas, to be properly covered over.

Tanks for  
residual pro-  
ducts, &c. to be  
covered.



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*Chew  
Magna Gas.*

Differences  
with railway  
and other  
companies.

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 gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

*Quality of Gas.*

Quality of gas.

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

*Price of Gas.*

Fixing maxi-  
mum price of  
gas.

18. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings per one thousand cubic feet, and so in proportion for any less quantity supplied, provided that every fraction of one hundred feet may be charged as one hundred feet: Provided always, that at any time after the expiration of two years from the date of the passing of the Act confirming this Order the Board of Trade may, if they think fit, upon the application of the local authority of any district or of twenty inhabitant ratepayers within the limits of supply, by order alter the maximum price to be charged by the Undertakers as aforesaid, and from and after the date of such order the price to be charged by the Undertakers as aforesaid shall not exceed the maximum price fixed by the Board of Trade by such order.

*Pressure of Gas.*

Pressure of gas.

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

*Testing of Gas.*

Testing of gas.

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

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supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority. A.D. 1880.

*Chew  
Magna Gas.*

*Miscellaneous.*

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

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

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

24. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. Saving of existing contracts.

25. 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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*Gas Lands.*

All that piece of land, with the buildings, gasworks, and other erections thereon, containing two roods and two perches, or thereabouts, situate in the parish of Chew Magna, in the county of Somerset, formerly part of the manor of Chew Magna, bounded on the northward and westward partly by property belonging or reputed to belong to John Cross, and partly by property belonging or reputed to belong to Amos Brittain; on the eastward by a bye-lane leading to a farmhouse and fields; and southward by a stream of water called and commonly known by the name of Winford Brook, or Compensation Water.

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A.D. 1880.

*Garstang  
Gas.*

GARSTANG GAS.

*Order empowering the Garstang Gas Company (Limited) to construct and maintain Gasworks and to manufacture and supply Gas within certain townships in the parish of Garstang in the county of Lancaster.*

Short title.

1. This Order may be cited as "The Garstang Gas Order, 1880."

Incorporation  
of Acts.

2. 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 on lands by the Promoters), of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

3. 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.

Limits of  
Order.

4. 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 townships of Barnacre-with-Bonds, Cabus, Catterall, Kirkland, Nateby, Garstang, and Winmarleigh, in the parish of Garstang in the county of Lancaster.

*Undertakers.*

The Under-  
takers.

5. The Garstang Gas Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of two thousand five hundred pounds original capital and one thousand pounds additional capital, and the share capital of the Undertakers shall not for such purposes exceed three thousand five hundred 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 bor-  
rowing powers.

7. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking shall not at any time exceed in the whole eight hundred and seventy-five 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.

Power to pur-  
chase lands.

8. The Undertakers may, by agreement, purchase and use such of the lands shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map") and described in the Schedule to this



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Order annexed, as may be required for the purposes of the undertaking authorised by this Order, and in addition to those lands may purchase by agreement and subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold for any of the purposes of this Order any land not exceeding two acres, in addition to the land shown and described as aforesaid.

A.D. 1880.

Garstang  
Gas.

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

9. The Undertakers on the lands shown on the deposited map and described in the Schedule to this Order annexed, when they have acquired the same, may construct and maintain and from time to time alter and enlarge retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storage of gas and of coke and of other residual products obtained in the manufacture of gas, and matters producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture, sell, supply, and deal in coal tar, peat, coke, pitch, lime, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere, and may also manufacture, purchase, let, or deal in and contract for doing work in connection with fittings, tubes, meters, pipes, apparatus, and all articles and things in any way connected with gasworks or with the supply of gas, and may take charges and remunerations in respect thereof.

Undertakers  
may construct  
and maintain  
gasworks on  
lands described  
in Schedule,  
and may make  
and sell gas,  
&c.

10. 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 gas within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences  
with railway  
and other com-  
panies.

11. The following provisions for the protection of the London and North-Western Railway Company, herein-after referred to as "the Company," shall have full effect ; that is to say,—

For protection  
of London and  
North-Western  
Railway  
Company.

1. In laying down or in effecting the repairs or renewals of any mains or pipes, or in executing any other works which the Undertakers are authorised to do under this Order upon, across, over, under, or in any way affecting any railway or canal, lands, or property now or hereafter belonging or leased to or worked or occupied by the Company, or the bridges, approaches, stations, towing-paths, wharves, or other works of any such railway or canal, the same shall be done under the superintendence and to the reasonable satisfaction of their principal engineer, and (except in case of repairs) only according to such plans as shall be previously reasonably approved by him, and in all things by and at the expense of the Undertakers, who also shall make good and repair the roads over any such bridges and approaches which the Company are or may be liable to maintain, and which may be disturbed or interfered with

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*Garstang  
Gas.*

by or owing to any operations of the Undertakers; and all such works, matters, and things shall be constructed, executed, and done so as not to cause any injury to any such railway, canal, bridges, stations, wharves, works, lands, or property, or interruption to the passage or conduct of traffic over any such railway or canal or at any station or wharf thereon respectively; and if any such interruption or injury shall arise the Undertakers shall make compensation to the Company in respect thereof, the amount of such compensation, together with full costs, to be recoverable by the Company from the Undertakers by all and the same means as any simple contract debt is recoverable.

2. The Undertakers shall not permit or suffer any tar water, drainage of any kind, residual products, or refuse from their works to flow, run, or find their way into the Lancaster Canal of the Company, or any feeder or drain thereof, or to the wharf situate on the north-eastern side of the said canal, under a penalty of fifty pounds for every such offence, and a further penalty of ten pounds for every day during which such offence shall continue; such penalties to be recoverable as liquidated damages by the Company from the Undertakers, with full costs, as aforesaid.

3. Nothing in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the Company otherwise than is herein expressly provided.

Power to take  
licenses.

12. The Undertakers may, subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply, and not so as to acquire any exclusive right therein), contract for, take, and use any leave, license, or authority to work, use, exercise, and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working, using, or vending any invention in relation to the manufacture, production, and distribution of gas, or the conversion, manufacture, or utilisation of any products obtainable in or arising from such manufacture or production, or from the materials used therein.

*Quality of Gas.*

Quality of gas.

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

*Price of Gas.*

Price of gas.

14. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings and sixpence per one thousand cubic feet, and so in proportion for any less quantity supplied, provided that every fraction of one hundred feet may be charged as one hundred feet; and provided also, that at any time after the expiration of two years from the date of the passing of the Act confirming this Order, the Board of Trade may, if they think fit, upon the application of the Undertakers or of the local authority of any district,



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or of twenty inhabitant ratepayers within the limits of supply, by order alter the maximum price to be charged by the Undertakers as aforesaid, and from and after the date of such order the price to be charged by the Undertakers as aforesaid shall not exceed the maximum price fixed by the Board of Trade by such order.

A.D. 1880.

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*Garstang*  
*Gas.*

*Pressure of Gas.*

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

Pressure of gas.

*Testing of Gas.*

16. The Undertakers shall before supplying gas under the authority of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing the gas shall be a Sugg's London Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used, and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place (not being the immediate approach to any railway or canal bridge or station wharf) vested in or under the control of any local or road authority.

Test meter.

*Miscellaneous.*

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

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposit.

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

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



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*Garstang*  
*Gas.*  
Costs of Order.

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

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SCHEDULE.

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A plot of land containing three thousand eight hundred and ninety square yards, or thereabouts, situate in the township of Garstang, and bounded on the north by the high road leading from Garstang to Out Rawcliffe, on the south and west by the Lancaster and Preston Canal, and on the east by land belonging or claimed to belong to the Reverend William Arnold Walpole Keppel.

*Halstead*  
*Gas.*

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HALSTEAD GAS.

*Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas, in the parish of Halstead, in the county of Essex.*

Short title.

1. This Order may be cited as "The Halstead Gas Order, 1880."

Incorporation  
of Acts.

2. 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), of the Gasworks Clauses Act, 1847, (except sections thirty to thirty-four, both inclusive,) and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate 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.

Interpretation.

3. 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.

Limits of  
Order.

4. 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 Halstead, in the county of Essex.

*Undertakers.*

Undertakers.

5. The Halstead Gas Company, Limited, to whom, since the making of the application for this Order by Robert Ellington Greenwood, the undertaking

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has been transferred, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

—  
*Halstead  
Gas.*

Capital.

6. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order consist of ten thousand pounds, already expended on the undertaking, and in this Order referred to as "the original capital," and of additional share capital to be raised subject to the provisions of this Order not exceeding five thousand pounds; and the original and additional share capital of the Undertakers shall not for such purposes exceed fifteen thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

7. The Undertakers shall, when any shares forming part of the said additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares, and that the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

New shares to  
be offered by  
auction or  
tender.

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

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

9. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, 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.

10. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of

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



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this Order with respect to the sale of shares forming part of the said additional capital.

Application of  
premium  
arising on  
issue of shares.

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

Limits of divi-  
dend on capital.

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

Limit of bor-  
rowing powers.

13. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the undertaking authorised by this Order, 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 and secured as aforesaid after the passing of the Act confirming this Order.

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

14. If the clear profits of the undertaking authorised by this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Undertakers, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strikes, or other circumstances which in the opinion of a justice due care and management could not have prevented, and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction happens: Provided that when and so often as the said sum reaches one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend; provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not



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 Gas.*

at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

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

Application of excess of profits over prescribed rates.

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

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

17. In addition to the lands shown on the map deposited for the purposes of this Order (in this Order referred to as the deposited map), and described in the Schedule to this Order annexed, the Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold, for any of the purposes of this Order, such lands as they may require: Provided, that the Undertakers shall not at any time hold for such purposes more than three acres in addition to the lands shown and described as aforesaid.

Power to purchase additional lands.

*Maintenance and Continuance of Gasworks; Manufacture and Sale of Gas, Coke, and Residual Products.*

18. The Undertakers on the lands shown on the deposited map and described in the Schedule to this Order annexed, while they are possessed of the same, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers may maintain and continue gasworks on lands described in Schedule, and may make and sell gas, &c.

19. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross,

Differences with railway and other companies.

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Gas.*

under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

*Quality of Gas.*

Quality of gas.

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

*Price of Gas.*

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

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

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

*Pressure of Gas.*

Pressure of gas.

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

*Testing of Gas.*

Testing of gas.

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

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

*Halstead  
Gas.*

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposit.

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

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

27. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred, by, with, or towards the said Robert Ellington Greenwood or the Undertakers, before the passing of the Act confirming this Order, with respect to the gasworks or the supply of gas from the same; and any such contract, agreement, or liability may be enforced by or against the Undertakers as though the same were duly made or incurred by, with, or towards them after the passing of the Act confirming this Order.

Saving of existing contracts.

28. 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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*Gas Lands.*

A piece or parcel of land in the parish of Halstead, in the county of Essex, now occupied by the existing Gasworks, and belonging to Robert Ellington Greenwood, situate on the west side of Rosemary Lane, and being bounded on the east by the said Rosemary Lane; on the north and west by the Colne Valley Ironworks, belonging to William Symington and in part occupied by George Hawkins; and on the south in part by the Colne Valley Ironworks aforesaid, and in part by four small cottages and gardens belonging to James Harrington.



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*Harrogate  
Gas.*

HARROGATE GAS.

*Order empowering the Harrogate Gas Company to raise  
Additional Capital.*

Short title.

1. This Order may be cited as "The Harrogate Gas Order, 1880."

Construction  
of Order.

2. The Harrogate Gas Company's Act, 1863, (in this Order referred to as "the Act of 1863,") 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: Provided that sections thirty to thirty-four, both inclusive, of the Gasworks Clauses Act, 1847, shall not continue to be incorporated with or to form part of the Act of 1863.

Incorporation  
of Acts.

3. 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 borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

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

and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, and the Gasworks Clauses Act, 1871 (except in so far as the said last-mentioned Act may be inconsistent with the Act of 1863), are, except where expressly varied by this Order, incorporated with and form part of this Order.

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

Undertakers.

4. The Harrogate Gas Company, incorporated by the Act of 1863, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional  
capital.

5. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1863, they may from time to time—

1. Raise any further sums not exceeding in the whole sixty thousand pounds by the issue of new ordinary or preference shares; 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 vest in the person or corporation accepting the same unless and until the full nominal amount of such share, together with any premium obtained upon the sale thereof, 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

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sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of sixty thousand pounds; and

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*Harrogate  
 Gas.*

2. Borrow on mortgage, in respect of the additional capital of sixty thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole twenty thousand pounds; and the Undertakers may, as each sum of fifteen thousand pounds of such additional capital has been issued and accepted, and the amount of each sum has been paid up, borrow on mortgage, in respect of each sum of fifteen thousand pounds, any sum or sums not exceeding in the whole five thousand pounds; but in no case shall any part of the said respective sums of five thousand pounds be borrowed until the Undertakers have proved to the Justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued, accepted, and paid up, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns; and upon production to such Justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

6. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends, and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Votes of  
 proprietors.

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

New shares to  
 be offered by  
 auction or  
 tender.

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Gas.*

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.

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

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

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

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

Application  
of premium  
arising on  
shares.

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

Power to create  
debenture  
stock.

12. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank *pari passu* with the interest of all mortgages granted by the Undertakers under the authority of this Order, and shall have priority over all principal moneys secured by such mortgages.

Priority of  
existing mort-  
gages.

13. All mortgages and debenture stock granted and issued by the Undertakers under the authority of the Act of 1863 shall have priority over all mortgages and debenture stock granted and issued under the authority of this Order.

Limits of divi-  
dend on  
capital.

14. Except as is by this Order expressly provided, the Undertakers shall not in any year make out of their profits any larger dividend on the capital authorised by the Act of 1863, and on the additional capital authorised by this Order, than the standard rates of dividend herein-after mentioned, namely, the



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rates of profit prescribed by the Act of 1863 in respect of the capital thereby authorised, and seven pounds in respect of every one hundred pounds actually paid up of such additional capital authorised by this Order as is issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such additional capital as is issued as preference capital; and such dividends, or such dividends as reduced or increased in accordance with the provisions of this Order, shall be the prescribed rates.

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*Harrogate*  
*Gas.*

15. 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 on each class of ordinary shares or stock in the capital and additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class.

Dividends on different classes of shares to be paid rateably.

16. 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 borrowed moneys.

17. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Undertakers, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strikes, or other circumstances which, in the opinion of a Justice, due care and management could not have prevented; and if such fund be at any time reduced, it may thereafter be again made up to the said sum, and so from time to time as often as such reduction happens: Provided that when and so often as the said sum reaches one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

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

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

Application of excess of profits over prescribed rates.

19. Where in any year the amount of the standard rates of dividend is by reason of a diminution of the standard priced charge by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers

Power to create a reserve fund out of dividends in excess of

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the standard  
rates of divi-  
dend, and  
application  
thereof.

applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of the Undertakers existing at the passing of the Act confirming this Order, may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest, and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates, and, save as in this Order otherwise provided, no sum shall in any year be carried by the Undertakers to any reserve fund.

Appointment  
of a receiver.

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

Application of  
money.

21. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1863 and this Order.

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

22. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings and sixpence per one thousand cubic feet, and so in proportion for any less quantity supplied, subject to a discount at the rate of ten pounds per centum, upon any payment for gas so supplied, made within six weeks after the termination of the quarter in which such supply was furnished (notice to the consumer of the amount due having been given at least fourteen days before the expiration of such six weeks), provided that the Undertakers may increase or diminish such standard price, subject to such discount as aforesaid, and subject to a reduction or increase in the standard rates of dividend to be calculated as follows:—

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

Provided always, that the standard rate of dividend payable by the Undertakers in respect of any preference shares or preference stock at any time created and issued by the Undertakers shall not be increased or diminished so long as any such preference continues.

Power to pur-  
chase addi-  
tional lands.

23. In addition to the lands which the Undertakers were by the Act of 1863 authorised to purchase, the Undertakers may from time to time purchase by agreement and subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold for any of the purposes of the Act of 1863 and of this Order, such lands as they may require, provided that they shall not at any time hold for such purposes more than five acres in addition to the lands authorised by the Act of 1863 to be purchased and held by them.



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*Act, 1880.*

A.D. 1880.

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.

*Harrogate*  
*Gas.*  
Costs of Order.

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HOLYWELL GAS.

*Holywell*  
*Gas.*

*Order empowering the British Gas Light Company (Limited) to maintain and continue Gasworks, and to make and supply Gas in certain parts of the parishes of Holywell and Whitford, in the county of Flint.*

1. This Order may be cited as "The Holywell Gas Order, 1880."

Short title.

2. 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), of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate 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.

3. 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.

4. 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 townships of Holywell, Greenfield, Calcot, Brynford, Bagillt-fawr, Bagillt-fechan, Whelstone, and Coleshill-fechan, in the parish of Holywell, and the townships of: Isglan, Bychton, and Mostyn, in the parish of Whitford, all in the county of Flint.

Limits of  
Order.

*Undertakers.*

5. The British Gas Light Company (Limited) shall be the undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

6. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order be deemed to consist of the sum of ten thousand four hundred and thirteen pounds, already expended by the Undertakers (in this Order referred to as "original capital"), and of additional share capital for the purposes of this Order not exceeding ten thousand pounds; and

Capital.



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.  
*Holywell*  
*Gas.*

the original and additional share capital of the Undertakers shall not for such purposes exceed twenty thousand four hundred and thirteen pounds, unless the Undertakers are hereafter authorised to expend for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limits of  
dividend on  
capital.

7. The Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than ten pounds in respect of every one hundred pounds of such original capital, and seven pounds in respect of every one hundred pounds actually expended of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually expended of such additional capital as may be issued as preference capital.

Limit of  
borrowing  
powers.

8. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not at any time exceed in the whole five thousand 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 passing of the Act confirming this Order and secured as aforesaid.

Power to pur-  
chase addi-  
tional lands.

9. In addition to the lands shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map") and described in the Schedule to this Order annexed, the Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold, for any of the purposes of this Order, such lands as they may require, provided that they shall not at any time hold for such purposes more than five acres in addition to the lands shown and described as aforesaid.

*Maintenance and Continuance of Gasworks ; Manufacture and Sale of Gas,  
Coke, and Residual Products.*

Undertakers  
may maintain  
and continue  
gasworks on  
lands described  
in Schedule,  
and may make  
and sell gas,  
&c.

10. The Undertakers on the lands shown on the deposited map and described in the Schedule to this Order annexed, while they are possessed of the same, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Differences  
with railway  
and other  
companies.

11. 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 gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same,

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. A.D. 1880.

*Holywell  
Gas.*

*Quality of Gas.*

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

*Price of Gas.*

13. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet, and so in proportion for any less quantity supplied, provided that every fraction of one hundred feet may be charged as one hundred feet. Fixing maximum price of gas.

*Pressure of Gas.*

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

*Testing of Gas.*

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

*Miscellaneous.*

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

17. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become Undertakers to pay interest on deposit.



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880. due to them by such person in respect of any supply of gas, or of the purchase  
*Holywell* or hire of any meter, the Undertakers shall pay interest at the rate of five  
*Gas.* pounds per centum per annum on every sum of ten shillings deposited by  
way of such security for every six months during which the same remains in  
their hands.

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

18. 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."

Saving of  
existing con-  
tracts.

19. Nothing in this Order contained shall alter, vary, or affect any contract  
or agreement duly made or any liability incurred before the passing of the  
Act confirming this Order with respect to the gasworks of or the supply of  
gas by the Undertakers.

Costs of Order.

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

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SCHEDULE.

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*Gas Lands.*

A piece of land in the parish of Holywell, in the county of Flint, bounded  
on the south by the Holywell stream, on the east partly by the Holywell  
stream and partly by land belonging or reputed to belong to Messieurs  
Greenall and Company, partly occupied by John Edward Jones, on the north  
by land belonging or reputed to belong to the said Messieurs Greenall and  
Company, and on the west by land belonging or reputed to belong to Robert  
Jones, and in the occupation of Thomas Lewis, Joseph Jones, Edward Jones,  
James Terry, Evan Edwards, Edward Jones, and Edward Bailey.

*Long Eaton*  
*Gas.*

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LONG EATON GAS.

*Order empowering the Long Eaton Gas Company (Limited) to  
maintain and continue Gasworks and to construct additional  
Gasworks, and to make and supply Gas, in the township of  
Long Eaton, and in the parishes or townships of Sawley,  
Little Wilne, Draycott, Breaston, Risley, and Wilsthorpe, all  
in the county of Derby.*

Short title.

1. This Order may be cited as "The Long Eaton Gas Order, 1880."

Incorporation  
of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the  
purchase and taking of lands otherwise than by agreement and with respect



[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

to the entry upon lands by the promoters of the undertaking), of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate 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.

A.D. 1880.

*Long Eaton Gas.*

3. 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.

4. 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 or townships of Long Eaton, Sawley, Little Wilne, Draycott, Breaston, Risley, and Wilsthorpe, all in the county of Derby.

Limits of Order.

*Undertakers.*

5. The Long Eaton Gas Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

6. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order consist of the original share capital, amounting to sixteen thousand pounds, already raised or authorised to be raised by the Undertakers, and in this Order referred to as "the original capital," and of additional share capital to be raised subject to the provisions of this Order not exceeding fourteen thousand pounds; and the original and additional share capital of the Undertakers shall not for such purposes exceed thirty thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Capital.

7. The Undertakers shall, when any shares forming part of the said additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than fifty pounds nominal value of shares, and that the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

New shares to be offered by auction or tender.

A.D. 1880.

[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

*Long Eaton  
Gas.*

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

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

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

Application of  
premium  
arising on  
issue of shares.

Limits of divi-  
dend on capital.

Limit of bor-  
rowing powers.

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

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

10. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the said additional capital.

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

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

13. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole six thousand 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 passing of the Act confirming this Order.



[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

14. If the clear profits of the undertaking authorised by this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Undertakers, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strikes, or other circumstances which in the opinion of a Justice due care and management could not have prevented, and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction happens: Provided that when and so often as the said sum reaches one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend; provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

A.D. 1880.

*Long Eaton Gas.*

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

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

Application of excess of profits over prescribed rates.

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

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

*Acquisition of Lands.*

17. The Undertakers may by agreement purchase or take on lease and use such of the lands shown on the map deposited for the purpose of this Order (in this Order referred to as "the deposited map"), and described in Part II.

Power to purchase lands.



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*Act, 1880.*

A.D. 1880.

*Long Eaton  
Gas.*

of the Schedule to this Order annexed, as may be required for the undertaking authorised by this Order; and they may from time to time purchase by agreement, and, subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold, for any of the purposes of this Order, such other lands as they may require: Provided that they shall not at any time hold for such purposes more than three acres in addition to the lands described in the Schedule to this Order annexed.

*Maintenance and Continuance of Gasworks; Manufacture and Sale of Gas,  
Coke, and Residual Products.*

Undertakers  
may maintain  
and continue  
gasworks on  
lands described  
in Schedule,  
and may make,  
and sell gas,  
&c.

18. The Undertakers on the lands shown on the deposited map and described in Part I. of the Schedule to this Order annexed, so long as they are possessed of the same, may maintain and continue, and from time to time alter and enlarge, their existing gasworks and works connected therewith, and they may on the lands shown on the deposited map and described in Part II. of the said Schedule, when and so long as they are possessed of the same, construct and maintain, and from time to time alter and enlarge, additional retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere; and may also manufacture, purchase, or hire, and supply gas-meters, fittings, gas stoves, cooking and other apparatus.

Power to divert  
footpaths.

19. The Undertakers may divert or vary the footpath or reputed footpath or road over the lands described in the first paragraph of Part II. of the Schedule to this Order annexed, or some part or parts thereof, and which said reputed footpath or road leads from Cross Street and Union Street, Long Eaton, into the Nottingham Road, by diverting the same down the western side of the land purchased by the Undertakers from Mr. John Marshall, and which said land is more particularly described in the first paragraph of Part II. of the said Schedule.

For protection  
of Midland  
Railway  
Company.

20. Any mains, pipes, or other works which the Undertakers may lay down or execute under or over, or which may affect any railway or works of the Midland Railway Company, shall be laid down and executed and subsequently maintained and repaired by the Undertakers under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said Railway Company, and in accordance with plans and sections previously submitted to and approved by him.

Differences  
with railway  
and other com-  
panies.

21. 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 gas within the limits of supply as to the mode of laying down, repairing,

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

A.D. 1880.

altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Long Eaton  
Gas.

*Quality of Gas.*

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

Quality of gas.

*Price of Gas.*

23. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings and twopence per one thousand cubic feet within the township of Long Eaton aforesaid, and six shillings and twopence per one thousand cubic feet supplied by them beyond such township and within the limits of supply, and so in proportion for any less quantity supplied: Provided that the Undertakers may increase or diminish such standard price, subject to a reduction or increase in the standard rates of dividend on the ordinary shares or stock in the original and additional capital of the Undertakers, to be calculated as follows:—

Fixing maximum price of gas, with sliding scale as to dividend.

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

In case the amount due by any consumer is not paid within one month after demand, the Undertakers shall be entitled to demand, by way of fine, in respect of every one thousand cubic feet of gas consumed and charged for in such amount a sum not exceeding one penny for every shilling forming part of the standard price payable in respect of such one thousand cubic feet, and any such sum so demanded by the Undertakers shall be paid to the Undertakers, and may be recovered by them in like manner as gas rents.

*Pressure of Gas.*

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

Pressure of gas.

*Testing of Gas.*

25. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act,

Testing of gas.

[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880. 1871; and the burner to be used for testing gas shall be a Sugg's London  
*Long Eaton* Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and  
*Gas.* if at any time the gas flame tails over the top of the glass a six-inch by two-inch  
chimney shall be used; and any gas examiner appointed under the Gasworks  
Clauses Act, 1871, for the purposes of this Order, may from time to time,  
subject to the terms of his appointment, at such testing place or elsewhere, as  
and when he thinks fit, test the pressure at which the gas is supplied, and for  
that purpose may open any street, road, passage, or place vested in or under  
the control of any local or road authority.

*Miscellaneous.*

No penalty in 26. No penalty shall be incurred by the Undertakers for insufficiency of  
case of un- pressure, defect of illuminating power, or for excess of impurity in the gas  
avoidable supplied by them in any case in respect of which it is proved that such  
cause. insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Undertakers to 27. Where any money is deposited by any person by way of security with  
pay interest on the Undertakers for the payment to them of all moneys which may become  
deposit. due to them by such person in respect of any supply of gas, or of the purchase  
or hire of any meter, fittings, gas stoves, cooking or other apparatus, the  
Undertakers shall pay interest at the rate of five pounds per centum per  
annum on every sum of ten shillings deposited by way of such security for  
every six months during which the same remains in their hands.

8 Vict. c. 16. 28. Section one hundred and forty of the Companies Clauses Consolidation  
s. 140. incor- Act, 1845, shall be and is hereby incorporated with this Order: Provided that,  
porated. for the purpose of such incorporation, the expression "the Company" in the  
said section shall be construed to mean "the Undertakers."

Saving of 29. Nothing in this Order contained shall alter, vary, or affect any contract  
existing con- or agreement duly made or any liability incurred before the passing of the  
tracts. Act confirming this Order with respect to the gasworks of or the supply of  
gas by the Undertakers.

Costs of Order. 30. 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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SCHEDULE.

*Gas Lands.*

PART I.

A piece or parcel of land situate in the township of Long Eaton, in the parish  
of Sawley, in the county of Derby, belonging to and in the occupation of the  
Undertakers, and upon which their existing works stand, bounded on the north  
by a street called Chapel Street, on the south by hereditaments belonging to  
Samuel John Claye, on the east in part by hereditaments belonging to the  
executors of Francis Bonsall, deceased, and on other part by hereditaments



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belonging to Thomas and John Maltby, and on the west by hereditaments belonging to John Wright, William Wilson, Samuel Butler, and Thomas Day respectively, and which piece or parcel of land contains two thousand four hundred and fifty-five square yards or thereabouts. A.D. 1880.  
*Long Eaton*  
*Gas.*

A piece or parcel of land in Long Eaton aforesaid, belonging to and in the occupation of the Undertakers, bounded on or towards the north by lands belonging to Thomas Fletcher, on the east by lands belonging to the Midland Railway Company, on the west as to part thereof by a piece of land next hereinafter mentioned, and as to other part thereof by lands belonging to James Jerram Pratt, and also as to other part thereof by hereditaments belonging to Thomas Alexander Drennan, and on the south partly by the said hereditaments also belonging to the said Thomas Alexander Drennan, and on other part thereof by a certain street called or known as Union Street, and which said piece or parcel of land is now used by the Undertakers for the purposes of storage of gas, and contains five thousand eight hundred and eight square yards or thereabouts.

PART II.

A piece or parcel of land in Long Eaton aforesaid, bounded on or towards the north by a certain high road leading from Derby to Nottingham, and called Nottingham Road, on the east partly by lands belonging to Thomas Fletcher, and on other part by the lands secondly above described, on the west by lands belonging to John Marshall, and on the south by lands belonging to James Jerram Pratt, and containing five thousand seven hundred and thirty-one square yards or thereabouts.

A piece or parcel of land situate in Long Eaton aforesaid, belonging to and in the occupation of the said Thomas Fletcher, bounded on the north by Nottingham Road aforesaid, on the south by the lands secondly above described, on the east by the Midland Railway aforesaid, and on the west by the land and hereditaments thirdly herein-before described and containing two thousand four hundred and ninety-eight square yards or thereabouts.

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TROWBRIDGE GAS.

*Trowbridge*  
*Gas.*

*Order empowering the British Gas Light Company (Limited) to maintain and continue Gasworks, and to make and supply Gas in the town and parish of Trowbridge, the tything of Studley and Staverton, and the parishes of Hilperton, West Ashton, North Bradley (including Southwick and Yarnbrook), Steeple Ashton, Semington, and Winkfield, all in the county of Wilts.*

1. This Order may be cited as "The Trowbridge Gas Order, 1880."

Short title.

2. 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

Incorporation  
of Acts.

[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880. the entry upon lands by the Promoters of the Undertaking), of the Gasworks  
*Trowbridge* Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby  
*Gas.* incorporated with this Order, except where the same are expressly varied by  
this Order; and the said provisions of the said Gasworks Clauses Acts shall  
apply as well to the mains, pipes, and works of the Undertakers laid down or  
constructed before the passing of the Act confirming this Order, and situate  
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.

Interpretation. 3. 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 Waterworks  
Facilities Act, 1870, meanings are assigned, have in this Order the same  
respective meanings.

Limits of  
Order. 4. The limits within which the provisions of this Order shall be in force and  
have effect (in this Order referred to as "the limits of supply") shall be the  
town and parish of Trowbridge, the tything of Studley and Staverton, and the  
parishes of Hilperton, West Ashton, North Bradley (including Southwick and  
Yarnbrook), Steeple Ashton, Semington, and Winkfield, all in the county of  
Wilts.

*Undertakers.*

Undertakers. 5. The British Gas Light Company (Limited) shall be the undertakers for  
the purposes of this Order, and are in this Order referred to as "the Under-  
takers."

Capital. 6. The share capital of the Undertakers shall for the purposes of the under-  
taking authorised by this Order be deemed to consist of the sum of twenty  
thousand two hundred and fifty-three pounds, already expended by the Under-  
takers (in this Order referred to as "Original Capital"), and of additional  
share capital for the purposes of this Order not exceeding twenty thousand  
pounds, and the original and additional share capital of the Undertakers shall  
not for such purposes exceed forty thousand two hundred and fifty-three  
pounds, unless the Undertakers are hereafter authorised to expend for such  
purposes further additional share capital by Provisional Order under the Gas  
and Waterworks Facilities Act, 1870, or by Act of Parliament.

Limits of  
dividend on  
capital. 7. The Undertakers shall not in any year make out of their profits any  
larger dividends on the said original and additional capital than ten pounds  
in respect of every one hundred pounds of such original capital, and seven  
pounds in respect of every one hundred pounds actually expended of such  
additional capital as may be issued as ordinary capital, or six pounds in respect  
of every one hundred pounds actually expended of such additional capital as  
may be issued as preference capital.

Limit of  
borrowing  
powers. 8. The amount of all moneys borrowed by the Undertakers and secured by  
mortgage of the undertaking authorised by this Order shall not at any time  
exceed in the whole ten thousand pounds, and no higher rate of interest than  
five pounds per centum per annum shall be paid by the Undertakers without



[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid. A.D. 1880.  
 ———  
*Trowbridge*  
*Gas.*

9. In addition to the lands shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map") and described in the Schedule to this Order annexed, the Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold, for any of the purposes of this Order, such lands as they may require: Provided, that they shall not at any time hold for such purposes more than five acres in addition to the lands shown and described as aforesaid. Power to purchase additional lands.

*Maintenance and Continuance of Gasworks; Manufacture and Sale of Gas, Coke, and Residual Products.*

10. The Undertakers on the lands shown on the deposited map, and described in the Schedule to this Order annexed, while they are possessed of the same, may maintain and continue and from time to time alter and enlarge retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere. Undertakers may maintain and continue gasworks on lands described in Schedule, and may make and sell gas, &c.

11. 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 gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. Difference with railway and other companies.

*Quality of Gas.*

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

*Price of Gas.*

13. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed four shillings and sixpence per one thousand cubic feet, and so in proportion for any less quantity supplied, provided that every fraction of one hundred feet may be charged as one hundred feet. Fixing maximum price of gas.



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.

*Pressure of Gas.*

*Trowbridge*  
*Gas.*

Pressure of  
gas.

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

*Testing of Gas.*

Testing of gas.

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

*Miscellaneous.*

No penalty in  
case of un-  
avoidable  
cause.

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

Undertakers to  
pay interest on  
deposit.

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

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

18. 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."

Saving of  
existing con-  
tracts.

19. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

Costs of Order.

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

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

A.D. 1880.

SCHEDULE.

*Trowbridge  
Gas.*

*Gas Lands.*

A piece of land in the parish of Trowbridge, in the county of Wilts, bounded on the north by a grassfield called "Ham Wood," belonging or reputed to belong to Edward Endymion Porter and occupied by James Huntley, also by allotment gardens belonging or reputed to belong to the above-named Edward Endymion Porter and occupied by James Huntley and others, on the east by a roadway leading to the said gardens, on the south by the public road leading from the town of Trowbridge to fields beyond the gasworks, on the west by a grassfield called "Ham Wood," belonging or reputed to belong to the said Edward Endymion Porter, and now in the occupation of James Huntley.

BROADSTAIRS WATER.

*Broadstairs  
Water.*

*Order empowering the Broadstairs Waterworks Company to raise  
Additional Capital.*

1. This Order may be cited as "The Broadstairs Water Order, 1880." Short title.
2. The Broadstairs Waterworks Act, 1875, (in this Order referred to as "the Act of 1875,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction  
of Order.
3. 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 borrowing of money by the Company on mortgage or bond;
  - The consolidation of the shares into stock;
  - The general meetings of the Company, and the exercise of the right of voting by the shareholders;
  - The making of dividends;
  - The giving of notices; and
  - The provision to be made for affording access to the special Act by all parties interested;and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, are, except where expressly varied by this Order, incorporated with and form part of this Order.



[Ch. ~~XXI~~.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
Act, 1880.

A.D. 1880. For the purpose of such incorporation the term "special Act" in the said  
Broadstairs Acts shall be construed to mean this Order.  
Water.

Undertakers. 4. The Broadstairs Waterworks Company incorporated by the Act of 1875,  
shall be the Undertakers for the purposes of this Order, and are in this Order  
referred to as "the Undertakers."

*Additional Capital.*

Additional  
capital.

5. In addition to the capital already authorised to be raised by the Under-  
takers, they may from time to time—

1. Raise any further sums, not exceeding in the whole sixteen thousand  
pounds, by the issue of new ordinary or preference shares or stock,  
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  
any stock vest in the person or corporation accepting the same unless and  
until the full nominal amount of any such share or stock shall have been  
paid in respect thereof; and

2. Borrow on mortgage, in respect of the additional capital of sixteen  
thousand pounds by this Order authorised to be raised by ordinary or  
preference shares or stock, any sums not exceeding in the whole four  
thousand pounds; and the Undertakers may, as each sum of four  
thousand pounds of such additional capital has been issued and accepted,  
borrow on mortgage, in respect of each such sum of four thousand  
pounds, any sum or sums not exceeding in the whole one thousand  
pounds; but in no case shall any part of the said respective sums of one  
thousand pounds be borrowed until the Undertakers have proved to the  
Justice who is to certify under the fortieth section of the Companies  
Clauses Consolidation Act, 1845, before he so certifies, that the whole  
of such capital in respect of which such borrowing powers are sought  
to be exercised has been issued, accepted, and paid up, and that such  
capital was issued *bonâ fide* and is held by the persons or corporations to  
whom the same was issued, or their executors, administrators, successors,  
or assigns, and upon production to such Justice of the books of the  
Undertakers, and of such other evidence as he may think sufficient, he  
shall grant a certificate that the proof aforesaid has been given, which  
shall be sufficient evidence thereof.

Receipt clause  
in case of  
person not  
*sui juris*.

6. 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.

Votes of  
proprietors.

7. The proprietors of any shares or stock forming part of the additional  
capital raised under the authority of this Order shall be entitled to such number  
of votes in respect thereof as the nominal amount represented by such shares  
or stock would have entitled them to if the same had been original shares or  
stock of the Undertakers; and the proprietors of such new shares or stock  
shall, except as in this Order specially provided, be entitled to the same  
dividends, and the same rights and privileges in all respects, and be subject to

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

A.D. 1880.

*Broadstairs  
 Water.*

8. All mortgages granted by the Undertakers under the authority of the Act of 1875 shall have priority over all mortgages granted under the authority of this Order.

Priority of  
 existing  
 mortgages.

9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank *pari passu* with the interest of all mortgages granted by the Undertakers under the authority of this Order, and shall have priority over all principal moneys secured by such mortgages.

Power to  
 create debenture stock.

10. 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 of such capital as may be issued as preference capital.

Limits of dividend on additional capital.

11. 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 maximum rate of dividend on each class of ordinary shares or stock in the capital and additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class.

Dividends on different classes of shares to be paid rateably.

12. 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.

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

Appointment of a receiver.

14. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1875.

Application of moneys.

15. 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.

Cost of Order.



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.

*East  
Blatchington  
and Seaford  
Water.*

EAST BLATCHINGTON AND SEAFORD WATER.

*Order authorising the construction of Waterworks and the supply of Water in the parishes of East Blatchington and Bishopstone, and the town and parish of Seaford, in the county of Sussex.*

Short title.

1. This Order may be cited as "The East Blatchington and Seaford Water Order, 1880."

Incorporation  
of Acts.

2. The provisions 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.

Interpretation.

3. The several words, terms, and expressions to which by the Acts 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 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 term "premises" shall mean and include any house, building, or land, in, to, or through which water is supplied under the authority of this Order:

The expression "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order:

Limits of  
Order.

4. 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 East Blatchington and Bishopstone, and the town and parish of Seaford, in the county of Sussex.

*Undertakers.*

Undertakers.

5. Robert Lambe, of East Blatchington, in the county of Sussex, his heirs, or assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

*Capital.*

Capital.

6 The capital of the Undertakers for the purposes of the undertaking authorised by this Order shall not exceed ten thousand pounds, unless they be hereafter authorised to raise additional capital for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of  
borrowing  
powers

7. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole two thousand five hundred pounds, and no higher rate of

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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.

8. 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.

A.D. 1880.

*East  
Blatchington  
and Seaford  
Water.*

Persons under disability may grant easements to Undertakers.

*Construction of Waterworks.*

9. The Undertakers may, on the lands delineated on the deposited plans, 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 tanks, pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, 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 construct waterworks and supply water.

The works authorised by this Order are as follows:—

1. A well, pumping station, and reservoir near Bullock Hill Barn, in the parish of East Blatchington aforesaid.
2. An aqueduct, conduit, or line of pipes, commencing at the said well and pumping station, and terminating in the road from East Blatchington to Seaford.

10. 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, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Limits of deviation.

11. 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 within the limits of supply.

Period for completion of works.

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

Differences with railway and other companies.



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A.D. 1880.

*East  
Blatchington  
and Seaford  
Water.*

Quality of  
water.

*Quality of Water.*

13. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

*Supply.*

Limits of  
pressure.

14. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this Order, nor need the water supplied by the undertakers be constantly laid on under pressure.

Rates for  
supply for  
domestic  
purposes.

15. 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,)

If the rackrent or (if not let at a rackrent) the annual value of the dwelling-house or part of a dwelling-house does not amount to twenty pounds per annum, the rate of seven pounds and ten shillings per centum per annum upon such rackrent or annual value, as the case may be, and so in proportion for any shorter period:

If such rackrent or (as the case may be) annual value amounts to twenty pounds but does not amount to forty pounds per annum, the rate of seven pounds per centum per annum upon such rack rent or annual value as the case may be, and so in proportion for any shorter period:

If such rackrent or (as the case may be) annual value amounts to forty pounds but does not amount to sixty pounds per annum, the rate of six pounds and ten shillings per centum per annum upon such rackrent or annual value, as the case may be, and so in proportion for any shorter period:

If such rackrent or (as the case may be) annual value amounts to or exceeds sixty pounds per annum, the rate of six pounds per centum per annum upon such rackrent or annual value, and so in proportion for any shorter period.

Provided always, that the Undertakers shall not be compellable to afford a supply of water for domestic purposes to the owner or occupier of any dwelling-house or part of a dwelling-house at a rate less than eight shillings and eight pence per annum, and so in proportion for any shorter period.

Rates for  
waterclosets,  
baths, &c.

16. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that the Undertakers shall not be required to supply, except upon terms to be agreed upon, any bath containing as usually filled for use a greater quantity of water than fifty gallons.

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17. The Undertakers may from time to time supply any sanitary authority, person, or company with water for other than domestic purposes, and any such authority, person, or company beyond the limits of supply with water in bulk for any purpose, for such remuneration, and upon such terms and conditions as may be agreed upon between the Undertakers and such authority, person, or company; but, notwithstanding any such agreement, no such authority, person, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this Order.

A.D. 1880.

*East  
Blatchington  
and Seaford  
Water.*

Power to supply water for other than domestic purposes, and in bulk beyond limits of supply.

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

Supply of water by meter.

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

Undertakers to keep meters in repair.

20. 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 always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two Justices, who may also order by which of the parties the 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 meters to be evidence.

21. 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.

22. 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 and premises.

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



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*Act, 1880.*

A.D. 1880.

*East  
Blatchington  
and Seaford  
Water.*  
Supply of  
water to tene-  
ments in a  
row.

23. 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 such tenement unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this Order for a supply of water.

*Penalties.*

Impurity of  
water.

24. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Injuring  
meters.

25. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any person has wilfully, fraudulently, or by culpable negligence, injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Mis-user where  
supply to  
several houses  
is by a pipe  
common to all.

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

*Miscellaneous.*

Incoming  
tenant not  
liable to pay  
arrears.

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

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

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.

A.D. 1880.

*East  
Blatchington  
and Seaford  
Water.*

Several names  
in one  
summons.

28. 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.

29. 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 the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of  
distress to  
include costs.

30. 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 from  
acting.

31. 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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GISBOROUGH WATER.

*Gisborough  
Water.*

*Order conferring powers for the construction and maintenance of additional Waterworks within the township of Gisborough in the North Riding of the county of York, and for the raising of Additional Capital for such purposes.*

1. This Order may be cited as "The Gisborough Water Order, 1880."

Short title.

2. The Gisborough Water Order, 1871, (in this Order referred to as "the Order of 1871,") 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.

*Undertakers.*

3. Thomas Chaloner, of Gisborough, in the North Riding of the county of York, Esquire, Vice-Admiral in Her Majesty's Fleet, and his heirs or assigns, shall be the Undertakers for the purpose of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

*Additional Capital.*

4. Notwithstanding anything contained in the Order of 1871, the capital of the Undertakers may, for the purposes of the Undertaking authorised by the Order of 1871 and by this Order, consist of the original capital of six thousand pounds authorised by the Order of 1871, and of further capital not exceed

Additional  
capital.



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
Act, 1880.

A.D. 1880. *Gisborough Water.* ing seven thousand eight hundred pounds, which shall be deemed to be original capital, and of additional capital not exceeding three thousand two hundred pounds, and the original and additional capital of the Undertakers shall not for such purposes exceed seventeen thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limits of profits on additional capital. 5. The Undertakers shall not in any year make any larger profits on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds of such capital actually expended.

Limit of borrowing powers. 6. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by the Order of 1871 and by this Order shall not at any time exceed in the whole four 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 passing of the Act confirming this Order.

Application of money. 7. The additional capital by this Order authorised shall be applied in the first instance to the payment of any debts of the Undertakers in respect of the undertaking authorised by the Order of 1871 existing at the time of the passing of the Act confirming this Order, and in the repayment of any moneys expended by the Undertakers beyond the amount of the capital authorised by the Order of 1871, in the construction or maintenance of any of the works by the Order of 1871 or this Order authorised to be constructed or maintained, and then to the purposes of the undertaking authorised by the Order of 1871 and this Order.

*Additional Lands and Waterworks.*

Undertakers may purchase lands by agreement. 8. The Undertakers may, by agreement, purchase and use such of the lands shown on the plans deposited for the purposes of this Order as may be required for the undertaking authorised by this Order, and they may, by agreement, from time to time, purchase and use any other lands, and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not hold, for the purposes of the Order of 1871 and of this Order, more than seventeen acres of land.

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

Power to construct additional works. 10. The Undertakers may, on the lands shown on the deposited plans while they are possessed of the same, make and maintain, in the line 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 needful pipes, culverts, cuts,

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
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drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may from time to time alter and enlarge the same, and they may from time to time, subject to the provisions of the Order of 1871, alter and enlarge the works authorised by the Order of 1871.

A.D. 1880.

*Gisborough  
Water.*

The works authorised by this Order are as follows :

A storage reservoir of fifteen thousand one hundred and sixty superficial square yards or thereabouts in extent, already existing, situate wholly in the township and parish of Gisborough aforesaid, upon the Gisborough Moor, belonging to the said Thomas Chaloner, near a portion of the same moor known as High Intake, and which reservoir is wholly surrounded by other land belonging to the said Thomas Chaloner, and is formed by an embankment or dam across a stream, being a tributary of, and flowing in a north-easterly direction into, Wiley Cat Beck.

A conduit or line of pipes (No. 1), situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of the northern end of the said existing storage reservoir, passing through the lands of the said Thomas Chaloner and terminating near the foot of Justice Bank, at a point in the conduit or line of pipes authorised to be constructed by the Order of 1871, about one hundred and three yards from the point at which the occupation road leading from the Round Close Farm to South Waterfall enters the plantation known as Justice Bank.

A conduit or line of pipes (No. 2), situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of a spring in Westworth Plantation, about two hundred and fifty-five yards west-north-west from the overflow weir of the said existing storage reservoir, passing through the lands of the said Thomas Chaloner, and terminating by a junction with the line of pipes (No. 1) at a point near the north-eastern corner of a field upon the Round Close Farm, belonging to the said Thomas Chaloner, known as Corner Close.

A covered service reservoir, of two hundred and twenty-seven superficial square yards or thereabouts in extent, already existing, and to be enlarged to about four hundred and ninety superficial square yards, situate upon the said line of pipes (No. 2).

Filter beds of four hundred and fifty-four superficial square yards or thereabouts in extent, already existing, also situate upon the said line of pipes (No. 2) between the said covered service reservoir and the junction of the said line of pipes (No. 2) with the said line of pipes (No. 1).

A conduit or line of pipes (No. 3), situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of a spring, on Gisborough Moor aforesaid, known as Bethel Slack Spring, about eight hundred and thirty-three yards south from the overflow weir of the said existing storage reservoir, passing through the lands of the said Thomas Chaloner, and terminating by a junction with the line of pipes (No. 1) at the said point near the north-eastern corner of a field upon the Round Close Farm, belonging to the said Thomas Chaloner, known as Corner Close.

A conduit or line of pipes (No. 4), situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of a spring, upon



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*Gisborough  
Water.*

Gisborough Moor aforesaid, known as Williamson Spring, about seven hundred and thirty-three yards east from the overflow weir of the said existing storage reservoir, passing through the lands of the said Thomas Chaloner, and terminating by a junction with the line of pipes (No. 3) at a point about four hundred and seventeen yards east-north-east from the overflow weir of the said existing storage reservoir.

Power to take  
water by agree-  
ment, and to  
prevent pollu-  
tion.

11. The Undertakers may, by agreement but not otherwise, abstract and take, at the southern end of the said existing storage reservoir, a sufficient supply of water from the said stream or beck, being a tributary of, and flowing in a north-easterly direction into, Wiley Cat Beck, and may, by agreement but not otherwise, abstract and take a sufficient supply of water from the said spring in Westworth Plantation aforesaid, from the said spring known as Bethel Slack Spring, and from the said spring known as Williamson Spring, and during the continuance of any such agreement in relation to any such stream, beck, or spring such stream, beck, or spring shall be deemed streams belonging to the Undertakers within the meaning and for the purposes of section sixty-one of the Waterworks Clauses Act, 1847.

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, 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.

Time for com-  
pletion of  
works.

13. The works authorised by this Order shall be 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, filtering beds, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Differences  
with railway  
and other  
companies.

14. If any difference arises 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, or the facilities to be afforded for the same, the same shall be settled by an engineer, to be appointed by the Board of Trade at the request of either party.

Saving of rights  
under Order of  
1871.

15. Nothing in this Order shall in any way prejudice or affect any of the rights, powers, or privileges of the Undertakers under the Order of 1871.

Costs of Order.

16. 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.

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

A.D. 1880.

HARROGATE WATER.

*Harrogate  
Water.*

*Order defining and extending the limits of supply of the Harrogate Waterworks Company, and empowering them to raise Additional Capital, and to construct and maintain Additional Waterworks.*

1. This Order may be cited as "The Harrogate Water Order, 1880."

Short title.

2. The Harrogate Waterworks Act, 1846 (in this Order referred to as "the Act of 1846"), and the Harrogate Waterworks Act, 1869 (in this Order referred to as "the Act of 1869"), 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.

3. 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 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 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, the Companies Clauses Act, 1869, and the Waterworks Clauses Acts, 1847 and 1863, are, except where expressly varied by this Order, incorporated with and form part of this Order.

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

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 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



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880. expression is used were an ordinary simple contract debt, and not a debt or demand created by statute :

—  
*Harrogate*  
*Water.*

In this Order—

The terms “deposited plans” and “deposited sections” shall mean respectively the plans and sections deposited for the purposes of this Order.

Undertakers.

5. The Harrogate Waterworks Company, incorporated by the Act of 1846, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as “the Undertakers.”

Limits of  
supply.

6. The limits within which the Undertakers may from time to time supply water under the authority of the Act of 1846 and of the Act of 1869 and of this Order are hereby declared to be the extra-parochial place of Haverah Park, and the several townships of Pannal, Bilton-with-Harrogate, and Scriven-with-Tentergate, and so much of the township of Knaresborough as lies south-west of the River Nidd, all in the West Riding of the county of York, and the said limits are in this Order referred to as the limits of supply.

*Additional Capital.*

Additional  
capital.

7. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1846 and the Act of 1869, they may from time to time—

1. Raise any further sums not exceeding in the whole forty thousand pounds, by the issue of new shares, either ordinary or preference, or partly ordinary and partly preference, but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, and not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and
2. Borrow on mortgage, in respect of the additional capital of forty thousand pounds by this Order authorised to be raised, by ordinary or preference shares, any sums not exceeding in the whole ten thousand pounds; and the Undertakers may, as each sum of ten thousand pounds of such additional capital has been issued and accepted, borrow on mortgage, in respect of each sum of ten thousand pounds, any sum or sums not exceeding in the whole two thousand five hundred pounds; but in no case shall any part of the said respective sums of two thousand five hundred pounds be borrowed until the Undertakers have proved to the Justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital of ten thousand pounds in respect of which such borrowing powers are sought to be exercised have been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued and accepted *bonâ fide*, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such

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Justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

A.D. 1880.

*Harrogate Water.*

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. One fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share, except upon shares forming part of the first sum of ten thousand pounds to be raised under the authority of this Order.

Calls.

10. 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 persons not sui juris.

11. The proprietors of any shares forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares would have entitled them to if the same had been original shares of the Undertakers; and the proprietors of such new shares shall, except as in this Order specially provided, be entitled to the same dividends, and the same rights and privileges in all respects, and be subject to the same obligations and liabilities as the proprietors of the original shares of the Undertakers.

Votes of proprietors.

12. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank *pari passu* with the interest of all mortgages granted by the Undertakers under the authority of this Order, and shall have priority over all principal moneys secured by such mortgages.

Power to create debenture stock.

13. Every mortgage and all debenture stock granted and issued by the Undertakers under the authority of the Act of 1846 and the Act of 1869 respectively shall have priority over all mortgages and debenture stock granted and issued under the authority of this Order.

Priority of existing mortgages.

14. 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.

Limits of dividend on additional capital.

15. 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

Limit of interest on moneys borrowed.



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A.D. 1880. of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

*Harrogate Water.*  
Appointment of a receiver.

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

Application of money.

17. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1846 and the Act of 1869 and by this Order.

*Lands.*

Undertakers may purchase lands by agreement.

18. The Undertakers may, by agreement, purchase and use such of the lands delineated on the deposited plans as may be required for the undertaking authorised by this Order, and they may, by agreement, from time to time purchase and use any other lands, and any easements, rights, or privileges, in over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold more than five acres of land under the authority of this Order in addition to the lands delineated on the deposited plans.

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

19. 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.

Sale of superfluous lands.

20. The Undertakers may sell and dispose of any lands, springs, and streams which are vested in them, or which they are authorised to purchase, or which they may hereafter acquire, and which may not be required for the purposes of the undertaking authorised by this Order; and the Undertakers may also from time to time sell and dispose of any reservoirs, works, buildings, or erections on any lands belonging to them which shall not be required for such purposes.

*Construction of additional Waterworks.*

Power to construct additional works.

21. The Undertakers may, on the lands shown on the deposited plans, when the same have been acquired by them, make, complete, and maintain, in the lines and according to the levels shown on the deposited plans and deposited sections, the additional works herein-after described, with all proper engines, buildings, reservoirs, filter beds, sluices, weirs, aqueducts, conduits, pipes, drains, meters, and other works, apparatus, and conveniences connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

The works authorised by this Order are as follows:—

A reservoir, situate wholly in the extra-parochial place of Haverah Park, in the West Riding of the county of York, which reservoir has been partially constructed by means of an embankment placed across the brook or stream called Beaver Dyke, at a point two hundred and sixty yards or thereabouts in a westerly direction from the junction of that stream with the brook or stream called Scargill Beck, and extending on one side of Beaver Dyke for a distance of one hundred and ten yards or thereabouts in a southwardly direction, and on the other side of Beaver Dyke for a distance of eighty yards or thereabouts in a northwardly direction, and which said reservoir, will, when completed, extend up and along Beaver Dyke for a distance of one thousand one hundred and fifty yards or thereabouts from the said embankment.

A diversion of the footpath which crosses the said stream called Beaver Dyke, at or near the upper end of the said intended reservoir.

An aqueduct, conduit, or line of pipes, situate wholly in the said extra-parochial place of Haverah Park, commencing in the reservoir hereinbefore described at or near the point where the embankment thereof crosses Beaver Dyke aforesaid, and terminating by a junction with the existing main of the Undertakers from their ten-acre reservoir, at a point four hundred and fifty yards or thereabouts west of the farmhouse in the occupation of Roger Walker Barker, and three hundred and eighty yards or thereabouts north-east of the junction of Beaver Dyke and the stream which flows from the said ten-acre reservoir with the stream known as Oak Beck.

A.D. 1880.

—  
*Harrogate*  
*Water.*

22. 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, and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards.

Limits of  
deviation.

23. 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 it shall not be necessary for the Undertakers within that time to make the embankment authorised by this Order of a greater height than twenty-six feet, and that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time raise the said embankment, and alter, enlarge, and extend their engines, machinery, tanks, wells, conduits, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Time for  
completion  
of work.

24. 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 pipes, or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences  
with railway  
and other  
companies.



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*Miscellaneous.*

*Harrogate  
Water.*

Half-yearly  
meetings.

Costs of Order.

25. The ordinary half-yearly meetings of the Undertakers may be held in the months of February and August, notwithstanding anything contained in the Act of 1846.

26. 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.

*Luton  
Water.*

LUTON WATER.

*Order empowering the Luton Water Company to raise Additional  
Capital.*

Short title.

1. This Order may be cited as "The Luton Water Order, 1880."

Construction  
of Order.

2. The Luton Water Act, 1865, (in this Order referred to as "the Act of 1865,") 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.

3. 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 payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The 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 the Order, incorporated with and form part of this Order.

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

Undertakers.

4. The Luton Water Company incorporated by the Act of 1865 shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

*Additional Capital.*

A.D. 1880.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

*Luton  
 Water.*

Additional  
 capital.

1. Raise any further sums, not exceeding in the whole thirty thousand pounds, by the issue of new ordinary or preference shares, but the Undertakers shall not issue any share under the authority of this Order of less nominal value than five pounds, and not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and

2. Borrow on mortgage, in respect of the additional capital of thirty thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole seven thousand five hundred pounds; and the Undertakers may, as each sum of seven thousand five hundred pounds of such additional capital has been issued and accepted, borrow on mortgage, in respect of each such sum of seven thousand five hundred pounds, any sum or sums not exceeding in the whole one thousand eight hundred and seventy-five pounds; but in no case shall any part of the said respective sums of one thousand eight hundred and seventy-five pounds be borrowed until the Undertakers have proved to the Justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued and accepted bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such Justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

6. 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.

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

Calls.

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.

Receipt clause  
 in case of  
 person not  
 sui juris.



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
Act, 1880.

A.D. 1880.

*Luton  
Water.*

Votes of  
proprietors.

9. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Power to create  
debenture  
stock.

10. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank *pari passu* with the interest of all mortgages granted by the Undertakers under the authority of this Order, and shall have priority over all principal moneys secured by such mortgages.

Priority of  
existing  
mortgages.

11. All mortgages granted by the Undertakers under the authority of the Act of 1865 shall have priority over all mortgages granted under the authority of this Order.

Limits of divi-  
dend on addi-  
tional capital.

12. 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 of such capital as may be issued as preference capital.

Dividends on  
different  
classes of  
shares to be  
paid rateably.

13. 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 maximum rate of dividend on each class of ordinary shares or stock in the capital and additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class.

Limit of  
interest on  
moneys bor-  
rowed.

14. 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.

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

Application of  
money.

16. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1865.

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

17. 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.

A.D. 1880.

—  
*Luton*  
*Water.*

Costs of Order.

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NEWHAVEN AND DENTON WATER.

*Newhaven*  
*and Denton*  
*Water.*

*Order authorising the construction of Waterworks, and the supply of Water, in the parishes of Newhaven and Denton, in the county of Sussex.*

1. This Order may be cited as "The Newhaven and Denton Water Order, 1880." Short title.

2. 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. Incorporation of Acts.

3. 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 Waterworks Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings : Interpretation.

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

In this Order—

The term "premises" shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order :

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

4. 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 Newhaven and Denton, in the county of Sussex. Limits of Order.

*Undertakers.*

5. The Right Honourable Henry North, Earl of Sheffield, and his heirs or assigns, shall be the undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.

*Capital.*

*Newhaven  
and Denton  
Water.*  
Capital.

6. The capital of the Undertakers, for the purposes of the undertaking authorised by this Order, shall not exceed twenty thousand pounds, unless they be hereafter authorised to raise additional capital for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of borrowing powers.

7. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole five thousand 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.

Power to acquire lands.

8. The Undertakers may, by agreement, purchase and use such of the lands shown on the deposited plans as they may require for the purposes of the undertaking authorised by this Order, and they may, by agreement, from time to time purchase and use any other lands, and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for such purposes more than five acres of land.

Person under disability may grant easements to Undertakers.

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

10. The Undertakers may, on the lands delineated on the deposited plans, when the same have been acquired by them, 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 tanks, pipes, culverts, embankments, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, 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 authorised by this Order are situate in the parish of Newhaven, in the county of Sussex, and are as follows:—

- (1.) A well and pumping station to be situated on certain lands belonging to the Right Honourable the Earl of Sheffield at a distance of about nine chains in a south-westerly direction from the south-west corner of the Newhaven Coastguard Station;
- (2.) A service reservoir to be situated on lands belonging to the Right Honourable the Earl of Sheffield at a point on the slope of the hill at a distance of about eight chains in a north-westerly direction from the well and pumping station before described;

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

- (3.) A main pipe commencing at the well and pumping station before described, and terminating at the service reservoir before described ; A.D. 1880.  
 (4.) A main pipe commencing in the said service reservoir, thence passing *Newhaven and Denton Water.* to the road leading from Newhaven past the Coastguard Station to the Hope Inn, and thence along that road in a northerly direction, and along Prospect Place, North View Terrace, and Meeching Road, and terminating at the junction of the last-mentioned road with High Street, in the town of Newhaven.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or seven feet downwards. *Limits of deviation.*

12. 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 within the limits of supply. *Period for completion of works.*

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

*Quality of Water.*

14. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit. *Quality of water.*

*Supply.*

15. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this Order, nor need the water supplied by the Undertakers be constantly laid on under pressure. *Limits of pressure.*

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

*Rates for supply for domestic purposes.*



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*Act, 1880.*

A.D. 1880.

*Newhaven  
and Denton  
Water.*

Where the net annual value of the premises so supplied with water according to the valuation or assessment list from time to time in force does not exceed five pounds, at a rate not exceeding twopence per week;

Where such net annual value is above five pounds, and does not exceed ten pounds per annum, at a rate not exceeding threepence per week;

Where such net annual value is above ten pounds and does not exceed twenty pounds per annum, at a rate per centum per annum not exceeding eight pounds;

Where such net annual value is above twenty pounds, at a rate per centum per annum not exceeding seven pounds:

Provided that all inns and hotels, whether public or private, the net annual value of which exceeds ten pounds, shall be liable to a yearly rate not exceeding eight pounds per centum per annum on the amount of such value, whether the same exceeds twenty pounds or not.

Rates for  
waterclosets  
and baths.

17. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding seven shillings and sixpence per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with and as part of or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that for baths containing, as usually filled for use, a greater quantity of water than fifty gallons, the Undertakers may charge an increased rate in proportion to the size of such baths; but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain, when filled for use, more than fifty gallons of water.

Undertakers  
to supply  
water to road  
and sewer  
authorities.

18. The Undertakers shall, when required, supply the road authority within the meaning of section two of the Gas and Water Works Facilities Act, 1870, and every sewer authority within the limits of supply, with water for watering roads and streets, and for flushing sewers and drains, or other public purposes, at a rate not exceeding two shillings for every thousand gallons; but no such authority shall be entitled to such a supply whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply for domestic purposes.

Water supplied  
by agreement.

19. The Undertakers may from time to time supply any person, corporation, or company 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 be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement, no person, corporation, or company 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 for domestic purposes under this Order; and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing.

For supply of  
vessels.

20. The Undertakers may, by agreement, supply with water ships or vessels resorting to the port of Newhaven, and, for the purpose of supplying such ships

[43 & 44 VICT.] *Gas and Water Orders Confirmation* [Ch. lxi.]  
*Act, 1880.*

or vessels with water, may from time to time lay down and erect such pipes and other works as they may think necessary in convenient stations upon or near to any of the piers, quays, or wharfs within the limits of supply, and may also for the like purpose from time to time vary and alter such pipes and other works, and the Undertakers may charge such remuneration or rate of payment for the water supplied to any ships or vessels as they from time to time may think reasonable: Provided always, that no pipes or other works shall be laid or erected upon any such piers, quays, or wharfs unless with the previous consent of the owner or owners thereof, and of the persons having the control and management of the same.

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*Newhaven  
and Denton  
Water.*

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

Supply of  
water by meter.

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

Undertakers  
to keep meters  
in repair.

23. 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 always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the 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  
meters to be  
evidence.

24. 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.

25. 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

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



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A.D. 1880. of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

*Newhaven  
and Denton  
Water.*

Supply of water  
to tenements  
in a row.

26. 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 such tenement, unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this Order for a supply of water.

*Penalties.*

Impurity of  
water.

27. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Injuring  
meters.

28. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence, injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Mis-user where  
supply to  
several houses  
is by a pipe  
common to all.

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

*Miscellaneous.*

Incoming  
tenant not  
liable to pay  
arrear.

30. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them

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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.

A.D. 1880

*Newhaven  
and Denton  
Water.*

31. 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 sum-  
mons.

32. 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 the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of  
distress to  
include costs.

33. 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 from  
acting.

34. 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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NORWOOD (MIDDLESEX) WATER.

*Norwood  
(Middlesex)  
Water.*

*Order empowering the Norwood (Middlesex) Waterworks Company (Limited) to supply water within the parishes of East Bedfont, Feltham, Hanworth, and Cranford, in the county of Middlesex, and to raise additional capital.*

1. This Order may be cited as "The Norwood (Middlesex) Water Order, 1880."

Short title.

2. The Norwood (Middlesex) Water Order, 1878, (in this Order referred to as "the Order of 1878,") and this Order, shall be construed together as one Order, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction  
of Order.

3. The Waterworks Clauses Acts, 1847 and 1863, are, except where expressly varied by this Order, incorporated with and form part of this Order.

Incorporation  
of Acts.

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

4. The Norwood (Middlesex) Waterworks Company (Limited), referred to as the "Undertakers" in the Order of 1878, shall be the Undertakers for the purposes of this Order (and are herein-after referred to as "the Undertakers"), and shall have and may exercise within the parishes of East Bedfont, Feltham, Hanworth, and Cranford, in the county of Middlesex, all and the like powers, privileges, and authorities for the supply of water, and be subject to all and the

Undertakers  
to exercise  
powers within  
extended  
limits.



[Ch. lxi.] *Gas and Water Orders Confirmation* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.

*Norwood  
Middlesex)  
Water.*

like duties, liabilities, and obligations in respect thereof, as they now have and are subject to within the limits of supply as defined by the Order of 1878; and the expression "limits of supply" in the Order of 1878, or in this Order, shall, except as herein-after provided, from and after the passing of the Act confirming this Order, be deemed to include the precinct or parish of Norwood and also the above-named parishes: Provided always, that although the Undertakers may carry their water mains and pipes through the said parish of Cranford for the purpose of conveying water to the other parishes situated to the southward thereof, yet they shall not (except as aforesaid) exercise the powers conferred nor be under the obligations imposed upon them by this Order with respect to the supply of water to the inhabitants of the parish of Cranford unless and until they are required to furnish such supply by the local authority.

For protection  
of Grand  
Junction  
Canal.

5. Notwithstanding anything in this Order, it shall not be lawful for the Undertakers, without the previous consent in writing of the Company of Proprietors of the Grand Junction Canal (in this Order referred to as "the Canal Company"), to lay or maintain any mains or pipes across, over, under, or along, or otherwise to interfere with, the Grand Junction Canal or the towing-path thereof, or other property of the Canal Company, otherwise than by means of any bridge across the same dedicated to the use of the public, and in such manner only as that such mains and pipes shall, unless otherwise agreed by the Undertakers and the Canal Company, be laid inside the parapets of such bridge, and shall not interfere with the permanent structure or brickwork or timbers of such bridge; and it shall be lawful for the Canal Company, at any time after giving to the Undertakers three months' notice of their intention to remove, alter, or renew any such bridge over or along which any of the mains or pipes of the Undertakers are at the time laid or carried, to remove, alter, or renew such bridge in the same manner as they might have removed, altered, or renewed the same if this Order had not been granted and such mains or pipes had not been laid or carried over or along the same, without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be subjected in consequence of such renewal, alteration, or removal; and in the event of any such bridge over or along which any of the mains or pipes of the Undertakers are laid or carried being altered or renewed as aforesaid, the Undertakers shall at their own expense alter the position of such mains or pipes, and replace or relay the same in such manner only as that such mains and pipes shall, unless otherwise agreed by the Undertakers and the Canal Company, be laid inside the parapets of such new or altered bridge, and shall not interfere with the permanent structure or brickwork or timbers of such bridge: Provided always, that all the operations of the Canal Company in the removal, alteration, or renewal of any such bridge shall be executed without unnecessary delay, and that the Canal Company shall afford to the Undertakers, at the expense of the Undertakers, all reasonable facilities (consistent with keeping the canal open for public traffic) for preventing any interruption of the supply of water for domestic consumption through the pipes of the Undertakers during any of the said operations: Provided further, that the Undertakers shall acquire only such an easement in and upon any such bridge

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belonging to the Canal Company as may be necessary for laying and maintaining their mains and pipes in the manner and subject to the conditions aforesaid.

In laying down any mains or pipes, or in executing any works under or in exercise of the powers conferred by this Order, across or in any way affecting the canal, lands, or property wholly or partly belonging to the Canal Company, or any of the bridges or other works of the said Company, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said Company, and according to plans to be submitted to and approved of by him before any such works are commenced; and such works shall be executed by and in all things at the expense of the Undertakers, and so as to cause no permanent injury to the said canal, bridges, works, lands, or property, or interruption to the passage or conduct of the traffic over the said canal or the towing-path or wharves thereof; and if any injury arise to the said canal, bridges, works, lands, or property, or interruption to such traffic, the Undertakers shall make full compensation to the said Company in respect of the injury or interruption.

6. The Undertakers shall not acquire any ownership of or in any bridge which the inhabitants of the county of Middlesex are by law bound to maintain or repair, but the Undertakers may acquire an easement for making, maintaining, and using the works by this Order authorised over or upon any such bridge, nor shall the Undertakers execute or commence any work or works upon, under, or affecting any such bridge or the approaches thereto unless and until they have first delivered to the surveyor appointed by the justices of the peace for the said county, and for the time being having charge of such bridges, plans, drawings, and specifications of the works intended to be executed upon, under, or affecting such bridges or the approaches thereto, nor until the same plans, drawings, and specifications have been examined and approved of by the said surveyor, by writing under his hand: Provided always, that if the said surveyor fail to approve of the works for one calendar month after the plans, drawings, and specifications thereof have been delivered to him, then the Undertakers shall not execute nor commence any such works as aforesaid unless and until plans, drawings, and specifications thereof have been examined and approved by an engineer to be appointed by the Board of Trade on the application of the said justices or the said surveyor or the Undertakers.

The Undertakers shall execute all such works aforesaid at their sole expense, and shall at the like expense subsequently maintain the same, and all works which they are authorised to execute in, upon, or over any such bridge which the inhabitants of the county of Middlesex are by law bound to maintain or repair in good, substantial, and water-tight condition, and repair to the reasonable satisfaction of the said surveyor; and the Undertakers shall, within fourteen days after demand, pay to the said justices all costs and expenses incurred by them by reason or in consequence of the execution or of the failure of any of the works of the Undertakers under this Order, or of the non-performance by them of any of their obligations under the preceding provisions of this Order: Provided always, that nothing in this Order contained shall be

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—  
*Norwood*  
*(Middlesex)*  
*Water.*

For protection  
of Middlesex  
county bridges.



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*Norwood*  
(*Middlesex*)  
*Water.*

held to create or imply any obligation upon the said justices to maintain or to keep any such bridge or the approaches thereto in repair, nor to render the said justices or the inhabitants of the said county in any way responsible or liable to the Undertakers for or in respect of any damage or injury which may result to their works, or any of them, by reason of any want of repair to any such bridge or to the approaches thereto, or by reason of the failure or neglect on the part of the said justices, or of the inhabitants of the said county, to maintain any such bridge or the approaches thereto or any or either of them.

For protection  
of London  
and South-  
Western Rail-  
way Company.

7. For the protection of the London and South-Western Railway Company (in this Order called "the South-Western Company") the provisions following shall have full effect :

In laying or in effecting the repairs or renewals of any mains or pipes, or in executing any other works in exercise of the powers conferred by the Order of 1878, or by this Order, under, over, or upon, or in any way affecting, any railway, land, works, or other property of the South-Western Company, the same shall be done under the superintendence and to the reasonable satisfaction of their chief resident engineer for the time being, and according to such plans, sections, and specifications, and at such times, as shall previously be submitted to and approved by him, and shall be executed by and in all things at the expense of the Undertakers, and so as not to cause any injury or damage to any railway works or other property of the South-Western Company, or any interruption to the passage or conduct of traffic over any railway or at any station of the South-Western Company; and if any such injury, damage, or interruption arise, the Undertakers shall forthwith make full compensation to the South-Western Company in respect thereof.

The South-Western Company, if and when they think fit, may execute for and at the expense of the Undertakers all or any part of any works to be executed under, over, or upon, or within twenty feet from any railway, land, works, or other property of the South-Western Company.

All mains, pipes, and other works of the Undertakers under, over, or upon, or in any way affecting, any railway, land, works, or other property of the South-Western Company shall at all times be maintained in good repair and condition by the Undertakers, and, in default of their not being so maintained, the South-Western Company, if and when they think fit, may without notice repair the same, and all expenses incurred by them in or about such repairs shall forthwith be repaid to them by the Undertakers, and, if not repaid on demand, may be recovered from the Undertakers in any court of competent jurisdiction.

Power to  
acquire addi-  
tional lands.

8. The Undertakers may, by agreement, from time to time purchase and use any additional lands, and any easements, rights, or privileges in, over, or affecting any lands, which they may require for the purposes of this Order : Provided always, that they shall not at any time hold more than ten acres of land in addition to any land which they may hold under the authority of the Order of 1878.

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

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts,

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grant to the Undertakers any easement, right, or privilege 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.

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—  
*Norwood*  
*(Middlesex)*  
*Water.*

10. Except as is by this Order otherwise provided, if any difference arise between the Undertakers and any railway, canal, or other company, trustees, or commissioners whose land or works the Undertakers have power to cross or otherwise interfere with for the purpose of meeting the demands for water within the limits of supply, or as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for such purposes, the same shall be settled by an engineer 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 or body.

11. 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 for the purposes of the undertaking authorised by the said Order and by this Order: Provided that the share capital of the Undertakers for the said purposes shall not exceed thirty-six 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.

Capital.

12. The amount of all moneys borrowed by the Undertakers, and secured by the mortgage of the undertaking authorised by the Order of 1878 and by this Order (including the amount which may be borrowed under the authority of the Order of 1878), shall not at any time exceed, in the whole, nine thousand 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 passing of the Act confirming this Order.

Limit of bor-  
rowing power.

13. All moneys raised by the Undertakers under the authority of this Order shall be applied to the purposes of the undertaking authorised by the Order of 1878 and by this Order.

Application of  
money.

14. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred by the Undertakers before the passing of the Act confirming this Order.

Saving  
existing  
contracts.

15. Nothing contained in this Order shall in any way prejudice or affect any of the rights, powers, or privileges of the Undertakers under the Order of 1878.

Saving rights  
under Order  
of 1878.

16. 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.

Cost of Order.



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*Pwllheli*  
*Water.*

PWLLHELI WATER.

*Order authorising the maintenance and continuance of Waterworks, the construction of additional Waterworks, and the supply of Water in the several parishes and places of Llangybi, Abererch, and Denio, and in the borough of Pwllheli, in the county of Carnarvon.*

Short title.

1. This Order may be cited as "The Pwllheli Water Order, 1880."

Incorporation  
of Acts.

2. 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 last-mentioned Acts shall apply as well to the pipes and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

3. 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 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 expression "premises" shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order:

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

Limits of  
Order.

4. 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 several parishes and places of Llangybi, Abererch, and Denio, and the borough of Pwllheli, in the county of Carnarvon.

*Undertakers.*

Undertakers.

5. Arthur Edward Pownall, of Chorlton-cum-Hardy, near the city of Manchester, his heirs or assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

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*Capital.*

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6. The capital of the Undertakers, for the purposes of the undertaking authorised by this Order, shall not exceed eight thousand pounds, unless the Undertakers are authorised to raise additional capital for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

*Pwllheli*  
*Water.*  
 Capital.

7. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole two thousand 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.

Limit of  
 borrowing  
 powers.

8. The Undertakers may by agreement purchase and use such of the lands shown on the deposited plans as they may require for the purposes of the undertaking authorised by this Order, and they may by agreement from time to time purchase and use any other lands and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for such purposes more than five acres of land.

Power to  
 acquire land.

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

*Waterworks.*

10. 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, and use their existing waterworks and works connected therewith, and may, on the lands shown on the deposited plans, when the same have been acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the deposited plans and deposited sections, the additional works herein-after described, with all needful goits, conduits, or pipes, dams, weirs, sluices, valves, air valves, hydrants, 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 existing  
 works and to  
 construct addi-  
 tional works.

The works authorised by this Order are as follows :—

An aqueduct, conduit, or line of pipes, in the parish of Llangybi and county of Carnarvon, commencing in a spring situate in a field called or known as Ffynon, numbered 1,176 on the tithe commutation map of the said parish, and belonging or reputed to belong to the Reverend John Williams Ellis, and in the occupation of Margaret Jones, widow, and terminating in the



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*Pwllheli*  
*Water.*

Limits of  
deviation.

existing reservoir of the Undertakers situate at Mur-y-Cwyp in the parish of Llangybi aforesaid.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards, but this section shall not extend to any works or land purchased by the Undertakers.

Power to  
divert and im-  
pound water.

12. The Undertakers may by agreement, but not otherwise, take, divert, collect, and impound in their reservoirs the waters of the lake or goit called Glasfryn-faur-Lake, situate at Mur-y-Cwyp in the said parish of Llangybi, and the springs, brooks, and streams flowing into the same, and the springs or streams in land numbered 1,176 on the tithe commutation map in the said parish of Llangybi, and any other streams and waters found in the land shown on the deposited plans or which may or can be diverted by the works by this Order authorised.

Period for  
completion of  
works.

13. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their goits, conduits, or pipes, dams, weirs, sluice valves, air valves, hydrants, walls, fences, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

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

14. If any difference arises 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 pipes or conduits, or the facilities to be afforded for the same, such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

*Quality of Water.*

Quality of  
water.

15. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

*Supply.*

Limits of  
pressure.

16. The water supplied by the Undertakers need not at any time be delivered at a height greater than can be reached by gravitation from the reservoir or works authorised to be maintained under this Order, nor need the water supplied by the Undertakers be constantly laid on under pressure.

Rates for  
supply for  
domestic  
purposes.

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 watercloset), furnish to such owner or occupier a sufficient supply

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of water for such domestic purposes, at rates not exceeding the rates herein-  
 after specified ; (that is to say,)

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Eight pounds per centum per annum upon the annual rackrent, or, if not let  
 at an annual rackrent, upon the annual value of the dwelling-house or  
 part of the dwelling-house supplied, and so in proportion for any shorter  
 period than a year ; provided that the Undertakers shall not be obliged  
 to furnish any such supply for any less rate than twopence per week.

*Pwllheli*  
*Water.*

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

Rates for  
 waterclosets  
 and baths.

19. The Undertakers shall, when required, supply the road authority within  
 the meaning of section two of the Gas and Waterworks Facilities Act, 1870,  
 and every sewer authority within the limits of supply with water for watering  
 roads and streets, and for flushing sewers and drains or other public purposes,  
 at a rate not exceeding one shilling for every thousand gallons ; but no such  
 authority shall be entitled to such a supply whenever and so 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.

Undertakers to  
 supply water  
 to road and  
 sewer autho-  
 rities.

20. The Undertakers may, from time to time, supply any local board,  
 sanitary authority, corporation, company, 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 be agreed  
 upon between the Undertakers and such local board, sanitary authority,  
 corporation, company, body, or person ; but notwithstanding any such agree-  
 ment no such local board, sanitary authority, corporation, company, body, or  
 person shall be entitled to such a supply whenever and as long as the Under-  
 takers 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 be, by virtue of this Order, determinable by the Undertakers  
 on one month's notice in writing : Provided always, that nothing herein  
 contained shall authorise the Undertakers to lay down or place any pipe or  
 conduit, or to break up any road or street, or execute any work beyond the  
 limits of supply, or to supply or to continue to supply water within the  
 limits of supply of any local board or sanitary authority, corporation, company,  
 body, or person now or hereafter empowered by Act of Parliament, or by any  
 Provisional Order confirmed by Act of Parliament, to supply water.

Water supplied  
 by agreement.

21. The Undertakers may, if they think fit, enter into agreements for the  
 supply of water by measure to any consumer, and may charge a rent for each

Supply of  
 water by meter.



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A.D. 1880. meter provided by them at a rate per annum not exceeding fifteen per centum of the price of the meter, such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

*Pwllheli*  
*Water.*

Undertakers to keep meters in repair.

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

Register of meters to be evidence.

23. 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 always, that if the Undertakers and the consumer differ as to the quantity consumed such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the 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.

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

When several houses supplied by one pipe each to pay.

25. 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 and premises.

Supply of water to tenements in a row.

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

*Penalties.*

Impurity of water.

27. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds,

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provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

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*Pollheli*  
*Water.*

Injuring  
meters.

28. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or who fraudulently alters the Index to any meter or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained, and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or prevented any meter from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

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

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

*Miscellaneous.*

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

31. 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.

32. 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

Warrant of  
distress to in-  
clude costs.



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*Pwllheli*  
*Water.*

Liability to  
water rate not  
to disqualify  
justices from  
voting.

Costs of Order.

such money, and such costs shall be ascertained by the justice and shall be included in the warrant of distress for the recovery of such money.

33. 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.

34. 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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