



CHAPTER xcvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Herne Bay Water, Kettering Water, Mid Kent Water, and Wotton Estate Water. A.D. 1888.
[24th July 1888.]

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

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

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

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

1. This Act may be cited as the Water Orders Confirmation Act, 1888. Short title.

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

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the Special pro-
visions as to
houses of

A.D. 1888. consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

labouring
class.

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

SCHEDULE OF ORDERS.

HERNE BAY WATER.—Order empowering the Herne Bay Waterworks Company to raise additional capital.

KETTERING WATER.—Order empowering the Kettering Waterworks Company, Limited, to construct new and additional waterworks in the parish of Kettering, in the county of Northampton.

MID KENT WATER.—Order empowering the Mid Kent Water Company (Limited) to construct and maintain waterworks and to supply water in the parishes of Snodland, West Malling, Halling, Birling, Ditton, Addington, Leybourne, and Ryarsh, all in the county of Kent.

WOTTON ESTATE WATER.—Order authorising the construction and maintenance of waterworks and the supply of water within the parishes of Ludgershall, Brill, Kingswood, and Woodham, all in the county of Buckingham.

HERNE BAY WATER.

A.D. 1888.

Order empowering the Herne Bay Waterworks Company to raise additional Capital. *Herne Bay Water.*

1. This Order may be cited as the Herne Water Order 1888.

Short title.

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

Commence-
ment of
Order.

3. The Herne Water Act 1867 (in this Order referred to as "the Act of 1867") the Herne Water Order 1871 (in this Order referred to as "the Order of 1871") the Herne Water Order 1883 (in this Order referred to as "the Order of 1883") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction
of Order.

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

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 conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

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

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

5. The Herne Bay Waterworks Company incorporated by the Act of 1867 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

A.D. 1888.

*Herne Bay
Water.*New
capital.

6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1867 the Order of 1871 and the Order of 1883 (in this Order referred to as "the original capital") they may from time to time

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

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

As to conversion of
borrowed
money into
capital.

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

Receipt
clause in case
of person not
sui juris.
Except as
otherwise
provided new
shares or stock
to be subject
to the same
incidents as
other shares
or stock.

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.

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

ordinary as the case may be) of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

A.D. 1888.

Herne Bay
Water.

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

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

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

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

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

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

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

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

14. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863: Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act may be offered at the said reserve price to any other holders of ordinary shares or ordinary stock of the Undertakers in manner provided by section 18 of the said Act and if not accepted within one month subject to the provisions of section 20 of the said Act they shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

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

A.D. 1888.

*Herne Bay
Water.*Application
of premium
arising on sale
of shares or
stock.

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

Limits of
dividend on
additional
capital.

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

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

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

Power to create
debenture,
stock.

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

Existing mort-
gages to have
priority.

19. All mortgages granted by the Undertakers under the authority of the Act of 1867 or the Orders of 1871 or 1883 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act and Orders have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Limit of
interest on
moneys
borrowed.

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

Appointment
of a receiver.

21. Section 12 of the Act of 1867 (arrears may be enforced by appointment of a receiver) and section 20 of the Order of 1883 (appointment of a receiver) shall be and the same are hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver

In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage. A.D. 1888.
Herne Bay Water.

22. All moneys raised under this Order shall be applied in the first instance in paying off such debts of the Undertakers as may be properly chargeable to capital and as may not be secured by mortgage under the authority of the Act of 1867 or the Orders of 1871 or 1883 and then to the purposes of the undertaking authorised by the Act of 1867 the Order of 1871 the Order of 1883 and this Order to which capital is properly applicable. Application of moneys.

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

KETTERING WATER.

Kettering Water.

Order empowering the Kettering Waterworks Company, Limited, to construct new and additional Waterworks in the Parish of Kettering, in the County of Northampton.

1. This Order may be cited as the Kettering Waterworks Order, 1888. Short title.

2. The Kettering Waterworks Order, 1872 (in this Order referred to as the "Order of 1872"), the Kettering Waterworks Order, 1886 (in this Order referred to as the "Order of 1886"), 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. In this Order the terms "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order. Interpretation.

4. The Undertakers may by agreement purchase, take on lease, acquire and use such of the lands delineated on the deposited plans, and described in the schedule to this Order annexed, as they may require for the purposes of the undertaking, and they may by agreement from time to time purchase, take on lease, acquire and use any other lands, and any easements, rights or privileges in, over, or affecting any lands which they may require for such purposes. Provided that the Undertakers shall not at any time hold for such purposes more than eight acres of land in the whole. Power to acquire lands by agreement.

5. In addition to or in substitution for the whole or any part of the works which the Undertakers are by the Order of 1872 and the Order of 1886 authorised to construct and maintain, the Undertakers may from time to time, as they think fit, on the lands shown on the deposited plans so far as the same may, Power to construct additional water-works.

A.D. 1888.

*Kettering
Water.]*

for the time being, be in their possession, make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections, the works herein-after described, together with all needful approaches, embankments, roads, shafts, wells, pipes, culverts, cuts, drains, sluices, engines, pumps, weirs, buildings and other works connected therewith.

The works authorised by this Order are as follows :

A shaft or well with headings at the bottom for the collection of water, and a pumping station, works and buildings, and an elevated tank or reservoir, at a point 20 yards or thereabouts in an easterly direction from the existing reservoir of the Undertakers in the parish of Kettering.

And the said works shall be deemed to be a part of the undertaking authorised by the Order of 1872 and the Order of 1886, and the provisions of the said Orders shall (except where expressly varied by this Order) extend and apply to the said works in as full and complete a manner as if the same had been part of the works authorised by the said Orders of 1872 and 1886 or one of them.

Costs.

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

SCHEDULE referred to in the foregoing Order.

FIRST.—All that plot of freehold ground, situate in the parish of Kettering aforesaid, containing by admeasurement 1,246 square yards or thereabouts, bounded on the north-west by the existing reservoir and land belonging or reputed to belong to the Undertakers, on the south-west and south-east by land belonging or reputed to belong to Edward Miall Nunneley, and on the north-east by land belonging or reputed to belong to the late John Wilson's trustees.

SECONDLY.—All that plot of freehold ground, situate in the parish of Kettering aforesaid, containing by measurement 1,086 square yards or thereabouts, and bounded on the south-east by the said existing reservoir and land belonging or reputed to belong to the Undertakers, on the north-east by land belonging or reputed to belong to the said John Wilson's trustees, on the north-west by land belonging or reputed to belong to John Turner Stockburn intended to form part of a road, and on the south-west by the plot of ground next herein-after described.

THIRDLY.—All that plot of ground, situate in the parish of Kettering aforesaid, containing by estimation 70 square yards or thereabouts, and bounded on the north-east by the plot of ground secondly herein-before described, on the north-west by land belonging or reputed to belong to the said John Turner Stockburn intended to form another part of the said road, on the south-west by land belonging or reputed to belong to Charles Blunsom, and on the south-east by the said existing reservoir and land belonging or reputed to belong to the Undertakers.

MID KENT WATER.

A.D. 1888.

Order empowering the Mid Kent Water Company (Limited) to construct and maintain Waterworks and to supply Water in the parishes of Snodland West Malling Halling Birling Ditton Addington Leybourne and Ryarsh all in the county of Kent.

*Mid Kent
Water.*

1. This Order may be cited as the Mid Kent Water Order 1888.

Short title.

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

Commence-
ment of Order.

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

Incorporation
of Acts.

4. The several words terms and expressions to which by any Acts wholly or partially incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings. Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute and

Interpretation.

In this Order—

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

5. The limits within which the provisions of this Order shall be in force and have the effect (in this Order referred to as "the limits of supply") shall be the parishes of Snodland West Malling Halling Birling Ditton Addington Leybourne and Ryarsh all in the county of Kent provided that if at any time after the period of three years from the commencement of this Order it is represented in writing to the Board of Trade by the local authority having jurisdiction in any one of the said parishes of Snodland West Malling Halling Birling Ditton Addington Leybourne and Ryarsh or by twenty inhabitant householders of such parish that the Undertakers are not supplying water in such parish or some part thereof and if such local authority or twenty inhabitant householders satisfy the Board of Trade that such local authority or a company or other Undertakers are prepared to undertake the supply of such parish or of such part of such parish as the case may be with water, and to apply for an Act of Parliament or Provisional Order to authorise such supply the Board of Trade may if they think fit by Order to be made as herein-after specified amend the limits of supply as defined by this Order and exclude therefrom the whole or any part of such parish as to them may seem proper.

Limits of
Order.

[Ch. xcvi.] *Water Orders Confirmation* [51 & 52 VICT.]
Act, 1888.

A.D. 1888.

*Mid Kent
Water.*

Every such Order shall be signed by a secretary or an assistant secretary of the Board of Trade and the Board of Trade shall cause a copy of the same to be published once at least in each of two successive weeks in some one and the same local newspaper circulating within the limits of supply and once in the "London Gazette" and the Undertakers shall pay to the Board of Trade all costs incurred by them in and about the publication of the copies of such Order in manner aforesaid and from and after the publication of the copy of such Order in the "London Gazette" all the powers by this Order conferred upon the Undertakers, and exerciseable within such parish or such part of such parish as shall by such Order be excluded from the limits of supply shall absolutely cease and determine and this Order shall be construed accordingly and as though such parish or such part of such parish had not been by this Order included within the limits of supply.

Undertakers.

Undertakers.

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

Capital.

Capital.

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

Limit of
borrowing
powers.

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

Lands.

Power to
acquire lands.

9. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking and they may by agreement from time to time purchase or take on lease and use any other lands and any easements rights or privileges in over or affecting any lands which they may require for such purposes providing that they shall not at any time hold for such purposes more than three acres of land in the whole.

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

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

Construction of Waterworks.

A.D. 1888.

*Mid Kent
Water.*

Power to
construct
waterworks
and to supply
water.

11. The Undertakers may on the lands shown on the deposited plans when they have acquired and while they are possessed of the same maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works herein-after described with all necessary works pipes conveniences and appliances for the supply of water and they may subject to the provisions of this Order supply and sell water within the limits of supply.

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

A well and pumping station and a tank or service reservoir in and upon the north-eastern part of a field numbered 165 on the $\frac{1}{2500}$ scale ordnance map belonging or reputed to belong to and in the occupation of Mr. Henry Higham.

12. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans.

Limits of
deviation.

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

Period for
completion
of works.

14. Before laying down or executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the railway lands or property now or hereafter belonging to or used by the South-eastern Railway Company (hereinafter called the railway company) and before entering upon the said railway lands and property the Undertakers shall give at least one month's notice in writing to the company of their desire so to do and shall before such entry on the railway lands or property of the company for the purposes aforesaid or any of them obtain the written consent thereto of the railway company under the hand of their principal engineer for the time being.

For the pro-
tection of the
South-eastern
Railway Com-
pany.

One month at least before commencing to lay down any main pipe or other work or to execute or effect any repair or renewal of any main pipe or other works as aforesaid upon across over under or in any way affecting the railway lands or property of the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railway plans sections and specifications (except in case of urgent necessity) shall be submitted to the said engineer for his approval and shall be reasonably approved by him in writing or in the event of such engineer failing to signify his approval or disapproval within fourteen days after the submission of such plans as aforesaid or in the event of any difference thereon arising between the company and the Undertakers such plans sections and specifications shall be submitted to an engineer to be appointed by the Board of Trade on the application of either the

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*Mid Kent
Water.*

railway company or the Undertakers and the decision of such engineer shall be final and conclusive between both parties and such work shall be executed in accordance with such plans sections and specifications as so approved or as modified in accordance with any decision of such last-mentioned engineer as the case may be and under the superintendence of and subject to the reasonable approval of the said principal engineer provided that nothing herein contained shall authorise the Undertakers to occupy or use permanently with their works the surface of any land or property of the railway company without the previous consent in writing of the secretary of the railway company. All such works shall be done by and at the expense of the Undertakers who shall also restore and make good to the reasonable satisfaction of the railway company's engineer the roads over any bridges level crossings and approaches which the railway company either alone or jointly are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works and operations respectively and all other works of the Undertakers and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railway bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon or along any approach thereto and if any such injury or interruption or other damage shall arise from or in any way be owing to any of the works operations and matters aforesaid or the failure of any such mains pipes or works or from the acts or defaults of the Undertakers or their servants workmen or contractors the Undertakers shall make compensation to the railway company in respect thereof the amount of such compensation to be determined by arbitration in the manner herein-after provided and such compensation together with full costs shall be recoverable by the railway company from the Undertakers by all and the same means as any simple contract debt of like amount is recoverable.

In the event of any dispute arising between the principal engineer for the time being of the railway company and the engineer for the time being of the Undertakers the same shall be determined by an engineer to be appointed by the Board of Trade at the request of either party and the costs of such arbitration shall be in the discretion of the arbitrator.

As to pipes
crossing the
works of a
railway or
other com-
pany.

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

Supply.

Limits of
pressure.

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

Rates for
supply for
domestic pur-
poses.

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 of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified that is to say:—

A.D. 1888.

*Mid Kent
Water.*

Where the rateable value of the premises so supplied with water does not amount to twenty pounds the rate of seven pounds ten shillings per centum upon such rateable value:

Where such rateable value amounts to twenty pounds but does not amount to forty pounds the rate of seven pounds per centum upon such rateable value:

Where such rateable value amounts to forty pounds but does not amount to sixty pounds the rate of six pounds ten shillings per centum upon such rateable value:

Where such rateable value amounts to or exceeds sixty pounds the rate of six pounds per centum upon such rateable value:

And so on in proportion for any longer or shorter period than a year Provided that the Undertakers shall not be compellable to furnish any such supply for any less rate than twopence per week and that the Undertakers shall not be entitled in any case to demand a higher water rate for any house or part of a house included in any division of the above scale of rates than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale. The rateable value of any such premises as aforesaid shall be ascertained by the valuation list for the time being in force.

18. The Undertakers may charge in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings per annum and for every bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Rates for
waterclosets
baths &c.

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

Power for
Undertakers
to make
regulations
for prevent-
ing waste or
contamination
of water.

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

Publication
of regulations.

21. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid shall be primâ facie evidence in all legal proceedings of the due

Evidence of
regulations.

A.D. 1888. making confirmation publication and existence of such regulations without further or other proof.

*Mid Kent
Water.*

Power for
Undertakers
to repair or
alter pipes
where regu-
lations not
complied with.

22. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers may if they think fit after 48 hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations and the expense of such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Water sup-
plied by
agreement.

23. The Undertakers may from time to time by agreement supply any local authority body or person within or without the limits of supply with water in bulk for other than domestic purposes upon such terms and conditions and for such remuneration as may from time to time be agreed upon between the Undertakers and such authority body or person but notwithstanding any such agreement no such authority body or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that it would interfere with a 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 calendar month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Supply of
water by
measure.

24. The Undertakers may if they think fit enter into agreements for the supply of water by measure within the limits of supply to any person and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided that notwithstanding anything in this section contained the Undertakers shall not be entitled to charge for water supplied by them by measure at a higher rate than one shilling per one thousand gallons.

Undertakers
to keep
meters &c.
in repair.

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

Register of
meters, &c. to
be evidence.

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

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

A.D. 1888.

*Mid Kent
Water.*

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

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

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

When several
houses supplied
by one pipe
each to pay.

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

Supply of
water to tene-
ments in a
row.

30. The Undertakers may manufacture purchase sell hire and let on hire water meters service taps and fittings and apparatus and other things connected with the supply or consumption of water and may contract for and execute work in connexion therewith and may take payment and remuneration in respect thereof.

Power for
Undertakers
to manufacture
and deal in
meters and
water appa-
ratus &c.

Penalties.

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

Injuring
meters &c.

A.D. 1888.

*Mid Kent
Water.*

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

Misuser where
several houses
are supplied
by a pipe
common to all.

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

Miscellaneous.

Incoming
tenant not
liable to pay
arrears.

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

Several names
in one sum-
mons.

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

Warrant of
distress to
include costs.

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

Liability to
water rate not
to disqualify
justices
from acting.

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

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

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

Costs of Order.

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

SCHEDULE.

A.D. 1888.

*Mid Kent
Water.*

A piece of land situate at or near Dean Hill in the parish of Halling in the county of Kent and numbered 165 on the $\frac{1}{2500}$ scale ordnance map and containing by admeasurement half an acre or thereabouts.

WOTTON ESTATE WATER.

*Wotton
Estate
Water.*

Order authorising the construction and maintenance of Waterworks and the supply of Water within the Parishes of Ludgershall Brill Kingswood and Woodham all in the County of Buckingham.

1. This Order may be cited as the Wotton Estate Water Supply Order 1888. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order." Commence-
ment of Order.
3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order and the said provisions of the said Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as to any mains pipes or works which may be laid down or constructed under the authority of this Order. Incorporation
of Acts.
4. In this Order the terms "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order and the several words and expressions to which by any Act wholly or partially incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute. Interpretation.
5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Ludgershall that part of the parish of Brill lying to the east of the public road leading from Brill to Ludgershall and to the north of the road Limits of
Order.

A.D. 1888.

*Wotton
Estate
Water.*

leading from the cross roads on Brill Common to Wotton and the parishes of Kingswood and Woodham all in the county of Buckingham.

Undertakers.

Undertakers.

6. The Most Noble Richard Plantagenet Campbell Duke of Buckingham and Chandos and his executors administrators and assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time sold or assigned to any other body or person such body or person shall from the date of such sale or assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such sale or assignment shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the said undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Capital.

Share capital.

7. The capital of the Undertakers shall not for the purposes of the water undertaking exceed seven thousand pounds consisting of the original capital amounting to two thousand pounds and of additional capital to be issued subject to the provisions of this Order not exceeding five 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 dividend on capital.

8. The Undertakers shall not in any year make out of their profits any larger dividend 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 of such additional capital as is actually paid up Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the construction of this section the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking.

Limit of borrowing powers.

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

Undertaking to be personal property.

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

Lands.

A.D. 1888.

11. The Undertakers may by agreement purchase take on lease or otherwise acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking and they may by agreement from time to time purchase or take on lease and use any other lands and any easements rights or privileges in over or affecting any lands which they may require for such purposes. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole under the authority of this Order in addition to the lands shown on the deposited plans.

*Wotton
Estate
Water.*

Power to
acquire lands.

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

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

Construction of Waterworks.

13. The Undertakers on the lands upon which the same are situate may maintain and continue and from time to time alter enlarge renew and improve their existing works situate in the parishes of Ashendon Wotton Underwood and Brill in the county of Buckingham and herein-after described and may also on the lands shown on the deposited plans when they have acquired and while they are possessed of the same make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works herein-after described with all necessary embankments filtering beds softening tanks dams gauges basins drains sluices catchpits conduits culverts channels wells cuts adits aqueducts tunnels roads approaches apparatus engines and other works and conveniences in connexion with such existing and new works and necessary for the supply of water and may supply and sell water within the limits of supply.

Power to main-
tain existing
works and to
construct
additional
works and to
supply water.

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

- (A.) A collecting chamber or well situate in a field in the parish of Ashendon numbered 120 in the said parish on the $\frac{1}{2500}$ ordnance map of the county of Buckingham;
- (B.) A collecting chamber or well situate in a field in the parish of Ashendon numbered 116 in the said parish on the said ordnance map;
- (C.) A conduit or line of pipes (Conduit Number 1A) wholly in the parish of Ashendon commencing at the said well (A) and terminating at a point in the said field numbered 120 on the said ordnance map fifty yards or thereabouts from the fence forming the north-eastern boundary and one hundred and fifty yards or thereabouts from the fence forming the south-western boundary of the said field numbered 120;
- (D.) A conduit or line of pipes (Conduit Number 2A) wholly in the parish of Ashendon commencing at the said well (B) and terminating at a point in the said field numbered 116 on the said ordnance map seventy yards or thereabouts from the fence forming the south-western boundary and one hundred yards or thereabouts from the fence forming the south-eastern boundary of the said field numbered 116;

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Estate
Water.*

- (E.) A conduit or line of pipes (Conduit Number 3A) commencing in the said parish of Ashendon by a junction with the termination of Conduit Number 1A in the field numbered 120 above described and terminating at a tank or well situate in the field numbered 234 on the said ordnance map two hundred and eighty-two yards or thereabouts in a north-easterly direction from the porch of Thame Lodge in the parish of Wotton Underwood ;
- (F.) A conduit or line of pipes (Conduit Number 4A) commencing in the parish of Wotton Underwood by a junction with Conduit Number 3A at a point in the centre of the enclosure numbered 247 on the said ordnance map and terminating in the parish of Brill at a point in a field numbered 131 on the said ordnance map one hundred and twenty yards or thereabouts east of the corner of the said field formed by the intersection of the fences on the north-western and south-western sides of the same field ;
- (G.) A conduit or line of pipes (Conduit Number 5A) situate wholly in the parish of Wotton Underwood commencing by a junction with Conduit Number 3A at a point in the centre of the enclosure numbered 247 on the said ordnance map and terminating at a point at or near the south-eastern corner of the farmhouse of the farm known as "Moat Farm" numbered 39 on the said ordnance map ;
- (H.) A conduit or line of pipes (Conduit Number 6A) situate wholly in the parish of Wotton Underwood commencing in the field numbered 24 on the said ordnance map by a junction with Conduit Number 5A at a point thirty-four yards or thereabouts from the fence forming the south-western boundary and forty-four yards from the fence forming the north western boundary of the said field and terminating at a point in the enclosure or wood numbered 22 on the same map such point being twenty yards or thereabouts north of the corner of the said wood formed by the intersection of the fences on the south-western and south-eastern sides of the same wood.

The new works authorised by this Order are :

- (I.) A reservoir collecting chamber or tank situate in a field in the parish of Piddington in the county of Oxford numbered 261 in the said parish on the $\frac{1}{2500}$ ordnance map of the said county ;
- (J.) A conduit or line of pipes (Conduit Number 1) wholly in the parish of Piddington in the county of Oxford commencing at a spring issuing from the ground in or about the centre of the field numbered 250 in the said parish on the said ordnance map and terminating at the said reservoir collecting chamber or tank herein-before described ;
- (K.) A conduit or line of pipes (Conduit Number 2) commencing in the parish of Brill in the county of Buckingham at a spring issuing from the ground in the field numbered 53 in the said parish on the $\frac{1}{2500}$ ordnance map of the county of Buckingham seventy yards or thereabouts south-west of the boundary line separating the counties of Buckingham and Oxford on the said map and thirty-five yards or thereabouts east of the fence forming the western boundary of the said field numbered 53 and terminating at the said reservoir collecting chamber or tank herein-before described ;
- (L.) A conduit or line of pipes (Conduit Number 3) commencing in the parish of Brill in the county of Buckingham at a spring issuing from the ground in the said field numbered 53 on the said ordnance map seventy yards or there-

abouts south of the said boundary line separating the counties of Buckingham and Oxford and one hundred and thirty-five yards or thereabouts east of the said fence forming the western boundary of the said field numbered 53 and terminating at the said reservoir collecting chamber or tank herein-before described ;

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—
*Wotton
 Estate
 Water.*

(M.) A conduit or line of pipes (Conduit Number 4) commencing in the parish of Brill in the county of Buckingham at a spring issuing from the ground in the said field numbered 53 on the said ordnance map eighty yards or thereabouts south of the said boundary line separating the counties of Buckingham and Oxford and one hundred and forty-five yards or thereabouts east of the said spring at which the said Conduit Number 3 above described commences and terminating at the said reservoir collecting chamber or tank herein-before described ;

(N.) A conduit or line of pipes (Conduit Number 5) commencing in the parish of Piddington in the county of Oxford at the said reservoir collecting chamber or tank herein-before described and terminating in the parish of Wotton Underwood in the county of Buckingham at a point in the road leading from the Ludgershall and Dorton Road to Kingswood on the north side of and near to the terminus of the Kingswood branch of the Wotton tramway in the said parish of Wotton Underwood ;

(O.) A conduit or line of pipes (Conduit Number 6) commencing in the parish of Brill in the county of Buckingham by a junction with the said Conduit Number 5 at the point where that conduit crosses the public road leading from Brill to Ludgershall on the south side or end of the bridge carrying the said public road over the stream at the boundary of the parishes of Brill and Ludgershall and terminating in the parish of Ludgershall in the county of Buckingham at a point in the said road leading from Brill to Ludgershall about seventy yards north of the parish church of Saint Mary's Ludgershall ;

(P.) A conduit or line of pipes (Conduit Number 7) commencing in the parish of Piddington in the county of Oxford at the said reservoir collecting chamber or tank herein-before described and terminating in the parish of Brill in the county of Buckingham by a junction with the termination of the existing conduit or line of pipes in the field numbered 131 in the said parish on the $\frac{1}{2500}$ ordnance map of the county of Buckingham at a point one hundred and twenty yards or thereabouts east of the corner of the said field formed by the intersection of the fences on the north-west and south-west sides of the same field.

14. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown upon the deposited plans and they 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.

15. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes collecting

As to comple-
 tion of works.

[Ch. xcvi.] *Water Orders Confirmation* [51 & 52 VICT.]
Act, 1888.

A.D. 1888.

*Wotton
Estate
Water.*

Differences
with railway
and other
companies.

chambers and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

16. If any difference arise between the Undertakers and any railway canal gas or other company or any corporation body or person whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same the same shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Supply.

Limits of
pressure.

17. The water to be supplied by the Undertakers need not be at any time delivered at a height greater than can be reached by gravitation from the new reservoir collecting chamber or tank authorised by this Order.

Rates for
supply for
domestic
purposes.

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

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

Where such rateable value exceeds five pounds and does not exceed ten pounds at a rate per centum per annum not exceeding eight pounds ;

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

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

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

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

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

Provided that the Undertakers shall not be compellable to furnish such supply for any less sum than eight shillings and eightpence in any one year nor for a less period than twelve months.

Provided also that the Undertakers shall not be entitled in any case to demand a higher water rate for any house or part of a house included in any division of the above scale than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues.

Rates for water-
closets and
baths.

19. The Undertakers may charge for and in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every fixed bath capable of

containing not more than fifty gallons an additional sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as a water rate Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

A.D. 1888.

Wotton
Estate
Water.

20. The Undertakers may from time to time by agreement supply any body or person within or without the limits of supply with water in bulk for other than domestic purposes for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such body or person but notwithstanding any such agreement no body or person shall be entitled to a supply of water under any such agreement whenever and 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 and every such agreement shall by virtue of this Order be determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision Provided also that the charges for water supplied in bulk under any such agreement as aforesaid within the limits of supply shall not exceed the following charges (that is to say):—

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

- (1.) For fifty thousand gallons or any less quantity per quarter one shilling and sixpence per thousand gallons ;
- (2.) For any quantity exceeding fifty thousand gallons but not exceeding one hundred thousand gallons per quarter one shilling per thousand gallons ;
- (3.) For any quantity exceeding one hundred thousand gallons per quarter such sum as may be agreed between the Undertakers and the body or person supplied.

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

Power for
Undertakers to
make regula-
tions for pre-
venting waste
misuse or con-
tamination of
water.

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

Publication of
regulations.

23. A printed copy of any such regulation purporting to have been made by the Undertakers and to have been approved by the Local Government Board

Evidence of
regulations.

A.D. 1888.

*Wotton
Estate
Water.*Power for
Undertakers to
repair or alter
pipes &c.
where regula-
tions not com-
plied with.

as aforesaid shall be primâ facie evidence in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

24. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers may if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Supply of
water by
meter.

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

Undertakers
to keep meters
in repair.

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

Register of
meter to
be evidence.

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

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

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

29. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe Provided that the Undertakers shall not be

compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

A.D. 1888.

*Wotton
 Estate
 Water.*

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

Supply of
 water to
 tenements in
 a row.

Penalties.

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

Penalty for
 injuring
 meters &c.

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

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

Miscellaneous.

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

Incoming
 tenant not
 liable for
 arrears of
 former tenant.

A.D. 1888.

*Wotton
Estate
Water.*Several names
in one sum-
mons.Warrant of
distress to
include costs.Justices &c.,
not disqualified
for liability
to water rate.

Costs of Order.

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

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

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

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

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