



CHAPTER c.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Caton Water, Mid Kent Water, Stockport District Water, and Todmorden Water.

A.D. 1890.

[25th July 1890.]

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 (No. 1) Act, 1890.

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.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part

Special pro-
vision as to
houses of
labouring
class.

A.D. 1890. of a parish not being within an urban sanitary district, ten or more houses, which after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

SCHEDULE OF ORDERS.

CATON WATER.—Order authorising the construction and maintenance of waterworks, and the supply of water in the township of Caton and part of the township of Quernmore, in the parish of Lancaster in the county of Lancaster.

MID KENT WATER.—Order empowering the Mid Kent Water Company Limited to construct additional waterworks to extend their limits of supply and to raise additional capital.

STOCKPORT DISTRICT WATER. — Order empowering the Stockport District Waterworks Company to raise additional capital.

TODMORDEN WATER.—Order empowering the Todmorden Waterworks Company to raise additional capital.

[53 & 54 VICT.] *Water Orders Confirmation (No. 1)* [Ch. c.]
Act, 1890.

CATON WATER.

A.D. 1890.

Order authorising the construction and maintenance of Waterworks, and the supply of Water in the Township of Caton and part of the Township of Quernmore, in the Parish of Lancaster, in the County of Lancaster.

Caton
Water.

1. This Order may be cited as the Caton Water Order, 1890. 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, 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 defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order. Incorporation
of Acts.
4. In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order; the expression "the Undertaking" shall mean the waterworks and the works connected therewith by this Order authorised to be constructed and maintained and the several words, terms, 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 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 Township of Caton, in the Parish of Lancaster, in the County of Lancaster, and so much of the Township of Quernmore, in the same parish and county, as is situate within a radius of forty chains from Escow Beck House (New). Limits of
Order.
6. If at any time after the expiration of seven years from the commencement of this Order, the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district included within the limits of supply, the Local Authority having jurisdiction within such part of the said district may provide such supply in accordance with the provisions of the Public Health Act, 1875, or any company, body, or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the said district as if in either case there were no Company authorised by this Order to supply water therein. Where Under-
takers not
furnishing
sufficient
supply, Local
Authority or
company may
supply.

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890. If any difference shall arise between the Undertakers and any such Local
 Caton
 Water. Authority, company, body, or person as to the sufficiency of the supply of water
in any part of such district, such difference shall be settled on the application of
either party by the Board of Trade.

Undertakers.

Undertakers. 7. Bryan Padgett Gregson, Albert Greg, and Thomas Grassyard Edmondson,
all of Caton, in the County of Lancaster, and the survivors and survivor of them
and the executors or administrators of such survivor, their or his 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
assigned to any other body, company, or person, such body, company, or person
shall from the date of such assignment be the Undertakers for the purposes of
this Order in lieu of the person or persons above mentioned; but no such assign-
ment shall have any validity or effect until after the approval of the Board of
Trade to such 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 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.

Purchase of
Undertaking
by Local
Authority.

8. The Local Authority for the time being within the meaning of that term
in the Public Health Act, 1875, of the District within which the Undertaking is
situate may, at any time after the expiration of seven years from the commence-
ment of this Order, by six months' notice in writing, require the Undertakers to
sell, and thereupon the Undertakers shall sell and the Local Authority shall
purchase the Undertaking upon terms of the Local Authority paying such price
as may be agreed on, or paying the then value of all lands, buildings, works,
powers, rights, material and plant, effects, and property of the Undertakers, held
or used by them for the purposes of the Undertaking, such value to be in case of
difference determined by an Engineer or other fit person to be nominated as
referee by the Board of Trade on the application of either party, and the
expenses of the reference shall be borne and paid as the referee directs: Provided
that the value of such lands, buildings, works, powers, rights, materials and plant,
effects and property shall be deemed to be their fair market value at the time of
the purchase, due regard being had to the nature and then condition of such
buildings, works, materials and plant, effects and property, and to the state of
repair thereof, and to the circumstance that they are in such a position as to be
ready for immediate working, and to the suitability of the same for the purposes
of the Undertaking, and regard being had to the circumstances under which the
works were originally undertaken and carried out by the Undertakers.

The Board of Trade may determine any other questions which may arise in
relation to such purchase and may fix the date from which such purchase is to
take effect, and from and after the date so fixed, or such other date as may be
agreed upon between the parties, all lands, buildings, powers, rights, works,
materials and plant, effects and property so purchased shall be assigned by deed
duly stamped to the Local Authority.

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Act, 1890.

Any purchase of the Undertaking or of a portion of the Undertaking by a Local Authority shall be deemed to be made under section fifty-one of the Public Health Act, 1875; and any Local Authority may, for the purpose of such purchase, exercise all the powers of borrowing which they possess under the said Act, as if such purposes were purposes under the said Act, and all provisions for repayment of money, formation of sinking fund, and audit of accounts shall apply as if it were a case of expenditure by the Local Authority under the said Act.

A.D. 1890.

*Caton
Water.*

Capital.

9. The Capital of the Undertakers shall not for the purposes of the Undertaking exceed Eight Thousand Pounds, consisting of the Original Capital of Four Thousand Pounds already expended upon the Undertaking, and of Additional Capital to be issued subject to the provisions of this Order not exceeding Four Thousand Pounds, unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Capital.

10. 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 Six 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.

Limits of
dividend on
Capital.

11. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the Undertaking 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 after the commencement of this Order, and secured as aforesaid.

Limit of
borrowing
powers.

Lands.

12. 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 Undertaking, and they may by agreement from time to time purchase or take on lease and hold 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 create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole, in addition to the lands held by them at the commencement of this Order.

Power to
acquire Lands.

13. 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

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

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
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A.D. 1890. easement of water) in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rent charges, so far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

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Works.

Power to maintain existing works and to construct additional works and to supply water.

14. 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 Township of Caton, in the Parish of Lancaster, in the County of Lancaster, and hereinafter described, and may also on the lands shown 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 hereinafter 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 connection with such existing and new works and necessary for the supply of water, and may supply and sell water within the limits of supply.

The existing works hereinbefore referred to are as follows:—

- (1) A Filter-bed or tank formed upon land belonging, or reputed to belong, to the Undertakers on the north side of Traitors' Gill, and about twenty chains measured in a northerly direction from the junction of Littledale Road with Roeburndale Road:
- (2) A Reservoir formed upon land belonging, or reputed to belong, to the Undertakers, and about ten chains measured in an easterly direction from the north-east corner of Caton Old Workhouse, and about ten chains measured in a southerly direction from the junction of Quarry Road and the road leading to Anas Gill House:
- (3) An Aqueduct or line of pipes commencing in Traitors' Gill, about twenty-five chains from the southerly end of Caton Quarry, measured along the course of such Gill and terminating in the Filter-bed hereinbefore described:
- (4) An Aqueduct or line of pipes commencing in Traitors' Gill aforesaid, about sixty-eight chains from the southerly end of Caton Quarry, measured along the course of such Gill, and terminating in the Filter-bed hereinbefore described:
- (5) An Aqueduct or line of pipes commencing in the Filter-bed hereinbefore described, and terminating in the Reservoir hereinbefore described:
- (6) An Aqueduct or line of pipes commencing in the Reservoir hereinbefore described, and terminating on Brookhouse Bridge.

The new works authorised by this Order will be situate in the said Township of Caton, and are as follows:—

An Aqueduct or line of pipes commencing in Tarn Brook, about eleven chains north-eastward of the junction of Littledale Road with Roeburndale Road, and terminating in the filter-bed hereinbefore described.

Undertakers to fix water gauge.

15. The Undertakers shall, within three months after the commencement of this Order, fix and at all times hereafter keep in good working order and repair to the satisfaction of the Board of Trade a water gauge fifteen inches long and

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one and a quarter inches deep, at the high or east side of Brookhouse Bridge, and the Undertakers shall not at any time after the commencement of this Order abstract or take any water from the streams or other sources of supply named herein, or any of them, except at such times only as the water flowing down the stream at Brookhouse shall keep the said gauge full to the width and depth aforesaid: Provided that the restriction named in this clause shall not operate and be in force if the water in the reservoir belonging to the Undertakers shall have been used or reduced in extinguishing any fire within the limits of supply until the said reservoir shall have been refilled with water from the said streams or sources of supply.

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

Limits of
 deviation.

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

Period for
 completion of
 works.

18. All works to be constructed by the Undertakers in the exercise of the powers conferred by this Order in any way affecting the railway of the Midland Railway Company (in this section referred to as "the Company"), or any of the bridges or works thereof, or any lands or property belonging to the Company, shall be constructed under the superintendence and to the reasonable satisfaction of the principal Engineer for the time being of the Company, and according to plans to be reasonably approved by him, but in all things at the expense of the Undertakers, and so as to cause no injury to such railway, bridges, works, lands, or property, or interruption to the passage or conduct of traffic over such railway, and if in consequence of the construction of such works any injury be caused to such railway, bridges, works, lands, or property, or any interruption be caused to such traffic, the Undertakers shall make full compensation to the Company in respect of such injury or interruption, the amount of such compensation failing agreement to be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

For the pro-
 tection of the
 Midland Rail-
 way Company.

19. Nothing in this Order contained shall lessen or control any right, power, or authority now vested in the County Council of the County Palatine of Lancaster for altering or rebuilding any bridge, or the lengths of roadway adjacent thereto, repairable by the inhabitants of the said County or any Hundred therein, which may be crossed or affected by the works of the Undertakers, but all such rights, powers, and authorities shall remain in as full force as if this Order had not passed, and the said County Council shall not be liable

Protection for
 County and
 Hundred
 bridges.

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to make any compensation whatever for any damage or injury to the Undertakers by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto: Provided that in altering or rebuilding any such bridge or lengths of roadway adjacent thereto nothing shall be done to impede or interfere with the works of the Undertakers for any greater length of time or in any other manner than shall be necessary for the execution of the work, and before commencing such alteration or rebuilding ten days' notice thereof shall be given to the Undertakers, and the said County Council shall afford to the Undertakers all necessary and reasonable temporary facilities for enabling them to continue the supply of water during such alteration or rebuilding:

If any bridge repairable by the inhabitants of the said County or of any Hundred therein, upon or along which any pipes of the Undertakers are laid, be altered or rebuilt by the said County Council, the said County Council may require the Undertakers to alter any such pipes in such manner as the circumstances of the case may reasonably require:

Provided that in case of any difference between the said County Council and the Undertakers as to such alteration, the same shall be referred to an arbitrator to be agreed upon between the parties, or, failing agreement, to be appointed by the Board of Trade on the application of either party, and the costs of the arbitration shall be in the discretion of the arbitrator.

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

20. If any difference arises between the Undertakers and any railway or other company whose land or works the Undertakers have power to cross under the authority of this Order 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 conduits or pipes, 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.

Supply.

Limits of
 pressure.

21. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the reservoir or works authorised to be maintained, continued, or constructed by this Order.

Rates for
 supply of water
 for domestic
 purposes.

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

Where the rateable value of the premises so supplied with water does not exceed Five Pounds, the sum of Ten Shillings:

Where such rateable value exceeds Five Pounds and does not exceed Twenty Pounds, the rate of Ten Pounds per centum upon such rateable value:

Where such rateable value exceeds Twenty Pounds and does not exceed Fifty Pounds, the rate of Seven Pounds Ten Shillings per centum upon such rateable value:

Where such rateable value exceeds Fifty Pounds and does not exceed One Hundred Pounds, the rate of Seven Pounds per centum upon such rateable value:

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Where such rateable value exceeds One Hundred Pounds and does not exceed One Hundred and Fifty Pounds, the rate of Six Pounds per centum upon such rateable value :

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Where such rateable value exceeds One Hundred and Fifty Pounds, the rate of Five Pounds per centum upon such rateable value :

And so in proportion for any longer or shorter period than a year in each case :

Provided that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than Ten Shillings in any one year, and that the Undertakers shall not be entitled in any case to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge 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 :

Provided also that at any time after the expiration of six years from the commencement of this Order the Board of Trade may, if they think fit, upon the application of any local authority having jurisdiction within the limits of supply, or of any twenty or more inhabitant householders within the limits of supply, or of the Undertakers, by order in writing signed by a Secretary or an Assistant Secretary of the said Board, alter the said rates by substituting any other rates for the said rates, and as from the date specified in such Order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such Order :

A copy of any such Order made by the Board of Trade shall be published in the "London Gazette," and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof :

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: Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list, such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid, the apportionment in case of dispute to be determined by two Justices.

23. In addition to the foregoing charges, the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made), on any premises within the limits of supply, a sum not exceeding Five Shillings per annum ; and for every fixed bath capable of containing not more than fifty gallons, a sum not exceeding Ten Shillings per annum ; and for every fixed bath capable of containing more than fifty gallons, such sum as the Undertakers may think fit ; such additional sums to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate: Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

Rates for
water-closets,
&c.

24. For preventing waste, misuse, undue consumption, or contamination of the water of the Undertakers, the following provisions shall be in force and have effect, but 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. The said provisions are as follows :—

Regulations for
preventing
waste of water.

- (1) The Undertakers may from time to time make regulations for the purpose of preventing the waste, undue consumption, or misuse or contamination

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of water, and may by such regulations prescribe the size, make, nature, materials, workmanship, and strength, and the mode of arrangement, connection, disconnection, alteration and repair of the pipes, meters, cocks, ferrules, valves, soil-pans, water-closets, baths, tanks, cisterns, and other apparatus, fittings, means, contrivances, receptacles or appliances whatsoever to be used, and forbid any arrangements and the use of the several things before mentioned, or any or either of them, which may allow or tend to waste or undue consumption, misuse, erroneous measurement, or contamination :

- (2) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board, who are hereby empowered to confirm the same :
- (3) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation, together with a copy of the proposed regulations, shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply, who may, within the said period of one month, make such representations to the Local Government Board as they see fit :
- (4) A copy of all such regulations in force for the time being shall be kept at the Office of the Undertakers, and all persons may at all reasonable times inspect such copy without payment, and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on the payment of a sum not exceeding Twopence for each copy :
- (5) A printed copy of any such regulations, dated and purporting to have been made as aforesaid, and to have been confirmed by the Local Government Board, shall be evidence, until the contrary be proved, in all legal proceedings, of the due making, confirmation, publication, and existence of such regulations, without further or other proof :
- (6) In case of failure of any person to observe such regulations as are for the time being in force, the Undertakers may, if they think fit, after twenty-four hours' notice in writing, enter and by and under the direction of their duly authorised officer repair, replace, or alter any pipe, meter, valve, cock, ferrule, tank, cistern, bath, soil-pan, water-closet, or other apparatus, means, contrivance or receptacle, fittings or appliances belonging to or used by such person, 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 as water-rent is recoverable :
- (7) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding Five Pounds for each offence, and to a further daily penalty not exceeding Forty Shillings for each day or part of a day whereon such offence shall occur after conviction thereof, and the Undertakers may, in addition thereto, recover the amount of any damages sustained by them.

Water supplied
 by agreement.

25. The Undertakers may, from time to time, by agreement, supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk, for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such authority or company ; but, notwithstanding any such

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agreement, no such authority or company 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 be by virtue of this Order determinable by the Undertakers on one month's notice in writing: Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit, or the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act, 1875, or any similar provision.

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26. 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 cost of such meter or instrument, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Supply of
water by
measure.

27. 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 doing so such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

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

28. 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.

Register of
meters, &c.,
be evidence.

29. 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 and 11 Vict.,
c. 17, s. 44.

30. 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.

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

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890.

—
Caton
Water.
 Supply of
 water to tene-
 ments in a row.

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

Penalties.

Injuring
 meters, &c.

32. 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 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 use, as the case may be, has been fraudulently, knowingly, or wilfully caused by the consumer using such pipe, meter, instrument, or fittings.

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

33. 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.

Miscellaneous.

Incoming
 tenant not
 liable to pay
 arrears.

34. 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.

Several sums
 in one
 summons.

35. 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 sums.

[53 & 54 VICT.] *Water Orders Confirmation (No. 1)* [Ch. c.]
Act, 1890.

A.D. 1890.

36. 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.

Caton Water.
Warrant of distress to include costs.

37. No Justice or Judge of any County Court or Quarter Sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

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

38. 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.

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

Costs of Order.

MID KENT WATER.

Mid Kent Water.

Order empowering the Mid Kent Water Company Limited to construct additional Waterworks to extend their limits of supply and to raise additional capital.

1. This Order may be cited as the Mid Kent Water Order 1890.

Short title.

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

Commencement of Order.

3. The Mid Kent Water Order 1888 (in this Order referred to as the "Order of 1888") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

4. The Undertakers shall have and may exercise subject to the provisions of this Order within the parishes or places of Wouldham Burham and East Malling in the County of Kent all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1888 and the expression "limits of supply" in the said Order and in this Order shall from and after the commencement of this Order be deemed to include the said parishes or places.

Limits of Supply.

5. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district included within the limits of supply the local authority having jurisdiction within such part of the said district may provide such supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water

Where Undertakers not furnishing sufficient supply Local Authority or Company may supply.

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890. in such part of the said district as if in either case there were no Company
Mid Kent authorised by this Order to supply water therein. If any difference shall arise
Water. between the Undertakers and any such local authority company body or person
as to the sufficiency of the supply of water in any part of such district such
difference shall be settled on the application of either party by the Board of
Trade.

Capital.

Additional
capital.

6. The limitation prescribed by the Order of 1888 with respect to the amount
of the share capital of the Undertakers shall not prevent the Undertakers from
raising additional share capital not exceeding in the whole the sum of fifteen
thousand pounds (in this Order referred to as "the additional capital") for the
purposes of the undertaking authorised by the Order of 1888 and this Order,
to which capital is properly applicable. Provided that the share capital of the
Undertakers for the said purposes shall not exceed in the whole the sum of
thirty-three 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.

New Shares to
be offered by
auction or
tender.

7. The Undertakers shall when any shares forming part of the additional
capital by this Order authorised are to be issued and before offering the same to
the holder of any other share or stock of the Undertakers 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 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 reserve price put upon
such shares 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.

When pro-
prietor tender
same amount
as any other
person pro-
prietor to be
declared the
purchaser.

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

Purchase-
money of
shares to be
paid within
three months.

9. It shall be one of the conditions of any sale of shares under the provisions
of 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 of
Shares.

10. The intention to sell any shares 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 Under-

[53 & 54 VICT.] *Water Orders Confirmation (No. 1)* [Ch. c.]
Act, 1890.

takers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. A.D. 1890.

11. 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 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 such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share so offered and not accepted within the time prescribed by such resolution 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 forming part of the additional Capital.

Mid Kent Water.

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

12. 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.

Application of Premium arising on issue of Shares.

13. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the 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 so much 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 so much of such additional Capital as may be issued as Preference Capital.

Limits of Dividend on Capital.

14. In case in any year or in any half-year when a half-yearly dividend is declared 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 in the original and additional Capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Prescribed rates to be paid proportionately.

15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the Water Undertaking shall not at any time exceed in the whole one-fourth of the amount of the Capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order 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.

Borrowing powers.

Lands.

16. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the plans deposited for the purpose of this Order and described in the schedule to this Order annexed as they may require for the purposes of the Water Undertaking and they may by agreement from time to time purchase take on lease acquire and use any other lands and any easements rights or privileges in over or affecting any lands which they may

Power to acquire lands by agreement.

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890. require for such purposes Provided that the Undertakers shall not create or
Mid Kent permit a nuisance on any such lands and that they shall not at any time hold for
Water. the purposes of this Order and the Order of 1888 more than five acres of land in
the whole.

Construction of Waterworks.

Power to
construct
additional
waterworks.

17. In addition to the Works which the Undertakers are by the Order of 1888 authorised to construct and maintain the Undertakers may from time to time as they think fit on the lands now in their possession and on lands acquired by them under the authority of this Order make and maintain in the lines and according to the levels shewn on the plans and sections deposited for the purposes of this Order the works hereinafter described with all needful works pipes conveniences and appliances connected therewith.

The Works authorised by this Order will be situate wholly in the Parish of Halling in the County of Kent and are as follows :—

(1.) A well and pumping station situated in a piece or parcel of ground belonging or reputed to belong to the Undertakers and being part of a field numbered 47 on the 25-inch scale Ordnance Map of the said Parish.

(2.) A conduit or line of pipes commencing at the said well and terminating in the reservoir belonging to the Undertakers situate upon the north-eastern part of the field numbered 165 on the said Ordnance Map.

And the provisions of the Order of 1888 (including the provisions for the protection of the South Eastern Railway Company) shall (except where expressly varied by this Order) extend and apply to the works authorised by this Order in as full and complete a manner as if the same had been part of the works authorised by the Order of 1888.

For protection
of main roads
and bridges.

18. Any alteration repair or improvement of any of the bridges or roads repairable by the County Council of Kent or any alteration of or in the position of the same may be made as if this Order had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Order authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates any support either temporary or permanent to any such works the Undertakers shall after fourteen days' notice in writing by the County Surveyor on behalf of the said County Council forthwith make such alteration or afford such support at their own expense.

For the pro-
tection of the
London
Chatham and
Dover Railway
Company.

19. In laying down and maintaining mains and pipes for the supply of water within the limits by this Order authorised where such mains and pipes are intended to pass under over or along the London Chatham and Dover Railway or between the works of that railway the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer having the charge of the said railway and works respectively and according to plans to be previously submitted to and reasonably approved by him before any such mains and pipes are begun or in the event of his failing to signify his approval or disapproval within twenty-eight days after the submission of such plans then according to such plan as shall unless otherwise agreed be determined by arbitration and such engineer may appoint and employ such inspectors and watchmen as may be necessary to secure the safety of the said railway or works and the costs of such inspectors and watchmen

[53 & 54 VICT.] *Water Orders Confirmation (No. 1)* [Ch. c.]
Act, 1890.

shall be borne and defrayed by the Undertakers and all works to be executed by the Undertakers shall be so executed as not to cause any injury to the said railway or the works thereof or any interruption of the passage or conduct of traffic over or along the said railway and if any loss injury or damage shall be sustained by the London Chatham and Dover Railway Company owing to or by reason of the laying down maintenance or repair of any such mains or pipes or of interruption to any such traffic the Undertakers shall make full compensation in respect thereof to the said Company Any difference which may arise between the Undertakers and the said Company as to any of the matters referred to in this section shall be settled by an Arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such Arbitrator shall be final and conclusive as between the parties and the costs of such arbitration shall be in the discretion of the Arbitrator.

A.D. 1890.

*Mid Kent
Water.*

20. The Undertakers shall not commence to lay any pipe or pipes across the River Medway or upon the bed soil or shore thereof or in any way interfere with the bed soil or shore of the said River until they shall have given to the Conservators of the said River twenty-one days' notice in writing of their intention to commence the same with proper plans and details shewing the mode in which it is intended to lay or carry such pipe or pipes across the said River and until the said Conservators shall have signified their approval of the same unless they fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivering of the said plans and details as aforesaid and the Undertakers shall comply with and conform to all reasonable directions and regulations of the said Conservators in the execution and subsequent maintenance of the said pipe or pipes and shall save harmless the said Conservators against all and every expense occasioned thereby and all such works shall be done under the superintendence and to the reasonable satisfaction of the Harbour Master or the Officer or Officers of the said Conservators at the costs charges and expenses in all respects of the Undertakers and all reasonable costs charges and expenses which the said Conservators may be put to in connection with the provisions for their protection herein-before contained shall be paid to them by the Undertakers on demand and in case of default may be recovered by the said Conservators as any ordinary simple contract debt of the like amount is recoverable.

For the protection of the
Conservators
of the River
Medway.

Costs.

21. 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.

SCHEDULE.

LAND PROPOSED TO BE USED FOR THE PURPOSES OF THE WATERWORKS.

All that piece or parcel of ground containing by admeasurement half an acre or thereabouts belonging or reputed to belong to the Undertakers and being part of a field numbered 47 on the 25-inch scale Ordnance Map of the Parish of Halling in the County of Kent.

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890.

STOCKPORT DISTRICT WATER.

*Stockport
District
Water.*

*Order empowering the Stockport District Waterworks Company to
raise Additional Capital.*

Short title.

1. This Order may be cited as the Stockport District Water Order 1890.

Commence-
ment of Order.

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

Construction
of Order.

3. The Stockport District Waterworks Act 1861 the Stockport District Waterworks Act 1863 the Stockport District Waterworks Act 1864 and the Stockport District Water Order 1876 (in this Order referred to as "the Acts of 1861 1863 and 1864 and the Order of 1876") 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 general Acts.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 1888 and 1889 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for 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 conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

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

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

Undertakers.

5. The Stockport District Water Company incorporated by the Act of 1861 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

A.D. 1890.

6. In addition to the capital already authorized to be raised by the Undertakers under the Acts of 1861 1863 and 1864 and the Order of 1876 (in this Order referred to as "the original capital") they may from time to time—

*Stockport
District
Water.*
New capital.

1. Raise any further sums not exceeding in the whole thirty-two 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 hereinafter provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of thirty-two thousand pounds ; and

2. Borrow on mortgage from time to time in respect of the new capital of thirty-two 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) realized 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 premiums (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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

As to conversion of borrowed money into capital.

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.

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

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

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890.

*Stockport
 District
 Water.*

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

that new capital were part of the original capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

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

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

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 to be entitled to such share or stock.

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

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.

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

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.

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

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

Application of
 premium
 arising on sale

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

[53 & 54 VICT.] *Water Orders Confirmation (No. 1)* [Ch. c.]
Act, 1890.

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.

A.D. 1890.

*Stockport
District
Water.*

of shares or
stock.

Limits of
dividend on
new 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 six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

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 reduction shall be made in the dividend of each such class.

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

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.

Power to
create debenture
stock.

19. All mortgages granted by the Undertakers under the authority of the Acts of 1861 1863 and 1864 or the Order of 1876 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 Acts and Order 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 and notwithstanding anything in the said Acts or Order contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under any of the said Acts or Order or this Order shall rank *pari passu*.

Existing
mortgages to
have priority.

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

Limit of
interest on
moneys
borrowed.

21. The mortgagees of the Undertakers 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 In order to authorize the appointment of a receiver in respect of arrears of principal the amount owing to the mort-

Appointment
of a receiver.

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
Act, 1890.

- A.D. 1890. gagees 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.
- Stockport*
District
Water. 22. All moneys raised under this Order shall be applied to the purposes of the
 Application of Undertaking authorised by the Acts of 1861 1863 and 1864 and the Order of
 moneys. 1876 to which capital is properly applicable.
- Costs of Order. 23. All the costs charges and expenses of and incidental to the applying for
 preparing obtaining and confirming this Order and otherwise in relation thereto
 shall be paid by the Undertakers.

Todmorden
Water.

TODMORDEN WATER.

Order empowering the Todmorden Waterworks Company to raise
Additional Capital.

- Short title. 1. This Order may be cited as the Todmorden Water Order 1890.
- Commence- 2. This Order shall come into force and have effect upon the day when the
 ment of Order. Act confirming this Order is passed which date is in this Order referred to as
 the "commencement of this Order."
- Construction 3. The Todmorden Waterworks Act 1882 (in this Order referred to as "the
 of Order. Act of 1882") 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 4. So far as the same relate to the powers conferred by this Order the pro-
 of Acts. visions of the Companies Clauses Consolidation Acts 1845 1888 and 1889 with
 respect to the several matters following (that is to say):—
 The distribution of the capital of the Company into shares ;
 The transfer or transmission of shares ;
 The payment of subscriptions and the means of enforcing the payment of
 calls ;
 The forfeiture of shares for 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 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 Com-
 panies Clauses Act 1863 and the Companies Clauses Act 1869 are except where
 expressly varied by this Order incorporated with and form part of this Order.

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For the purpose of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers. A.D. 1890.
 Todmorden
 Water.

5. The Todmorden Waterworks Company incorporated by the Act of 1882 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

Additional Capital.

6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1882 (in this Order referred to as "the original capital") they may from time to time — Additional
 capital.

(1) Raise any further sums not exceeding in the whole ten 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 additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained on the sale thereof as hereinafter provided has been paid in respect thereof: Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of ten thousand pounds ; and

(2) Borrow on mortgage any sum or sums not exceeding in the whole two thousand five hundred pounds but no part thereof shall 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 the capital by this Order authorised to be raised has been subscribed for and one-half of the amount payable in respect thereof has been paid up and upon production to such Justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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

8. 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 in case
 of persons not
 sui juris.

9. Except as by this Order otherwise provided the additional 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 additional capital were part of the original capital of the Undertakers of Except as
 otherwise pro-
 vided new
 shares or stock
 to be subject to
 the same
 incidents as
 other shares or
 stock.

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*Todmorden
Water.*

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

the same class or description and the new shares or stock were shares or stock in that capital.

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

When pro-
prietor tenders
same amount
as any other
person pro-
prietor to be
declared the
purchaser.

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 to be entitled to such share or stock.

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

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.

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

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.

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

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

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

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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. .

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

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 reduction shall be made in the dividend of each such class.

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

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

Debenture stock

19. All mortgages granted by the Undertakers under the authority of the Act of 1882 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 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 and notwithstanding anything in the said Act contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or this Order shall rank *pari passu*.

Existing mortgages to have priority.

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

Limit of interest on moneys borrowed.

21. Section twenty-one of the Act of 1882 (for appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or of 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

Appointment of a receiver.

[Ch. c.] *Water Orders Confirmation (No. 1) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890. arrears of principal the amount owing to the mortgagees by whom the appli-
Todmorden cation for a receiver is made shall not be less than one-tenth part of the total
Water. amount for the time being owing by the Undertakers on mortgage.

Application of 22. All moneys raised under this Order shall be applied to the purposes of
money. the undertaking authorised by the Act of 1882 and this Order to which capital
is properly applicable.

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

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