



CHAPTER ci.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Camborne Water, Frith Hill, Godalming, and Farncombe Water, Leatherhead and District Water, and Usk 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. 2) Act, 1890. Short title.

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

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the consent of the Local Government Board, purchase or acquire in

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

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

SCHEDULE OF ORDERS.

CAMBORNE WATER.—Order empowering the Camborne Water Company to raise additional capital and to construct additional works.

FRITH HILL GODALMING AND FARNCOMBE WATER.—Order empowering the Frith Hill Godalming and Farncombe Water Company Limited to construct additional Waterworks and to extend their Limits of Supply.

LEATHERHEAD AND DISTRICT WATER.—Order empowering the Leatherhead and District Waterworks Company to raise additional Capital.

USK WATER.—Order empowering the Usk Waterworks Company (Limited) to construct and maintain Waterworks and to supply Water in parts of the Parishes of Monkswood Llanbaddoc Gwehelog and Usk all in the County of Monmouth.

CAMBORNE WATER.

A.D. 1890.

Order empowering the Camborne Water Company to raise additional capital and to construct additional works. *Camborne Water.*

1. This Order may be cited as "The Camborne 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 Camborne Water Act, 1867 (in this Order referred to as "the Act of 1867"), 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):—
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 Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, and the provisions of the Waterworks Clauses Acts, 1847 and 1863, and of the Lands Clauses Acts (except with respect to the purchase and taking of land otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the Undertaking) 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. Incorporation
of Acts.
5. In this Order the expressions "deposited map," "deposited plans," and "deposited sections" shall mean respectively the map, plans and sections deposited for the purposes of this Order 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 Interpre-
tation.

[Ch. ci.] *Water Orders Confirmation (No. 2) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890. “superior court” or “court of competent jurisdiction” in any Act wholly or
Camborne partially incorporated with this Order shall be read and have effect, as if the debt
Water. 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.

Limits of 6. The limits within which the provisions of this Order shall be in force and
Order. have effect (in this Order referred to as “the limits of supply”) shall be the
limits of the Act of 1867.

Undertakers.

Undertakers. 7. The Camborne Water Company, incorporated by the Act of 1867, shall be
the Undertakers for the purpose of this Order, and are in this Order referred to
as “the Undertakers.”

Additional Capital.

Additional 8. In addition to the Capital already authorised to be raised by the Under-
capital. takers, under the Act of 1867 (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 five thousand five
hundred 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 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 five thousand five hundred pounds; and

(2.) Borrow on mortgage, in respect of the additional capital of five thousand
five hundred pounds, by this Order authorised to be raised by ordinary or
preference shares or stock, any sum or sums not exceeding in the whole one
thousand three hundred and seventy-five pounds, and the Undertakers may,
when the said five thousand five hundred pounds of such additional capital
has been issued and accepted, and one-half of the amount payable in respect
thereof has been paid up, borrow on mortgage any sum or sums not
exceeding in the whole, one thousand three hundred and seventy-five
pounds, but in no case shall any part of the said sum be borrowed until
shares for so much of that capital in respect of which such borrowing powers
are sought to be exercised, as is to be raised by means of shares, are issued
and accepted, and one-half of the amount payable in respect thereof has
been paid up, and until stock for one-half of so much of the said additional
capital as is to be raised by means of stock, together with the premiums (if
any) realised on the sale thereof has 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 the
whole of the capital by this Order authorised to be raised, has been issued

and accepted, and that one-half of the amount payable in respect thereof has been paid up, and that not less than one-fifth of the amount of each separate share in such capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and upon production to such justice of the books of the Undertakers and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

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9. 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 conversion of borrowed money into capital.

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

Receipt clause in case of person not sui juris.

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

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

12. The Undertakers shall when any shares or stock forming part of the additional capital 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 by special resolution 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.

New shares to be offered by auction or tender.

13. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for 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.

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

14. 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

Purchase money of capital sold by auction to

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Water.*be paid within
three months.As to notice
to be given of
sale of shares
and stock.Shares or
stock not sold
by auction or
tender to be
offered to
shareholders.Application
of premium
arising on
issue of
shares or
stock.Limit of
dividend on
additional
capital.Dividends on
different
classes of
ordinary
shares to be
paid pro-
portionately.Power to
create debenture
stock.

by any purchaser at such sale in respect thereof, shall be paid to the Undertakers within three months after such sale.

15. 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.

16. 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.

17. 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.

18. The Undertakers shall not in any year make out of their profits any larger dividends 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 five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

19. 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 dividends of each such class.

20. 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 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.

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21. All mortgages granted by the Undertakers under the authority of the Act of 1867 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.

22. 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 in-
terest on
moneys bor-
rowed.

23. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal, or principal and interest due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than One hundred pounds in the whole.

Appointment
of a receiver.

24. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1867, and this Order, to which capital is properly applicable.

Application
of money.

Lands.

25. 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, acquire and use any other lands, and any easements, rights or privileges in, over or affecting any lands which they may require for such purposes: Provided that they shall not 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.

Undertakers
may purchase
lands by
agreement.

26. 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.

Undertakers
may acquire
easement, &c.
by agreement.

[Ch. ci.] *Water Orders Confirmation (No. 2)* [53 & 54 VICT.]
Act, 1890.

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Construction of additional Waterworks.

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Power to
construct
additional
waterworks.

27. The Undertakers may on the lands shown on the deposited plans when they have acquired, and while they are possessed of the same, make and maintain in the lines and according to the levels shewn on the deposited plans and deposited sections the additional works hereinafter described, with all needful pipes, mains, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith.

The works authorised by this Order will be situate wholly in the Parish of Crowan, in the County of Cornwall, and are as follows :—

- (1.) A reservoir called Reservoir No. 2, situate in a croft or piece of uncultivated land, which, together with certain pools of water formerly existing in the same, is numbered 1267, 1268, and 1269, on the Ordnance Survey of the said Parish of Crowan, and belongs or is reputed to belong (subject to an agreement with the Undertakers for the sale or lease of the same) to the Rev. St. Aubyn Hender Molesworth St. Aubyn, which said piece of land is bounded on the south by the public road from Praze to Crowan, on the north by the leat which supplies the Cargenwyn Reservoir of the Undertakers, and on the east and west by other lands belonging or reputed to belong to the Rev. St. Aubyn Hender Molesworth St. Aubyn.
- (2.) A reservoir called Reservoir No. 3, situate in the said piece of land and immediately to the north of the said Reservoir No. 2.
- (3.) All necessary pipes, valves, aqueducts and leats for connecting the said Reservoirs Nos. 2 and 3 with the said Cargenwyn Reservoir.

Limits of
deviation.

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

Period for
completion of
works.

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

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

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

Supply.

Limits of
pressure.

31. 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 works authorised by this Order and the Act of 1867, nor need water be constantly laid on under pressure.

32. The Undertakers may from time to time by agreement supply any urban or rural sanitary authority or any company authorised to supply water beyond the limits of supply with water in bulk for any purpose for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such authority or company, but, notwithstanding anything in the Act of 1867 or in this section contained, no such authority or company shall be entitled to such supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes, under the provisions of this Order, and of the Act of 1867, 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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Water.

Water
supplied by
agreement.

33. 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
meter.

34. 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.

Undertakers
to keep meters
in repair.

35. 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.

Register of
meters to be
evidence.

36. 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.

37. 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

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

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Water.*Regulations
for prevent-
ing waste of
water.

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.

38. Section forty-five of the Act of 1867, shall be, and the same is hereby repealed, as from the commencement of this Order, and from and after such commencement the following provisions for preventing waste, misuse, undue consumption, or contamination of the water of the Undertakers 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 :—

- (1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste, undue consumption, or misuse, or contamination of water, and may by such regulations prescribe the size, make, nature, materials, workmanship, and strength, and the mode of arrangement, connexion, disconnexion, 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 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 be sealed with the seal of the Undertakers, 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.

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- (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.

Penalties.

39. 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.

Injuring
meters.

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

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

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

Costs of
Order.

A.D. 1890. FRITH HILL GODALMING AND FARNCOMBE WATER.

*Frith Hill,
Godalming,
and Farn-
combe Water.*

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

Short title.

1. This Order may be cited as "The Frith Hill Godalming and Farncombe 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 Frith Hill Godalming and Farncombe Water Order 1878 (in this Order referred to as "the Order of 1878") the Frith Hill Godalming and Farncombe Water Order 1886 (in this Order referred to as "the Order of 1886") 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.

Undertakers to
exercise powers
within ex-
tended limits.

4. The Undertakers shall have and may exercise subject to the provisions of this Order within the parish of Bramley in the county of Surrey all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1878 and the Order of 1886 and the expression "limits of supply" in the Order of 1878 the Order of 1886 and in this Order shall from and after the commencement of this Order be deemed to include the said parish.

Where Under-
takers not
furnishing
sufficient
supply Local
Authority or
company may
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 in such district or such part thereof as if in either case there were no Company authorised by this Order to supply water therein.

If any difference shall arise 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.

Power to ac-
quire lands.

6. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the plans deposited for the purposes of this Order as they may require for the purposes of the Water Undertaking and they may by agreement from time to time purchase or take on lease acquire and use any other lands and any easements rights or privileges in over or affecting any lands which they may require for such purposes: Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for the purposes of this Order and of the Orders of 1878 and 1886 more than ten acres of land in the whole.

7. In addition to the works which the Undertakers are by the Orders of 1878 and 1886 authorised to construct and maintain the Undertakers may from time to time as they think fit on the lands shown on the plans deposited for the purposes of this Order when the same have been acquired by them make and so long as they continue possessed of the same maintain in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order the works herein-after described together with all necessary pipes mains culverts cuts drains wells dams sluices engines pumps filtering beds machinery apparatus approaches and all works appliances and conveniences connected therewith.

A.D. 1890.

*Frith Hill,
Godalming,
and Farn-
combe Water.*

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

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

A water tower stand pipe or reservoir or all or any one of them to be constructed on a triangular piece of land about two acres and a half in extent or on part thereof situate at Munstead Heath bounded on the north by the high road leading from Godalming to Bramley on the south-west by the high road leading from Godalming to Thorncombe Street and on the south-east by the road or driftway effecting a junction between the aforesaid roads :

And the said works shall be deemed to be a part of the Water Undertaking authorised by the Orders of 1878 and 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 1878 and 1886 or one of them.

8. For the protection of main roads county bridges and approaches thereto and other property in the county of Surrey the following provisions shall have effect (that is to say) :—

For protection
of main roads
and bridges.

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

(b.) For the purposes of this section the term "main road" shall mean a main road under Section eleven of the Local Government Act 1888.

(c.) Notwithstanding anything in this Order contained the Undertakers shall be responsible for and make good to the said Surrey County Council all costs losses damages and expenses which they may be put to or sustain by reason of the execution or failure of any of the intended works or of any act or omission of the Undertakers or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Undertakers shall effectually indemnify

[Ch. ci.] *Water Orders Confirmation (No. 2) [53 & 54 VICT.]*
Act, 1890.

A.D. 1890.

*Frith Hill,
Godalming,
and Farn-
combe Water.*

Regulations
for preventing
waste of water.

and hold harmless the Surrey County Council from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission.

(d.) The costs charges and expenses of the said surveyor of and incidental to the superintendence of the works shall be paid by the Undertakers.

9. Sections fourteen to seventeen (both inclusive) of the Order of 1886 shall be and the same are hereby repealed as from the commencement of this Order and from and after such commencement the following provisions for preventing waste misuse undue consumption or contamination of the water of the Undertakers 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:—

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination 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 payment of a sum not exceeding two pence for each copy.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers 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.

A.D. 1890.

- (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 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.

*Frith Hill,
 Godalming,
 and Farn-
 combe Water.*

10. 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.

LEATHERHEAD AND DISTRICT WATER.

*Order empowering the Leatherhead and District Waterworks
 Company to raise additional Capital.*

*Leatherhead
 and District
 Water.*

1. This Order may be cited as "The Leatherhead and District 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 Leatherhead and District Waterworks Act 1883 (in this Order referred to as "the Act 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 Acts 1845 1888 and 1889 with respect to the several matters following (that is to say):—

Incorporation
 of Acts.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

A.D. 1890. 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.

—
*Leatherhead
and District
Water.*

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.

Undertakers.

5. The Leatherhead and District Waterworks Company incorporated by the Act of 1883 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional
capital.

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

1. Raise any further sums not exceeding in the whole twelve thousand five hundred 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 twelve thousand five hundred pounds: and
2. Borrow on mortgage in respect of the additional capital of twelve thousand five hundred 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 three thousand one hundred and twenty-five pounds and the Undertakers may as each sum of two thousand five hundred pounds of such additional capital has been issued and accepted and one half of the amount payable in respect of such sum has been paid up borrow on mortgage in respect of each such sum of two thousand five hundred pounds any sum or sums not exceeding in the whole six hundred and twenty-five pounds but in no case shall any part of the said respective sums of six hundred and twenty-five pounds be borrowed until shares or stock for so much of the additional capital in respect of which such borrowing powers are sought to be exercised are issued and accepted 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 shares or stock for the whole of the additional capital in respect of which such borrowing powers are sought to be exercised have been issued and

accepted and that 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 of 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.

A.D. 1890.

*Leatherhead
and District
Water.*

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 bor-
rowed money
into capital.

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

Except as
otherwise pro-
vided new
shares or stock
to be subject
to the same
incidents as
other shares or
stock.

9. 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 by special resolution 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.

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

10. When the amount bid 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.

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

11. 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.

A.D. 1890.

*Leatherhead
and District
Water.*As to notice to
be given as to
sale &c. of
shares and
stock.

12. 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.

13. 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.

14. 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.

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

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

16. 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.

Debenture
stock.

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

18. All mortgages granted by the Undertakers under the authority of the Act of 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 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*.

A.D. 1890.
Leatherhead and District Water.
 Existing mortgages to have priority.

19. 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.

20. Section twelve of the Act of 1883 (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 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.

Appointment of a receiver.

21. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1883 to which capital is properly applicable.

Application of money.

22. 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.

USK WATER.

Order empowering the Usk Waterworks Company (Limited) to construct and maintain Waterworks and to supply Water in parts of the Parishes of Monkwood Llanbaddoc Gwehelog and Usk all in the County of Monmouth.

Usk Water.

1. This Order may be cited as the Usk 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 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

Incorporation of Acts.

A.D. 1890. expressly varied by this Order hereby incorporated with and form part of this Order.

Usk Water.
Interpretation.

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

Limits of
Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parts herein-after described of the parishes of Monkswood Llanbaddoc Gwehelog and Usk all in the county of Monmouth (that is to say) :—

So much of the parishes of Monkswood and Llanbaddoc as lies within a line commencing on the west bank of the River Usk in the parish of Monkswood at the ford across the said river leading to Kemeys Commander and drawn thence in a south-easterly direction to Great Estayarney farm house thence in a southerly direction to Hen-rhiw farm house in the parish of Llanbaddoc thence in a westerly direction to the bridge over the Great Western Railway at Rhadyr corn mill thence along the line of railway in the direction of Usk for a distance of forty chains thence parallel with the River Usk and eight chains therefrom to Twyn-y-Bell House in the said parish and thence in an easterly direction to the bank of the River Usk and thence along the west bank of the said river to the starting point in the parish of Monkswood : and

So much of the parishes of Gwehelog and Usk on the east side of the River Usk as lies within a line commencing at the first milestone from Usk on the county road from Usk to Abergavenny and drawn thence in an easterly direction to the south-east corner of Barn Wood in the parish of Gwehelog thence in a southerly direction to Castle farm house in the parish of Usk thence in a south-easterly direction to the point where the county road from Usk to Chepstow crosses the Olway Brook thence along the Olway brook for a distance of twenty-five chains thence in a westerly direction to the east bank of the River Usk opposite Llanbaddoc Church and thence along the east bank of the said river to the starting point in the parish of Gwehelog.

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

6. 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 in such part of the said district as if in either case there were no Company authorised by this Order to supply water therein.

7 If any difference shall arise 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.

A.D. 1890.

Usk Water.

Undertakers.

7. The Usk Waterworks Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

8. The share capital of the Undertakers shall not for the purposes of the water undertaking exceed six 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.

Capital.

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-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock 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.

10. 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 also by agreement from time to time purchase or take on lease and use any additional 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 shown on the said plans.

Power to
acquire land.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and 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.

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

Construction of Waterworks.

12. The Undertakers may on the lands shown on the deposited plans so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels

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

A.D. 1890. shown on the deposited plans and deposited sections the works hereinafter described with all necessary pipes mains culverts wells dams sluices engines approaches embankments roads and all other works and conveniences connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

Usk Water.

The Works authorised by this Order will be situate in the County of Monmouth and are—

- (a) A reservoir or tank to be situate in a field known as Pandy Field in the parish of Goytre and numbered 998 on the 25-inch ordnance map of the said parish of Goytre and belonging or reputed to belong to the Governors of the Usk Grammar School and in the occupation of William Lewis:
- (b) An aqueduct conduit or line of pipes commencing in and out of the said reservoir or tank in the said parish of Goytre thence passing through the parishes of Goytre Monkswood and Llanbaddoc and terminating in or upon the turnpike road from Usk to Newport at or near the Bell Inn in the said parish of Llanbaddoc:
- (c) An aqueduct conduit or line of pipes commencing by a junction with the above-named line of pipes at or near Usk Bridge in the parish of Llanbaddoc and terminating at a point about thirty-two chains from Usk Bridge measuring along Bridge Street and Castle Parade in the parish and Borough of Usk.

Limits of deviation.

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

Period for completion of works.

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

For protection of Great Western Railway Company.

15. For the protection of the Great Western Railway Company the following provisions shall be in force and have effect:—

- (1.) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over or under the railway of the Great Western Railway Company shall so far as they may affect the Great Western Railway be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the Engineer for the time being of the said Company and in accordance with plans and sections (when necessary in the opinion of such Engineer) previously submitted to and approved of by him and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall (except in case of urgent necessity) be renewed and repaired in the same manner and under the like conditions.

A.D. 1890.

Usk Water.

- (2.) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.
- (3.) The Undertakers shall at all times keep the Great Western Railway Company indemnified against all damages losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes.

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

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

Supply.

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

Limits of pressure.

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

Rates for supply for domestic purposes.

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eight pence :

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 forty pounds the rate of nine pounds per centum upon such rateable value :

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of eight pounds per centum upon such rateable value :

Where such rateable value exceeds sixty pounds the rate of seven pounds per centum upon such rateable value :

And so in proportion for any shorter period than a year :

Provided that the Undertakers shall in no case be entitled 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 (after hearing the parties) 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

A.D. 1890. 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 :
Usk Water.

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 in 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.

Rates for
water-closets,
&c.

19. 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.

Regulations
for preventing
waste of water.

20. 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 :—

- (1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination 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 payment of a sum not exceeding two pence for each copy.

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Usk Water.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers 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 watercloset 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.

21. 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 other than domestic purposes for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company, but notwithstanding any such agreement no such authority or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under 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 in this section contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of Section fifty-two of the Public Health Act 1875 or any similar provision.

Supply of
water by
agreement.

22. 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.

23. 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

Undertakers
to keep meters
&c. in repair.

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Usk Water.

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.

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

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

25. 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.

26. 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.

Supply of
water to
tenements in
a row.

27. 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.

28. 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 and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1890.

Usk Water.

29. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be 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.

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

Incoming tenant not liable to pay arrears.

31. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the Schedule thereto several sums.

Several sums in one summons.

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

Warrant of distress to include costs.

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

Liability to water rate not to disqualify Justices from acting.

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

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

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

Costs of Order.

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