



CHAPTER cxiv.

An Act to enable the Maidstone Gas Company to construct additional Works; to raise further Capital; and for other purposes. A.D. 1880.
—
[2nd August 1880.]

WHEREAS by an Act passed in the fourth year of the reign of King George the Fourth, intituled “An Act for lighting with gas the public streets, lanes, passages, and places, and the houses, warehouses, and other buildings within the King’s town and parish of Maidstone, in the county of Kent,” the Maidstone Gaslight and Coke Company were incorporated: 4 Geo. 4.
c. xl.

And whereas the Maidstone Gaslight and Coke Company raised capital and established gasworks in Maidstone under the powers of the said Act:

And whereas by the Maidstone Gasworks Act, 1858 (in this Act called the Act of 1858), the recited Act was repealed, but the Maidstone Gaslight and Coke Company were continued incorporated under the name of the Maidstone Gas Company (in this Act called the Company), and with the Act of 1858 were incorporated the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, and the Gasworks Clauses Act, 1847; and, subject to the provisions of those Acts, the Company were empowered to make and supply gas within the limits of the Act of 1858, and to exercise the other powers and provisions of the said last-mentioned Act: 21 & 22 Vict.
c. xxxvi.

8 & 9 Vict.
c. 16.
8 & 9 Vict.
c. 18.
10 & 11 Vict.
c. 15.

And whereas the Company proceeded to carry the Act of 1858 into execution, and are now supplying gas within the limits of the Act of 1858:

And whereas the Act of 1858 provided that the capital of the Company should be fifty thousand pounds, the whole of which has

A.D. 1880. been issued in twenty-five pound shares, and is fully paid up, and subsists as follows :

Number of Shares.	Description of Shares.	Amount of Capital.	Maximum Rate of Dividend per Centum per Annum.
500	" A " shares	£12,500	£10
500	" B " shares	£12,500	£4
1,000	New shares	£25,000	£7 10
2,000		£50,000	

And the Company were authorised to borrow on mortgage or bond, and have borrowed and now owe on mortgage, the sum of ten thousand pounds, and they do not owe anything on bond :

And whereas the demand for gas within the limits of the Act of 1858 is increasing, and it is expedient that the powers of the Company be enlarged as by this Act provided :

And whereas, in order to enable the Company to supply the increased and increasing demand for gas within their limits of supply, it is expedient that the Company be authorised to acquire by agreement additional lands, to erect additional works, and to raise further capital :

And whereas it is expedient that the existing capital of the Company be consolidated into capital stock bearing one uniform rate of dividend :

And whereas it is expedient that the Company should be authorised to enter into contracts for the sale of gas in bulk, and to acquire and exercise patent rights and licenses with respect to the manufacture and distribution of gas :

And whereas it is expedient that the Company should be authorised to purchase or hire and to use, let, and sell gas and other fittings, and engines, stoves, pipes, and other appliances for lighting and warming houses and buildings, the cooking of food, for motive power, and for other purposes :

And whereas it is expedient that the several other powers in this Act contained be conferred upon the Company :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it 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; (that is to say,)

1. This Act may be cited as the Maidstone Gas Act, 1880.

Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except the provisions of those Acts 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), the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

Incorporation of general Acts.

23 & 24 Vict. c. 106.

32 & 33 Vict. c. 18.

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 borrowed money into capital;

The consolidation of 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 concerned;

and also Parts I., II., and III. of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock, and the Gas-

26 & 27 Vict. c. 118.

works Clauses Act, 1847, are, except where expressly varied by or inconsistent with this Act, incorporated with and form part of this Act; and the Gasworks Clauses Act, 1871 (except where expressly varied by this Act), shall, as and from the first day of January one thousand eight hundred and eighty-one, apply to the undertaking of the Company as if the same had been authorised by this Act, and shall from and after that day be incorporated with and form part of this Act; and the provisions of the Gasworks Clauses Act, 1871, shall be held to repeal and supersede such of the provisions of the recited Act of 1858 as are inconsistent with the Gasworks Clauses Act, 1871, as varied by this Act.

34 & 35 Vict. c. 41.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be some-

Interpretation of terms.

A.D. 1880. — thing in the subject or context repugnant to such construction; and for the purposes of this Act—

The expressions “superior courts” or “court of competent jurisdiction,” or any other like expression in this Act or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Existing
capital con-
verted into
stock.

4. The existing capital of the Company shall, as from the thirtieth day of June one thousand eight hundred and eighty, be hereby converted into stock, which stock shall be called “Maidstone Gas Consolidated Stock,” and shall consist of fifty-one thousand seven hundred and eighty-five pounds, and the following provisions shall have effect with respect thereto; (that is to say,)

- (1.) Except as herein-after provided, the dividend on such stock shall not, in respect of any one year, exceed seven pounds in respect of every one hundred pounds of such stock:
- (2.) The said stock shall be issued by the directors, and shall be divided amongst and vested in the shareholders of the Company according to their respective interests in the existing capital, having regard to the rate of dividend payable on the shares for which such stock is substituted:
- (3.) All persons in whom any such stock shall be so vested shall stand possessed thereof upon the like trusts and subject to the like powers, provisions, declarations, agreements, charges, liens, and incumbrances upon or to which the shares in respect of which such stock was so vested were at the passing of this Act so subject, and so as to give effect to and not to revoke any will or testamentary or other instrument disposing of the same:
- (4.) Every bequest of any shares in the existing capital shall be deemed to be a bequest of so much of the said stock as shall be substituted for the shares mentioned in that bequest:
- (5.) The Company shall call in and cancel the certificates of shares in the existing capital, and shall issue in lieu thereof to every shareholder a new certificate stating the amount of stock held by him:
- (6.) Every such new certificate shall be issued free of charge:
- (7.) No shareholder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the share certificate for which such stock is substituted,

or shall have proved to the reasonable satisfaction of the Company the loss thereof: A.D. 1880.

(8.) The Company may receive or pay, as the case may be, such sums of money as may be needed on account of any excess or deficiency in any amount of one pound:

(9.) Subject to the provisions of this section, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the consolidation of shares into stock, shall extend and apply to the said consolidated stock.

5. The Company may apply to the purposes of this Act any moneys they may have already raised or are authorised to raise, and may from time to time raise (in addition to their present authorised capital) any further sums, not exceeding in the whole fifty thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by one or more of those modes respectively; provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of fifty thousand pounds: Provided also, that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid forty thousand pounds, or within any subsequent year ten thousand pounds. Power to raise additional capital.

6. If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years, they may in any subsequent year create and issue, in addition to the amount prescribed for that year, such a nominal amount of capital as shall be sufficient, together with the amount then raised, to produce in manner aforesaid forty thousand pounds in respect of the year following the passing of this Act, and ten thousand pounds in respect of any subsequent year then expired. Restriction on amount of capital to be issued in any one year.

7. The Company shall not issue any such shares or stock, nor shall any such shares or stock vest in the person or corporation accepting the same, unless and until the full nominal amount of such shares or stock, together with any premium obtained upon the sale thereof, shall have been paid in respect thereof. New shares or stock not to be issued until nominal amount thereof paid up.

8. Subject to the provisions of this Act, the capital in shares or stock created under the powers of this Act shall for all purposes form part of the general capital of the Company. New shares or stock to form part of capital.

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New shares
or stock to
be offered by
auction.

9. Notwithstanding anything in this Act contained, the Company shall, when any shares or stock created under the powers of this Act are to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company is at a premium or not, offer the same for sale by public auction or by tender in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale not less than one half of the shares or stock to be offered thereat shall be offered in lots not exceeding one hundred pounds in nominal value, and the remainder in lots of not exceeding five hundred pounds each, and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Company 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 tenders shall be allowed to any holder of shares or stock in the Company, except that, if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person, the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

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

Notices to be
given as to
sale of shares
or stock.

10. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof, together with any premiums given by any purchaser at such sale, shall be paid to the Company within three months after such sale.

11. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Maidstone 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 once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

Shares or
stock not
sold by auc-
tion, &c. to
be offered to
shareholders.

12. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of ordinary shares or stock of the Company in manner provided by the Companies Clauses Act, 1863: Provided always, 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 by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act.

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13. Where the amount bidden or tendered by the proprietor of any share or stock of the Company (in this Act referred to as a proprietor) for any shares or stock offered for sale by auction or by tender under the provisions of this Act is equal to the highest amount bidden or tendered for such last-mentioned shares or stock by any person not being a proprietor, then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such shares or stock.

Where shareholder tenders for shares or stock the same amount as any other person, shareholder to be declared the purchaser.

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

Application of premium arising on issue of shares or stock.

15. Except as in this Act provided, the profits of the Company to be divided among the shareholders in respect of any one year shall not exceed the rate of seven pounds on ordinary shares or stock, and six pounds on preference shares or stock, in respect of every one hundred pounds of such shares or stock respectively, and such rates are in this Act referred to as the standard rates of dividend.

Standard rates of dividend.

16. Section 50 (limit of price for gas) of the Act of 1858 is hereby repealed as from the twenty-ninth day of September one thousand eight hundred and eighty, but without prejudice to the recovery of any moneys then due to the Company in respect of a supply of gas, or to any existing contracts or agreements with respect to such supply; and from and after that date the standard price to be charged by the Company for gas supplied by them shall (subject to the provisions of this Act) be three shillings and eightpence per one thousand cubic feet:

Price of gas.

Provided that the Company may increase or diminish such standard price subject to, a decrease or increase in the standard rates of dividend as defined by this Act, to be calculated as follows:

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

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

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

Application of excess of profits over standard rates of dividend.

18. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend by this Act authorised, the excess (subject to the provisions of this Act respecting the reserve fund), or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of the undertaking for the next following year.

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

19. Where in any year the amount of the standard rates of dividend of the Company shall, by reason of a diminution of the standard price charged by the Company in such year, be or admit of being increased, then, out of the amount of the divisible profits of the Company applicable to the payment of such increase, the Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company, and any reserve or other fund of the Company existing at the passing of this Act, may be invested in Government or other securities, and the dividends and interests arising from such securities may also be invested in the same or the like securities, in order that the same

may accumulate at compound interest, and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the standard rates of dividend, and, save as in this Act otherwise provided, no sum shall in any year be carried by the Company to any reserve fund.

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20. In addition to the moneys which the Company are authorised to borrow under the Act of 1858, they may from time to time borrow on mortgage, in respect of the additional capital of fifty thousand pounds by this Act authorised to be raised by shares or stock, any sum not exceeding in the whole the sum of twelve thousand five hundred pounds, and the Company may, as each portion of additional capital to be from time to time issued has been issued and accepted, and one half of the amount thereof has been paid up, borrow on mortgage, in respect of each portion of additional capital, any sum or sums not exceeding in the whole one-fourth part thereof, but in no case shall any part of any of the said respective sums be borrowed until the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such portion in respect of which such borrowing powers are sought to be exercised have been issued and accepted, and that one half of such portion has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof upon or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said portion of the additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said additional capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production from time to time to such justice of the books of the Company, 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.

Power to
borrow on
mortgage.

21. All mortgages or bonds granted by the Company, in pursuance of the powers of any Act of Parliament, before the passing

Priority of
principal
moneys

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secured by
existing
mortgages.

of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages or bonds, and subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over any mortgages granted by virtue of this Act; 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 Company.

Priority of
mortgages or
debenture
stock over
other debts.

22. All moneys to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property for the time being of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act; but this priority shall not affect any claim against the Company or their property in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Act Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Appoint-
ment of
receiver.

23. Section 33 (arrears may be enforced by the appointment of a receiver) of the Act of 1858 is hereby repealed, but without prejudice to any (if any) appointment heretofore made or to any (if any) proceedings pending at the passing of this Act, and in lieu thereof mortgagees of the Company 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 the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than five thousand pounds.

Debenture
stock.

24. The Company may create and issue debenture stock at such rate of interest as they may think fit, not exceeding five pounds per centum per annum, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages and bonds.

Conversion
of borrowed
money into
capital.

25. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, 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 Act,

unless in either case all dividends upon the shares or stock, whether ordinary or preference, are limited to a rate not exceeding five pounds per centum per annum.

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26. All moneys raised under this Act by the Company, whether by shares or stock or debenture stock, or by borrowing, shall, after payment of all costs, charges, and expenses of and incidental to the preparing, applying for, obtaining, and passing of this Act, be applied solely to the purposes of this Act and of the Act of 1858 to which capital is properly applicable.

Application of moneys.

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

Receipt of guardians, &c. to be sufficient discharge.

28. In addition to the lands now held by the Company, they may for the purposes of their undertaking purchase, take, and hold (by agreement, but not otherwise) the lands described in the First Schedule to this Act, Part II.

Power to purchase lands by agreement.

29. The directors may, if they think fit, at any time not being more than seven months nor less than five months before the day on which an ordinary general meeting of the Company is to be held, declare and pay to the holders of the several classes (if more than one) of shares and stock (other than debenture stock of the Company), on account and in anticipation of part of the dividends to be declared at such meeting, an interim dividend of such an amount as shall, in the opinion of the directors, having regard to the state of the business and of the ascertained and probable future profits during the current year of the Company, represent as nearly as may be one half of the amount of the dividends to which the respective classes (if more than one) of share or stock would be entitled out of the profits applicable to dividend of the whole of the current year.

Directors may declare interim dividends.

30. So much of section 38 of the Act of 1858 providing that the qualification of a director shall be one hundred and fifty pounds in the paid-up capital of the Company is hereby repealed, and from and after the passing of this Act the qualification of a director shall be the possession in his own right, or in right of his wife, of three hundred pounds in the paid-up share capital or stock in the Company's undertaking.

Alteration of qualification of director.

31. At all general meetings of the Company the shareholders in the undertaking shall be entitled to one vote for every share and for every ten pounds of stock: Provided that a stockholder of any fractional part of ten pounds shall not be entitled to any vote in

Scale of votes.

A.D. 1880. — respect thereof: Provided also, that, except as otherwise provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to
construct
gasworks,
&c.

32. In addition to the lands described in Part I. of the First Schedule to this Act, and the gasworks on those lands which the Company have erected under the authority of the recited Act of 1824 and the Act of 1858, or of one of those Acts, the Company may from time to time, subject to the provisions of this Act, erect, lay down, provide, and maintain, alter, improve, enlarge, extend, and renew or discontinue upon the lands which they are by this Act empowered to acquire, and which are described in Part II. of the First Schedule to this Act, and also upon the lands now belonging or reputed to belong to the Company, and described in Part III. of the schedule to this Act, additional and other gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, syphons, stopcocks, machinery, tramways, and other works, apparatus, and conveniences, and may do all such acts as they may think proper for making and storing gas, and for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, tar, pitch, asphaltum, ammoniacal oil, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, as they may from time to time think fit: Provided that the Company, upon, in, under, or over the land (d) in Part II. of the First Schedule to this Act, shall erect, lay down, provide, and maintain only drains, sewers, mains, pipes, lamps, lamp-posts, burners, syphons, stopcocks, tramways, roads, approaches, and other similar works, apparatus, and conveniences.

Power to lay
pipes against
buildings.

33. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it or supplying it with gas, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Power to
purchase
other lands
by agree-
ment.

34. The Company may for the purposes of their undertaking purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the First Schedule to this Act, and to the lands referred to in section 43 of the Act of 1858, any lands

and hereditaments, not exceeding in the whole five acres, which the Company may from time to time require for the purposes of their works and undertaking; but no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

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Gas not to be manufactured except on lands scheduled.

35. The Company may purchase or hire, and let, sell, or otherwise deal in and supply, and fix, set up, alter, remove, and refix, gas and other apparatus, engines, stoves, fittings, pipes, and other appliances, articles, and things for the warming or lighting of houses, buildings, and other places, and for the cooking of food, and for motive power, and all other purposes for which gas or other lighting or heating agents are or hereafter may be used, and may require and take such remuneration in money, or such rents and charges, for the sale, supply, fixing, setting up, letting, or use of such apparatus, engines, stoves, fittings, pipes, and other appliances, articles, and things as aforesaid, as may be agreed upon between the Company and the person to or by whom the same are sold, let, or used.

Power to supply gas apparatus, engines, stoves, &c. for warming or cooking, &c.

36. The Company may, on the request of the owner or occupier of any premises within the limits of this Act, give and continue to give a supply of gas for heating such premises, or for cooking purposes or motive power on such premises, and may furnish and lay any pipes, stoves, apparatus, fittings, or conveniences for the purposes of this section, on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Power to supply gas for heating and cooking purposes.

37. The Company may from time to time enter into and carry into effect contracts and agreements with any corporation, company, highway board, urban or rural sanitary or other local authority, person, or persons, with respect to the supply by the Company of gas in bulk within the limits of this Act.

Power to contract for sale of gas in bulk.

38. Subject to the provisions of this Act, the Company may, but not so as to acquire any exclusive right therein, contract for, take, and use within the limits of this Act any leave, license, or authority to work, use, exercise, or put in practice any invention under letters patent or otherwise, granting any right or privilege of working, using, or vending any invention in relation to the manufacture or distribution of gas, or the conversion, manufacture, utilization, or distribution of the materials used in or resulting from the manufacture of gas.

Power to take licenses.

39. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water

Pressure of gas.

A.D. 1880. — from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch, in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer, and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time and at any time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, *mutatis mutandis*, apply to such testing of pressure, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Purity and
illuminating
power of gas.

40. With respect to the purity and illuminating power of the gas supplied by the Company, the following provisions shall have effect; that is to say,

- (1.) The prescribed number of candles shall be fifteen :
- (2.) The gas shall be wholly free from sulphuretted hydrogen :
- (3.) From and after the first day of February one thousand eight hundred and eighty-one, the gas shall not contain more than twenty grains of sulphur in any one hundred cubic feet of gas :
- (4.) If in any one day the gas be of less purity than that prescribed by this Act, the average of all the testings under this Act made on that day and on the preceding and on the following day shall be deemed to represent the purity on that day :
- (5.) If by such average of testings the purity of the gas be found to be defective, the Corporation shall forthwith give notice of such defect in writing to the Company by letter addressed to the Company specifying therein the nature and extent of the defect :
- (6.) The Company shall be liable to a penalty not exceeding five pounds for every case of defect in illuminating power or purity under this Act :
- (7.) The Company shall not be liable to any penalty if the defect in illuminating power or purity arise from unavoidable cause or from accident :
- (8.) The Company shall not be liable to any penalty for any defect in illuminating power or purity unless the complaint respecting such defect shall have been made before the justices within thirty days next after the happening of the defect complained of.

41. The Company may, if they think fit, on any occasion of the testing of the illuminating power, purity, and pressure of the gas supplied by them, be represented by some officer, but such officer shall not interfere in the testing; and it shall not be necessary to give any notice of the time when any such testing is intended to be made.

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Company
may be re-
presented at
testings.

42. The prescribed burner shall be Sugg's London Argand Burner, Number One, with a six-inch by one-and-three-quarter-inch glass chimney, but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used: Provided that any other description of burner may be used which shall be approved for the purpose by the Board of Trade.

Burner.

43. Within six months from the passing of this Act the Corporation shall provide a testing place at or near the Market Place, or at some other place in the borough of Maidstone to be agreed upon between the Corporation and the Company, or in default of agreement to be fixed by the Board of Trade, but the Company may at their own expense have a separate testing apparatus in the same building under their own sole control and management.

Testing
place.

44. If either the Company or any local authority supplied by them shall dispute the accuracy of the registration of any meter used for measuring the gas supplied to the public lamps, then such meter shall be tested in the manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating Measures used in the Sale of Gas," and if found to register erroneously within the meaning of the said Act, or in case any such meter shall be shown to have at any time ceased to register, notwithstanding gas may have passed through it to the burners, and notwithstanding such meter shall, on being submitted to the test, then act correctly, it shall not be deemed to be one of the meters from which the average meter indication shall be determined.

As to testing
accuracy of
meters.

22 & 23 Vict.
c. 66.

45. Every person being or desiring to become a customer of the Company shall, if required by them, sign a contract with them in the form given in the Second Schedule to this Act, or to the like effect, with such variations and additions as circumstances require, and if any person refuses to do so the Company may refuse to give or may discontinue the supply of gas to him, and may remove any meter belonging to them in his possession.

Contract to
be signed
before gas
supplied.

46. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by

Power to
refuse supply
to person in
debt for other
property.

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them without paying to them all gas or meter rent due from him to the Company, they may refuse to furnish to him a supply of gas until he pays the same.

Certain contracts not to disqualify for office of director.

47. Any contract to be made with any corporation or local authority under this Act shall not disqualify any of the members of any such board, corporation, or public body for the office of director, but no director being a member of any such board, corporation, or public body shall vote on any question as to any contract with such board, corporation, or public body.

Differences with railway and other companies.

48. Except as herein otherwise provided, if any difference arise between the Company and any railway or other company whose lands or works the Company have power to cross under the authority of this Act for the purposes of meeting the demands for gas within the limits of this Act as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, every such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party, and the costs of and attending such difference shall be in the discretion of such engineer, and shall be borne and paid as he may direct.

Company to pay interest on money deposited as security.

49. If any person is required by the Company to give to them security for the payment of gas rates, or of the price or rent of a meter, the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands, subject, however, to the right of the Company to set off the same against any money due to the Company from such person.

Proceedings in bankruptcy on behalf of the Company.

50. If any person against whom the Company have any claim or demand under this Act for gas rents, or otherwise, becomes bankrupt, or enters into any liquidation by arrangement or composition with creditors, any person appointed for that purpose by the directors or secretary or clerk of the Company may represent the Company and act in their behalf in all respects as if the claim or demand of the Company were the claim or demand of such person and not of the Company.

Authentication of notices.

51. Any summons, warrant, demand, or notice, or other such document to be issued or given for any of the purposes of this Act may be in writing or print, or partly in writing or partly in print, and if the same require authentication by the Company the signature thereof by the secretary or clerk to the Company shall be a sufficient authentication.

52. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

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Application
of penalties.

53. Any consumer desiring to discontinue a supply of gas on any premises where a meter has been fixed for his use shall give to the Company twenty-four hours notice in writing of such his intention, and on neglect of giving such notice shall be liable to pay and shall pay to the Company for all gas registered by such meter up to and until the expiry of twenty-four hours from the receipt of such notice.

Notice by
consumers of
intention to
discontinue
gas supply.

54. Except the powers by this Act given, nothing in this Act contained shall extend or be construed in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any rights, privileges, franchises, jurisdictions, immunities, rents, tolls, stallage, or lawful customs belonging, due, or in anywise appertaining to the mayor, aldermen, and burgesses of the borough of Maidstone.

Saving
rights of
Corporation.

55. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses
of Act.

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The SCHEDULES referred to in the foregoing Act.**THE FIRST SCHEDULE.****PART I.**

Land containing about 3A. 3R. 16P., belonging or reputed to belong to the Company, situate on the west bank of the River Medway, bounded on the east by the said river, on the south by a brewery and premises called the Medway Brewery, belonging or reputed to belong to Messrs. John Holmes and Albert Frederick Style, on the west partly by St. Peter Street and partly by a road or way leading from St. Peter Street to land belonging or reputed to belong to Messrs. John Holmes and Albert Frederick Style, and to Messrs. Frederick Rogers, William Richard Rogers, George Rogers, and Cornelius Rogers, and on the north by land belonging or reputed to belong to Ambrose Warde.

PART II.

(a.) Land containing about one acre three roods and thirty-three perches, belonging or reputed to belong to Ambrose Warde, bounded on the west by a road or way leading from St. Peter Street to land belonging or reputed to belong to Messrs. John Holmes and Albert Frederick Style, and to Messrs. Frederick Rogers, William Richard Rogers, George Rogers, and Cornelius Rogers, on the east by the River Medway, on the north by land belonging or reputed to belong to Messrs. Frederick Rogers, William Richard Rogers, George Rogers, and Cornelius Rogers, and on the south by land belonging or reputed to belong to and in the possession of the Company, and occupied by gasworks and used for gasworks purposes.

(b.) Land containing about one acre and eight perches, belonging or reputed to belong to the said Ambrose Warde, bounded on the west by the North Kent line of the South-eastern Railway, on the east by the said road or way leading from St. Peter Street to land belonging or reputed to belong to the said Messrs. Holmes and Style and Messrs. Rogers, on the north by land and buildings belonging or reputed to belong to the said Messrs. Holmes and Style, and on the south by land belonging or reputed to belong to the Company, in the occupation of Edward Amies.

(c.) Land, with cottages and buildings thereon, containing about two acres three roods and eighteen perches, belonging or reputed to belong to the said Ambrose Warde, bounded on the west by the North Kent line of the South-eastern Railway, on the east in part by the said road or way leading from St. Peter Street to land belonging or reputed to belong to the said Messrs. Holmes and Style and Messrs. Rogers, and in part by land and buildings belonging or reputed to belong to the committee of management of St. Peter's National

School, Maidstone, and in part by the yard belonging or adjoining to St. Peter's Church, on the north by land belonging or reputed to belong to the Company, and on the south in part by land and buildings belonging or reputed to belong to the committee of management of St. Peter's National School aforesaid, and in part by St. Peter Street. A.D. 1880

(d.) Land belonging or reputed to belong to the said Ambrose Warde, used as and being the said road or way leading from St. Peter Street to land belonging or reputed to belong to the said Messieurs Holmes and Style and Messieurs Rogers, bounded on the east in part by land belonging or reputed to belong to the said Ambrose Warde, and in part by land belonging or reputed to belong to the Company, on the west in part by land belonging or reputed to belong to the said Ambrose Warde, and in part by land belonging or reputed to belong to the committee of management of St. Peter's National School aforesaid, on the north by land belonging or reputed to belong to the said Messieurs Holmes and Style and Messieurs Rogers, being a continuation of the said road or way, and on the south by a road leading into St. Peter Street aforesaid, being a continuation of the said road or way.

PART III.

The following land belonging or reputed to belong to the Company, upon which they are by this Act authorised to erect additional gasworks:—Land, containing 3 roods and 25 perches, bounded on the west by the North Kent line of the South-eastern Railway, on the east by the said road or way leading from St. Peter Street to land belonging or reputed to belong to the said Messieurs Holmes and Style and Messieurs Rogers, on the north by the plot of land (b) described in Part II. of this schedule, and on the south by the plot of land (c) described in Part II. of this schedule.

All the lands described in this schedule are situated in the parish of Maidstone, in the county of Kent.

THE SECOND SCHEDULE.

MAIDSTONE GAS COMPANY.

I, _____, of _____, do hereby contract with the Maidstone Gas Company for a supply of gas by meter on the following terms and conditions; (namely,) at _____ per thousand cubic feet, or such other rate as the Company are for the time being entitled under Act of Parliament to charge, and _____ per quarter for the use of the Company's _____ light meter, and if the meter from any cause ceases or omits to register accurately the quantity of gas used I hereby agree to pay in respect of the gas consumed a reasonable proportion at the above rate and during the period of such non-registration: And I agree to pay the rent

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(quarterly), and hold myself liable for all gas consumed on the above premises, whether by myself or others, until notice in writing be given by me to the Company, as provided by the Company's Act.

I also agree that the meter shall be accessible at all reasonable times to the inspection of the Company's inspectors or servants.

Dated this day of , 18 .

(Signed) , Consumer.

(Witness) , Inspector

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