



CHAPTER cxxii.

An Act to authorise the Dartford Gas Company to purchase additional lands, to raise additional capital, to amalgamate with the Darenth Vale Gas Company, to extend the limits of supply; and for other purposes. [2nd August 1880.] A.D. 1880.

WHEREAS the Dartford Gas Company (herein-after referred to as the Dartford Company) were incorporated by the Dartford Gas Act, 1867, and authorised to supply gas in the parishes of Dartford, Wilmington, and Stone, in the county of Kent, and to maintain and continue works for the manufacture and storage of gas and the conversion of residual products on certain lands in the parish of Dartford described in the Schedule to that Act: 30 & 31 Vict. c. lxxxix.

And whereas the Dartford Company were authorised by the Dartford Gas Order, 1874, to construct and maintain other works for the purposes aforesaid on a certain other piece of land in the said parish of Dartford described in the Schedule to that Order, and have erected works thereon, and are now supplying gas therefrom: 37 & 38 Vict. c. lxxxvii.

And whereas the capital of the Dartford Company was by the Dartford Gas Act, 1867, defined to be four thousand four hundred pounds original capital and ten thousand pounds additional capital, and the whole of the said sums of four thousand four hundred pounds and ten thousand pounds have been raised and expended upon their undertaking, and they have borrowed on mortgage a further sum of two thousand five hundred pounds:

And whereas the demand for gas in the districts supplied by the Dartford Company has increased and is still increasing, and it is expedient that their existing works should be enlarged and improved and their mains extended, and that they should be authorised to purchase by agreement additional lands adjoining their existing works, and to manufacture gas and residual products thereon, and to raise additional capital for these purposes, and to amend their Acts:

A.D. 1880.

25 & 26 Vict.
c. 89.

And whereas in the year one thousand eight hundred and sixty-eight certain persons formed themselves into a gas company under the name of the Darenth Vale Gas Company, Limited (herein-after referred to as the Darenth Company), and were registered under the Companies Act of 1862, with a capital of ten thousand pounds in one thousand shares of ten pounds each, for the purpose of supplying with gas Darenth and South Darenth, Sutton-at-Hone, Horton Kirby, Farningham, and Eynsford, in the county of Kent, and the said Darenth Company are now supplying gas within the places aforesaid or some of them, and have raised for the purposes of their undertaking the sum of six thousand three hundred and forty pounds by six hundred and thirty-four shares of ten pounds each, which are all fully paid up, and three thousand three hundred pounds by debentures :

And whereas it is expedient that the supply of gas should be extended to certain parishes and places beyond the districts now supplied by the two companies before named, and that gas should be supplied in bulk to local authorities and gas companies and others for re-sale and distribution in outlying places :

And whereas an amalgamation of the Dartford and the Darenth Companies, herein-after referred to as the two companies, would promote a reduction of expenditure in manufacturing and management, and conduce to a more economical and efficient supply of gas to the inhabitants of the several parishes and places before mentioned :

And whereas it is expedient that the two companies before named should be dissolved and re-incorporated with further powers :

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,)

Short title.

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

Incorporation of

general Acts.
8 & 9 Vict.
c. 16.26 & 27 Vict.
c. 118.32 & 33 Vict.
c. 48.8 & 9 Vict.
c. 18.23 & 24 Vict.
c. 106.

2. The Companies Clauses Consolidation Act, 1845, Part 1 (cancellation and surrender of shares), Part 2 (additional capital), and Part 3 (debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except the provisions of the last-mentioned 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 under-

takings), the Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, are, subject to the provisions of this Act, incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing undertakings of the two companies as if the same had been authorised by this Act.

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32 & 33 Vict.
c. 18.
10 & 11 Vict.
c. 15.
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 shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

Interpreta-
tion of terms.

The expression "the Company" shall mean the Company incorporated by this Act :

The expression "the works," "the gasworks," and "the undertaking" shall respectively mean and include the gasworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company, and any improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estates, rights, title, property, privileges, effects, and undertaking of the Company, and every part thereof respectively :

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

4. The limits of this Act, inclusive of the district of the Dartford Company, shall be the parishes of Dartford, Wilmington, Stone, Darenth, Horton Kirby, Sutton-at-Hone, Farningham, Eynsford, Lullingstone, and Southfleet, all in the county of Kent, but the Company may supply gas in bulk to any local authority, gas company, or person authorised to supply gas in any adjoining parish or district beyond such limits, and, subject to the provisions of the Gasworks Clauses Act, 1847, may, with the consent of any local authority having charge of the streets, open and break up the roads and pavements of such streets, and lay down mains and pipes for the purpose of supplying gas in bulk as aforesaid : Provided that the Company shall not supply gas in any place in which any local authority, gas company, or person is authorised to supply gas without the consent of the local authority, gas company, or person so authorised.

Limits of
Act.

A.D. 1880.

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Incorporation of
Company.

5. From and after the first day of July one thousand eight hundred and eighty, the Dartford Gas Company and the Darent Vale Gas Company, Limited, shall be dissolved, and the several persons and corporations who on that day were members of those companies, and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into one company for the purposes herein-after mentioned, and shall be incorporated under the name of the Dartford Gas Company, and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General
purposes of
the Com-
pany.

6. The Company shall be established for the purpose of manufacturing and supplying gas, and selling and disposing of the coke, tar, ammoniacal liquor, and other products resulting therefrom, and for manufacturing or converting such products into other materials, and selling and disposing of the same at the works and elsewhere, and for providing, fixing, selling, or letting on hire gas meters, gas stoves, gas engines, and all other gas fittings, articles, and things connected with the use of gas within the limits aforesaid.

Property of
the two
companies
vested in
Company
incorporated
by this Act.

7. Subject to the provisions of this Act, all the lands, gas-works, erections, buildings, plant, rights, and easements which on the said first day of July one thousand eight hundred and eighty were vested in either of the said two companies or any person in trust for them, or to which either of the said two companies were in anywise entitled, and all mains and pipes, syphons, plugs, lamps, lamp-posts, irons, retorts, gauges, meters, apparatus, stock, effects, matters and things which have been by them purchased, provided, laid down, erected, or placed in any place or house within the limits of this Act, or which on the said first day of July one thousand eight hundred and eighty were the property of either of the said two companies, and all moneys, securities, credits, effects, and other property whatsoever which on the said first day of July one thousand eight hundred and eighty belonged to either of the said two companies, or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by or on behalf of either of the said two companies, and on the said first day of July one thousand eight hundred and eighty in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were on the said first day of July one thousand eight hundred and eighty vested in either of the said two companies or any trustee on their behalf, and may, according to the provisions of

this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit. A.D. 1880.

8. Subject to the provisions of this Act, the memorandum and articles of association of the Darenth Vale Gas Company, Limited, shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders therein shall be exempted from all provisions, restrictions, and requirements of any Act which applied to the Darenth Company and the members thereof as such; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the memorandum and articles of association of the Darenth Company incurred before the said first day of July one thousand eight hundred and eighty, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Darenth Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Darenth Company if this Act had not been passed.

Memo-
randum and
articles of
association
of Darenth
Company
to be void,
without
prejudice to
remedies for
antecedent
breaches
thereof.

9. Except as is by this Act otherwise expressly provided, everything before the said first day of July one thousand eight hundred and eighty done or suffered by or with reference to the Darenth Company, or the members thereof as such, shall be as valid as if the Darenth Company had not been incorporated and the memorandum and articles of association relating to the Darenth Company had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Darenth Company were not dissolved and re-incorporated and the said memorandum and articles of association relating to the Darenth Company were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Company, and its shareholders and property, shall to all intents and purposes represent the Darenth Company, and the members thereof as such, and the property of the Darenth Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Nothing to
affect pre-
vious rights
and liabili-
ties.

10. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the said first day

Contracts
prior to Act
to be
binding.

A.D. 1880.

of July one thousand eight hundred and eighty by, to, or with either of the two companies or any trustees or persons acting on their behalf, or by, to, or with any other person to whose rights and liabilities they have succeeded, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually, as if instead of either of the two companies, or the trustees or persons acting on their behalf, the Company had been a party thereto.

Actions, &c.
not to abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against either of the two companies, or any member thereof in relation to the affairs of either of the two companies, or to which either of the two companies, or any member thereof in relation to such affairs, were parties on the said first day of July one thousand eight hundred and eighty, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against either of the two companies or any member thereof if this Act had not been passed, the Company and the shareholders therein being, in reference to the matters aforesaid, in all respects substituted for the two companies and the members thereof respectively.

Trustees of
companies
to be indemnified.

12. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to either of the two companies were vested on the said first day of July one thousand eight hundred and eighty, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same, or otherwise, on behalf of either of the two companies, shall be indemnified out of the funds and property of the Company against all liability (including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Company to
satisfy all
existing
liabilities.

13. From and after the first day of July one thousand eight hundred and eighty, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which either of the two companies were at that date subject, and shall indemnify the members, directors, officers, and servants of the two companies, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

14. All gas rents and sums of money which on the said first day of July one thousand eight hundred and eighty were due or accruing to either of the two companies shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

A.D. 1880.
Recovery of
gas rents,
&c.

15. All persons who on the said first day of July one thousand eight hundred and eighty owed any money to either of the two companies or to any person on their behalf shall pay the same, with all interest (if any) due or accruing upon the same, to the Company, and all debts and moneys which on the said first day of July one thousand eight hundred and eighty were due or recoverable from either of the two companies, or for the payment of which either of the two companies were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Payment of
debts owing
before 1st
day of July
1880.

16. Notwithstanding the dissolution of the Dartford Company and the avoidance of the memorandum and articles of association of the Darenth Company, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed for and with respect to any shares in either of the respective undertakings shall remain in full force, and continue and be available in all respects as if such dissolution and avoidance had not taken place.

Certificates,
&c. to re-
main in
force.

17. All documents, books, and writings which if such dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such dissolution and avoidance.

Books, &c.
continued
evidence.

18. All officers and servants of either of the two companies who were in office on the said first day of July one thousand eight hundred and eighty shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Officers to
continue
until re-
moved.

19. The books kept by the two companies for entering the names and designations of the members thereof, with the numbers of their shares, and the proper distinguishing number of such shares, shall and may continue to be kept for the same purpose by the

Present
registers of
members to
be continued.

A.D. 1880. Company, and shall until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

Accounts of the two companies to be made out separately up to 30th June 1880.

20. The two companies shall make up their accounts to the thirtieth day of June one thousand eight hundred and eighty in the form and mode as near as may be prescribed by the Gasworks Clauses Act, 1871, distinguishing the receipts and expenditure on capital account from the receipts and expenditure on the revenue account, and such accounts shall be certified by the auditors and countersigned by the chairman of each company respectively, and when so certified and countersigned shall be taken as correct, and all dividends, debts, claims, and liabilities shown therein as due from either company shall forthwith be paid and satisfied by the Company, and the balances remaining both on capital and revenue after all such dividends, debts, claims, and liabilities have been discharged shall be the property of the Company.

Repeal of 30 & 31 Vict. c. lxxxix. and 37 & 38 Vict. c. lxxxvii.

21. On the passing of this Act the Dartford Gas Act, 1867, and the Dartford Gas Order, 1874, shall as to any prospective operation thereof be wholly repealed, but nothing in this Act contained shall release or discharge any company or person from any liability or obligation in respect of any breach of the provisions of the said Act of 1867 or the said Order of 1874 incurred before the passing of this Act.

Capital.

22. The authorised capitals of the two companies as they exist on the thirty-first day of December one thousand eight hundred and seventy-nine, amounting together to twenty-four thousand four hundred pounds, shall be the capital of the Company incorporated by this Act, and shall be divided into two thousand four hundred and forty shares of ten pounds each, and after that date no further capital shall be created or issued by the Darenth Company, and the capital shall be apportioned in classes, as shown in the following table :

Name of the Company.	Capital authorised.	Called up.	Not issued.
CLASS A.			
Dartford Company - - -	£ 4,400	£ 4,400	£ —
CLASS B.			
Dartford Company - - -	10,000	10,000	—
Darenth Company - - -	6,340	6,340	—
Darenth Company - - -	3,660	—	3,660
Total - - -	£24,400	20,740	3,660

(1.) The unissued capital of three thousand six hundred and sixty pounds of Class B. shall, subject to the provisions of the Companies Clauses Act, 1863, be offered to the persons and corporations who were members of the Dartford Company immediately before its incorporation with the Darenth Company : A.D. 1880.

(2.) The Company shall not in any one year make out of their profits any larger dividend in respect of every one hundred pounds of capital actually paid up than the rates following; that is to say,

Class A.	-	-	Ten pounds.
Class B.	-	-	Seven pounds.

23. The old shares shall be appropriated and belong to the several persons who on the first day of July one thousand eight hundred and eighty are the registered members of the two companies amalgamated by this Act, share for share (each of the shares of the Dartford Company which are of the nominal value of twenty pounds being converted into two shares of the nominal value of ten pounds each), in substitution for the existing shares in the said undertakings, and every share so vested shall be subject to the same liabilities for calls, and subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances, as on the said first day of July one thousand eight hundred and eighty affected the share for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same. Vesting of old shares in present shareholders.

24. The Company shall call in and cancel the existing certificates of shares in the undertakings of the two companies, and issue in lieu thereof and at their own expense certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act, 1845, but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the said first day of July one thousand eight hundred and eighty, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof. Company to cancel existing share certificates and issue new certificates in lieu thereof.

25. The Company may from time to time raise (in addition to their present capital as defined in clause twenty-two) any further capital, 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, but the Company shall not issue any Power to raise additional capital.

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shares of less nominal value than ten pounds, nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock, together with any premium obtained upon the sale thereof, shall have been paid in respect thereof: 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 ten thousand pounds, or within any subsequent year four thousand pounds.

If authorised capital for any year not raised, the amount may be made up.

26. 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 such year, such a nominal amount of capital as shall be sufficient, together with the amount then raised, to produce in manner aforesaid ten thousand pounds in respect of the year following the passing of this Act, and four thousand pounds in respect of every subsequent year then expired.

Profits of the Company limited.

27. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall 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 stock or shares in case of deficiency.

28. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the amount of the prescribed maximum rates of dividend of ten per cent. and seven per cent. respectively on the two classes of ordinary stock or shares in the capital of the Company, the deficiency shall be borne wholly by the stock or shares entitled to ten per cent. until that dividend is reduced to seven per cent., and any reduction below seven per cent. shall be borne equally by both classes of shares.

New shares to be offered by auction or tender.

29. 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 are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine, provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock, and that the 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 tender shall be allowed to any holder of shares or stock in the Company.

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30. 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 one week after such sale.

Purchase money of capital sold by auction to be paid within one week.

31. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the Dartford Local Board 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 circulated within the district of supply.

Notice to be given as to sale, &c. of shares.

32. 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 reserve price put upon the same respectively for the purpose of sale by auction or tender, to the holders of ordinary shares or ordinary 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 and stock created under the powers of this Act.

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

33. 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 bor-

Application of premium arising on issue of shares or stock.

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rowed or owing on mortgage by the Company, and shall not be considered as part of the capital of the Company entitled to dividend.

Power to
borrow in
respect of
original
capital.

34. The Company may at any time and from time to time after the said first day of July one thousand eight hundred and eighty borrow on mortgage in respect of the original capital of twenty-four thousand four hundred pounds, as defined in clause twenty-two, any sums not exceeding in the whole six thousand one hundred pounds, inclusive of the sums of two thousand five hundred pounds authorised to be borrowed by the Dartford Gas Act, 1867, and three thousand three hundred pounds already borrowed by the Darenth Company.

Power to
borrow in
respect of
additional
capital.

35. In addition to the sum of six thousand one hundred pounds which the Company are authorised to borrow by the last preceding section, 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 sums not exceeding in the whole twelve thousand four hundred pounds, provided that the aggregate amount so borrowed shall not at any time exceed one-fourth part of the amount of such additional capital actually issued and paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that such shares and stock have been issued and fully paid up; and upon production to such justice of the books of the Company and 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.

Conversion
of borrowed
money into
capital.

36. 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 preferential, are limited to a rate not exceeding five per cent. per annum.

Priority of
mortgage
over other
debts.

37. All money 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 from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the said first day of July one thousand eight hundred and eighty.

Appoint-
ment of a
receiver.

38. The mortgagees of the Company may enforce the payment of arrears of interest or principal, or principal and interest, due on

their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

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39. The Company may create and issue debenture stock, subject to the provisions of part three of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the said first day of July one thousand eight hundred and eighty created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the said first day of July one thousand eight hundred and eighty granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

40. All money raised under this Act by the Company, whether by shares, stock, debenture stock, or borrowing, shall be applied only to the purposes by this Act authorised.

Application of money.

41. The number of directors shall be seven, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than five.

Number of directors.

42. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Qualification of directors.

43. The quorum of a meeting of directors shall be three.

Quorum of directors.

44. Emery Alexander Quait, Edward Colyer, Charles Reginald Gibson, Charles Horsley, William May, Frank Morris, and James Berriman Tippetts shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the place of the directors then retiring from office, agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors and election of directors.

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Auditors.

Quorum of
general
meetings.

Price of

Quality of
gas.Pressure of
gas.Company
to provide
testing place.Company to
pay interest
on money
deposited
as security
for gas
meter, &c.Company
may main-
tain and
continue
gasworks**45.** The auditors need not be shareholders.**46.** The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five shareholders present in person, holding in the aggregate not less than one thousand pounds in the capital of the Company.**47.** The price to be charged by the Company for gas supplied to persons who shall burn the same by meter shall not exceed four shillings and ninepence per one thousand cubic feet in the parishes of Dartford, Wilmington, and Stone, and five shillings and sixpence per one thousand cubic feet in all the other parishes and places within their limits of supply.**48.** The prescribed number of candles shall be fourteen.**49.** All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch in height, 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 consumers.**50.** The Company shall on the passing of this Act cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing the gas shall be a Sugg's "London" Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.**51.** Where any money is deposited by any person by way of security with the Company for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Company shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.**52.** Subject to the provisions of this Act, the Company may, on the lands described in the Schedule to this Act annexed, which include the lands described in the Schedules to the Dartford Gas Act, 1867, the Dartford Gas Order, 1874, and also the lands

now used by the Darenth Company, construct, maintain, and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storage of gas, and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may make gas and supply and sell the same, subject to the provisions of this Act, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere.

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on lands
described in
Schedule.

53. The Company may for the purposes of their undertaking purchase by agreement, take, and hold, in addition to the lands described in the Schedule to this Act, 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 land described in the Schedule to this Act.

Power to
purchase
lands by
agreement,
&c.

54. All costs, charges, and expenses of and incident to the obtaining of this Act shall be paid by the Company.

Expenses
of Act.

A.D. 1880. **SCHEDULE** referred to in Clause 52 of the foregoing Act.

a. A plot or parcel of land containing one acre two roods and sixteen perches or thereabouts, situate on the east side of Hythe Street, in the town of Dartford, being bounded on the west by the said Hythe Street, on the north by the lane known as Bridge Lane, leading from Hythe Street aforesaid to the swing footbridge over the Dartford Creek, on the east by the said creek, and on the south in part by property in the occupation of George Waller, known as the Phoenix Wharf, and in other part by property belonging or reputed to belong to Cornelius Lambert, all being within the town and parish of Dartford, in the county of Kent.

b. Also a certain other plot or parcel of land containing one acre one rood and twenty-four perches or thereabouts, being bounded on the south by a certain road or footway leading from Hythe Street aforesaid, and sometimes called Gas Lane, to the Priory Manorway, on the west by certain marsh lands known as Ducks Marsh, on the north by certain lands belonging or reputed to belong to the representatives of the late Thomas Harry Saunders, and certain other lands belonging or reputed to belong to the representatives of the late Rowley Edward Potter, and on the east partly by the said last-mentioned lands and partly by a certain waggon road or way leading out of the said last-mentioned lands into Gas Lane, being all within the town and parish of Dartford, in the county of Kent, the western boundary before described in Ducks Marsh being parallel with and about four hundred feet distant from the west side of Hythe Street.

c. A piece of land containing two roods or thereabouts, in the parish of Horton Kirby, situate on the east side of the road leading from Horton Kirby under the London, Chatham, and Dover Railway, past the Horton Kirby Paper Mills to the bridge over the River Darent, in the village of South Darent, being bounded on the west by the said road, on the north by a lumber yard, on the east by a footway leading from and out of the road from the said bridge to Dean Bottom into the new road leading to the Home for Little Boys, and on the south by the said last-mentioned road.