



CHAPTER lvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Chertsey Gas, Loughborough Gas, Melksham Gas, Menai Bridge Gas, and Pocklington Gas. A.D. 1886.
[25th June 1886.]

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 :

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 Gas Orders Confirmation (No. 1) Act, 1886. Short title.

2. The several Orders as amended and 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

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labouring
class.

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

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 of such persons who may be residing with them.

SCHEDULE OF ORDERS.

A.D. 1886.

CHERTSEY GAS.—Order empowering the Chertsey Gas Consumers' Company (Limited) to raise additional capital, and to borrow money, and for other purposes.

LOUGHBOROUGH GAS.—Order empowering the Loughborough Gas Company to raise additional capital, and for other purposes.

MELKSHAM GAS.—Order empowering the Melksham Gaslight and Coke Company (Limited) to maintain and continue their gasworks at Melksham, in the county of Wilts, and to make and supply gas in the town and parish of Melksham, the tithing of Shaw and Whitley, and the parishes of Seend, Atworth, and Broughton Gifford, all in the said county.

MENAI BRIDGE GAS.—Order conferring powers for the maintenance and continuance of gasworks, and for the manufacture and supply of gas to Menai Bridge, and other places in the parish of Llandysilio, in the county of Anglesey.

POCKLINGTON GAS.—Order empowering the Pocklington Gaslight and Coke Company (Limited) to maintain and continue gasworks and to manufacture and supply gas within the township of Pocklington, in the east riding of the county of York.

CHERTSEY GAS.

Chertsey.

Order empowering the Chertsey Gas Consumers' Company (Limited) to raise additional capital, and to borrow money, and for other purposes.

1. This Order may be cited as "The Chertsey Gas Order, 1886." 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 Chertsey Gas Consumers' Company (Limited) Act, 1864 (in this Order referred to as the "Act of 1864"), as amended and modified by this Order, and this Order shall be read and construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order: Provided that from and after the commencement of this Order sections thirty to thirty-four both inclusive, of the Gasworks Clauses Act, 1847, shall cease to be incorporated with or to form part of the Act of 1864. Interpretation.
4. From and after the commencement of this Order the Undertakers shall be subject in all respects to the provisions of the Gasworks Clauses Act, 1871 Application of Gasworks Clauses Act,

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A.D. 1886. (save so far as the same may be expressly varied or excepted by this Order), and the said provisions, save as aforesaid, shall apply to the undertaking as though the gasworks and works connected therewith were an undertaking authorised by this Order, and shall be held to control and supersede such of the provisions of the Act of 1864 as are inconsistent therewith.

Chertsey.
1871, to under-
taking.

Undertakers.

Undertakers. 5. The Chertsey Gas Consumers' Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

New capital. 6. Notwithstanding anything contained in the Act of 1864 the share capital of the Undertakers for the purposes of the undertaking may consist of original share capital amounting to eight thousand pounds, inclusive of the existing shares of the Undertakers, and of additional share capital to be issued, subject to the provisions of this Order, not exceeding twelve thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes at any time exceed twenty thousand pounds in all, unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

New shares to
be offered by
auction or
tender.

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

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

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

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

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

As to notice to
be given of
intention to
sell shares.

10. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the

Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

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11. When any shares 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 such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the said additional capital.

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

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

Application of premium.

13. The Undertakers shall not in any year, except as by this Order expressly provided, declare or make out of their profits any larger dividends on the said original and additional capital than the standard rates of dividend herein-after mentioned, namely, ten pounds in respect of every one hundred pounds actually paid up of such original capital, and seven pounds in respect of every one hundred pounds of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital, and such dividends or such dividends as reduced or increased in accordance with the provisions of this Order are in this Order referred to as the "prescribed rates."

Limits of dividend on capital.

14. In case in any half year the net revenues of the Undertakers applicable to dividends are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the said original and additional capital a proportionate deduction shall be made in the dividends payable on each class.

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

15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed one fourth of the nominal value of their paid-up capital for the time being 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 them on mortgage of their undertaking after the commencement of this Order.

Borrowing powers.

16. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates of dividend, the excess beyond the sum necessary for that purpose may, from time to time, to the extent of one per centum per annum upon the whole capital of the Undertakers at that time paid up,

Application of excess of profits to form insurance fund.

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be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or the 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 part of the paid-up capital of the Undertakers, 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 Undertakers from accident, strike, or other circumstances which, in the opinion of a justice of the peace, due care and management could not have prevented, and if such fund be at any time below the said limit of one-twentieth part of the paid-up capital for the time being it may thereafter be again made up to the said limit, and so from time to time as often as the occasion may require: Provided that when and so often as the said insurance fund reaches the said limit of one-twentieth of the paid-up capital, the interest thereon shall be carried to the credit of the funds available for dividend: Provided also, that resort may be had from time to time to the said insurance fund to meet any such extraordinary claim, demand, or charge as aforesaid, although the said insurance fund may not at the time have reached or may have been reduced below the full amount of one-twentieth of the paid-up capital for the time being as aforesaid.

Application of further excess of profits to credit of divisible profits for following year.
Power to create a reserve fund and application thereof.

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates of dividend, the excess, 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.

18. Where in any year the standard rates of dividend are by reason of a diminution of the standard price charged by the Undertakers increased under the provisions of this Order, then out of the amount of the divisible profits applicable to the payment of such increase, the Undertakers may in such year set apart such sums as they think fit by way of reserve fund, and all such sums (if any) so set apart, and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order, may be invested in Government or other securities, and the dividends and interest 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 dividends on capital in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers to pay the prescribed rates of dividend, and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Lands.

Lands for manufacturing gas, &c.

19. The lands to be used by the Undertakers for the purpose of manufacturing gas or residual products shall be such lands only as may be used by them for the purpose of manufacturing gas under the provisions of the Act of 1864.

Quality of Gas.

Quality of gas.

20. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

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21. So much of the Act of 1864 as would limit the price to be charged by the Undertakers for gas supplied by them, shall not apply in the case of any gas supplied by them after the commencement of this Order, but in lieu thereof the following provisions shall have effect :

Chertsey.
Price of gas.

The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings per one thousand cubic feet, and so in proportion for any less quantity supplied.

Provided that the Undertakers may increase or diminish such standard price, subject to a reduction or increase in the standard rates of dividend to be calculated as follows :—

For every penny or part of a penny charged in excess or in diminution of such standard price in any one year, the standard rates of dividend shall for such year be reduced or increased respectively by five shillings in the one hundred pounds per annum :

Provided that the standard rate of dividend payable by the Undertakers in respect of any preference shares or preference stock at any time created and issued by the Undertakers shall not be increased or diminished so long as any such preference continues.

Pressure of Gas.

22. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance, from midnight to sunset, a column of water not less than six tenths of an inch in height, and to balance, from sunset to midnight, a column of water 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.

Pressure of gas.

Testing of Gas.

23. The Undertakers shall, within six months after the commencement of this Order, 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 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, provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade ; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, 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, not being the immediate approach to any railway or canal bridge or railway station, vested in or under the control of any local or road authority.

Testing of gas.

Miscellaneous.

24. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas

No penalty
in case of un-
avoidable
cause.

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A.D. 1886. supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Chertsey.

Undertakers
to pay interest
on deposit.

25. Where any money is deposited by any person, by way of security with the Undertakers 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 Undertakers 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.

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

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

Saving of
existing con-
tracts.

27. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred before the commencement of this Order.

Costs of Order.

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

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LOUGHBOROUGH GAS.

*Order empowering the Loughborough Gas Company to raise
additional capital, and for other purposes.*

Short title.

1. This Order may be cited as "The Loughborough Gas Order, 1886."

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 Loughborough Gas Act, 1868 (in this Order referred to as the Act of 1868), 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: Provided that from or after the commencement of this Order sections thirty to thirty-four, both inclusive, of the Gasworks Clauses Act, 1847, shall not continue to be incorporated with or to form part of the Act of 1868.

Incorporation
of Acts.

4. So far as the same relate to the powers conferred by this Order, the provisions of the Company's 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 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;

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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 ;

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

5. From and after the commencement of this Order, the Undertakers shall be subject in all respects to the provisions of the Gasworks Clauses Act, 1871, (save so far as the same may be expressly varied, or excepted by this Order), and the said provisions, save as aforesaid, shall apply to the undertaking as though the gasworks and works connected therewith were an undertaking authorised by this Order, and shall be held to control and supersede such of the provisions of the Act of 1868 as are inconsistent therewith.

Application of
Gasworks
Clauses Act,
1871, to
Undertaking.

6. In this Order—

The expression “the undertaking” means the undertaking authorised by the Act of 1868 and this Order, and

Interpretation.

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, and the Gasworks Clauses Act, 1871, meanings are assigned have the same respective meanings ;

and in the construction of the said Acts for the purposes of this Order—

The expression the “special Act” shall mean this Order, and—

The expression “the Company” shall mean the Undertakers.

7. 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 limits of the Act of 1868.

Limits of
Order.

8. The Loughborough Gas Company, incorporated by the Act of 1868, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as “the Undertakers.”

Undertakers.

Additional Capital.

9. In addition to the capital authorised by the Act of 1868 (in this Order referred to as the “existing capital”) the Undertakers may from time to time

New capital.

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

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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 fifteen thousand pounds; and

(2.) Borrow on mortgage from time to time in respect of the new capital of fifteen thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock any sums not exceeding in the whole three thousand seven hundred and fifty pounds, and the Undertakers may, as each sum of five thousand pounds of such new capital has been actually issued by shares or stock, borrow on mortgage in respect of each such sum of five thousand pounds any sum or sums not exceeding in the whole one thousand two hundred and fifty pounds, but in no case shall any part of the said respective sums of one thousand two hundred and fifty pounds be borrowed until the whole of the shares or stock for so much of the said new capital in respect of which such borrowing powers are sought to be exercised, together with the premium (if any) realised on the sale thereof have been fully paid up, and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies' Clauses Consolidation Act, 1845, before he so certifies that such shares and stock and premium (if any) have been fully 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.

As to conversion of borrowed money into capital.

10. 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 the shares or stocks, whether ordinary or preference, are limited to a rate not exceeding five pounds per centum per annum.

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

11. Except as by this Order otherwise provided the capital in new shares or stock 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 capital were part of the existing capital of the Undertakers of the same class or description, and the new shares or stock were shares or stock in that capital.

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

12. The Undertakers shall, when any shares or stock created under the powers of this Order are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock, and that the 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 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.

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

When proprietor tender same amount as any other person, proprietor to be declared purchaser.

14. It shall be one of the conditions of any sale of shares or stock under this Order that the whole nominal amount of any such shares or stock, 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 shares or stock sold by auction to be paid within three months.

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.

As to notices of be given to sale, &c. of shares or stock.

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 reserved 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 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 tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

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

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.

Application of premium arising on issue of shares or stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies' Clauses Act, 1863, but notwithstanding anything therein 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 under this Order or under 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 such debenture stock or mortgages were authorised, and shall have priority over all principal moneys secured by such mortgages.

Power to create debenture stock.

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existing
mortgages.

19. All mortgages granted by the Undertakers under the authority of the Act of 1868, 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 Act of 1868, 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.

Limits of
dividend on
capital.

20. Except as is by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividends on their existing and new capital than the standard rates of dividend herein-after mentioned, namely, eight pounds in respect of every one hundred pounds actually paid up of the original capital as defined by the Act of 1868, and seven pounds in respect of every one hundred pounds actually paid up of the additional capital as defined by the said Act and of so much of the new capital authorised by this Order as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of so much of the said new capital as may be issued as preference capital, and such dividends or such dividends as reduced or increased in accordance with the provisions of this Order are in this Order referred to as "the prescribed rates," and shall be in substitution for the rates of dividend prescribed by the Act of 1868.

Dividends on
different
classes of
shares or
stock to be
paid propor-
tionately.

21. In case in any year, or in any half year when a half-yearly dividend is declared, the net revenues of the Undertakers applicable to dividends are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the existing and new capital of the Undertakers a proportionate deduction shall be made in the dividend of each class.

Limit of
interest on
borrowed
moneys.

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.

If profits
exceed the
amount
limited excess
may be in-
vested and
form an in-
surance fund.

23. If the clear profits of the Undertaking should in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time to the extent of one per cent. per annum upon the paid up capital of the Undertakers 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 part of the paid up capital of the Undertakers, which fund shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strike, or other circumstance which in the opinion of a justice due care and management could not have prevented, and if such fund be at any time below the said limit of one-twentieth part of the paid up capital for the time being it may thereafter be again made up to the said limit, and so from time to time as often as the occasion may require: Provided, that when and so often as the said fund reaches 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.

A.D. 1886.

*Lough-
borough..*

24. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates of dividend, the excess, 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.

Application
of excess of
profits over
prescribed
rates.

25. Where in any year the amount of the standard rates of dividend is, by reason of a diminution of the standard price, charged by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of the Undertakers existing at the commencement of this Order, may be invested in Government or other securities, and the dividends and interest 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 dividends in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates, and, save as in this Order otherwise provided, no sum shall in any year be carried by the Undertakers to any reserve fund.

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

26. 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 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 under the authority of this Order.

Appointment
of a receiver.

27. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable.

Application of
money.

Lands.

28. The lands to be used by the Undertakers for the purpose of manufacturing gas or residual products, shall be such lands only as may be used by them for the purpose of manufacturing gas under the provisions of the Act of 1868.

Lands for
manufacturing
gas, &c.

Quality of Gas.

29. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Quality of gas.

Price of Gas.

30. Notwithstanding anything in the Act of 1868, the standard price to be charged by the Undertakers for gas supplied by them shall be three shillings per one thousand cubic feet, and so in proportion for any less quantity supplied,

Fixing maxi-
mum price of
gas with
sliding scale as
to dividend.

[Ch. lvi.] *Gas Orders Confirmation (No. 1)* [49 & 50 VICT.]
Act, 1886.

A.D. 1886. provided that the Undertakers may increase or diminish such standard price
Lough- subject to a reduction or increase in the standard rates of dividend, to be
borough. calculated as follows:

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

Provided that the standard rate of dividend payable by the Undertakers in respect of any preference shares or preference stock at any time created and issued by the Undertakers, whether before or after the commencement of this Order, shall not be increased or diminished so long as any such preference continues.

Pressure of Gas.

Pressure of gas. 31. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than eight-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing of gas. 32. The Undertakers shall, within six months after the passing of the Act confirming this Order, 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 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: Provided that any other description of burner may be used which shall from time to time be approved for the purpose by the Board of Trade; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, 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, not being the immediate approach to any railway, or canal bridge, or railway station, vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause. 33. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Undertakers to pay interest on deposit. 34. Where any money is deposited by any person by way of security with the Undertakers 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 Undertakers 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.

A.D. 1886.

35. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the commencement of this Order.

*Lough-
borough.*
 Saving of
 existing con-
 tracts.
 Costs of Order.

36. 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.

MELKSHAM GAS.

Melksham.

Order empowering the Melksham Gas Light and Coke Company, (Limited) to maintain and continue their gasworks at Melksham, in the county of Wilts, and to make and supply gas in the town and parish of Melksham, the tithing of Shaw and Whitley, and the parishes of Seend, Atworth, and Broughton Gifford, all in the said county.

1. This Order may be cited as the "Melksham Gas Order, 1886."

Short title.

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

Commence-
 ment of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), of the Gasworks Clauses Act, 1847, (except sections thirty to thirty-four both inclusive,) and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order, and the said provisions of the said Gasworks Clauses Acts, shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the commencement of this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Incorporation
 of Acts.

4. 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 in this Order the same respective meanings, and in the construction of any such Act for the purposes of this Order, the expression "the undertaking" shall include the gasworks, and works connected therewith by this Order authorised to be maintained and continued.

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as the "limits of supply") shall be the town and parish of Melksham, the tithing of Shaw and Whitley, and the parishes of Seend, Atworth and Broughton Gifford, all in the county of Wilts.

Limits of
 Order.

A.D. 1886.

*Undertakers.**Melksham.*
Undertakers.

6. The Melksham Gas Light and Coke Company (Limited) shall be the Undertakers for the purposes of this Order; and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking authorised by this Order, exceed ten thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limits of
dividend on
capital.

8. Except as by this Order expressly provided, the Undertakers shall not in any year make out of their profits any larger dividends on the said capital than the standard rate of dividend herein-after mentioned, namely, ten pounds in respect of every one hundred pounds actually paid up of such capital, and such dividends, or such dividends as reduced or increased in accordance with the provisions of this Order are in this Order referred to as "the prescribed rates."

Limit of
borrowing
powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not at any time exceed in the whole one fourth of the nominal value of their paid-up capital for the time being, and (except with the sanction of the Board of Trade) no higher rate of interest than five pounds per cent. per annum shall be paid by the Undertakers in respect of any moneys borrowed by them and secured as aforesaid after the commencement of this Order.

If profits
exceed the
amount
limited excess
may be in-
vested and
form an in-
surance fund.

10. If the clear profits of the undertaking authorised by this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose, may from time to time to the extent of one per centum per annum upon the paid-up capital of the undertakers 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 part of the paid-up capital of the Undertakers, 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 Undertakers, from accident, strike, or other circumstance which, in the opinion of a justice, due care and management could not have prevented, and if such fund be at any time below the said limit of one-twentieth part of the paid-up capital for the time being, it may thereafter be again made up to the said limit, and so from time to time as often as the occasion may require, provided that when and so often as the said fund reaches 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 be had from time to time to the insurance fund to meet any extraordinary claim, demand, or charge 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 pro-
fits over

11. If the clear profits of the undertaking authorised by this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the

excess or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

A.D. 1886.

Melksham.

prescribed rates.

12. Where in any year the amount of the standard rate of dividend is by reason of a diminution of the standard price charged by the Undertakers in such year increased, then, out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase, the Undertakers may in such year set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order, may be invested in Government or other securities, and the dividends and interest 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 dividends in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates, and save as in this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

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

Purchase of Lands.

13. The Undertakers may, for the purposes of the undertaking authorised by this Order, from time to time (by agreement, but not otherwise) purchase or take on lease, and hold in addition to the lands described in the schedule to this Order annexed, any lands and hereditaments not exceeding in the whole one acre, which the Undertakers may from time to time require for the purposes of such undertaking, but no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Order annexed.

Power to purchase land by agreement.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

14. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed, while they are possessed of the same, may 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 matters producible therefrom, and they may, subject to the provisions of this Order, make and store gas and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may store the same, and may sell and dispose of the same at their works and elsewhere, and may also deal in and sell lime at the works and elsewhere, and they may also construct and maintain, and from time to time alter, extend, enlarge, and renew, or discontinue houses, offices, buildings, and other works connected with the gas undertaking by this Order authorised.

Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

[Ch. lvi.] *Gas Orders Confirmation (No. 1) [49 & 50 VICT.]*
Act, 1886.

A.D. 1886.

Melksham.
For protection
of Great
Western
Railway
Company.

15. For the protection of the Great Western Railway Company (herein-after referred to as the Great Western Company) the following provisions shall apply:—

- (a.) In laying down, altering, improving, enlarging, extending, or renewing, or in executing or effecting the repairs of any mains, pipes, culverts, or other works in the exercise of any powers conferred on the Undertakers upon, across, over, under, or in any way affecting the railways, canal, towing-path, lands, and property belonging to or used or occupied by the Great Western Company, or the bridges, approaches, viaducts, stations, or other works, or any level-crossings over the railways of the Great Western Company, the same shall be done under the superintendence and to the reasonable satisfaction of an engineer to be appointed for that purpose by the Great Western Company, and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing, and if in any case he shall not within 14 days after delivery thereof to him approve the same, with such modifications or alterations (if any) thereof as he reasonably requires, and sign the same in testimony of his approval thereof, and on application therefor deliver the same so signed to the Undertakers, or if the Undertakers object to any modification or alteration thereof required by him, then they may submit the same to a referee to be appointed on the application of the Great Western Company and of the Undertakers, or either of them, by the Board of Trade for his consideration and approval (his approval in like manner to be testified by his signature), and the Undertakers shall not begin the execution of any of the works on or over the railways, canal, towing-path, lands, and property of the Great Western Company unless and until the same, with the sections and specifications thereof, are so approved; and the expenses of the engineer appointed by the Board of Trade shall be borne by such one of the parties or by both of them, and in that case in such proportions as such engineer shall direct.
- (b.) All such works shall be done by and at the expense of the Undertakers, who shall also restore and make good, to the reasonable satisfaction of the Great Western Company's engineer, the roads over any bridges, level-crossings, and approaches which the Great Western Company are or may be liable to maintain, and which may be disturbed or interfered with by or owing to any operations of the Undertakers.
- (c.) All such works and operations, and all matters incidental thereto, shall be constructed, executed, and done so as to cause as little injury as may be to such railways, canal, towing-path, bridges, level-crossings, approaches, viaducts, stations, works, lands, or property, or interruption to the passage or conduct of traffic over such railways, canal, or towing-path, or at any station or wharf thereon.
- (d.) If any injury or interruption shall arise from or in any way be owing to any of the acts, works, operations, and matters aforesaid, or to the bursting, leakage, or failure of any such mains, pipes, culverts, or works, in, under, or near to any bridge or level-crossing of the Great Western Company, the Undertakers shall make compensation to the Great Western Company in respect thereof, the amount of such compensation to be determined by arbitration in the manner herein-after provided.

[49 & 50 VICT.] *Gas Orders Confirmation (No. 1)* [Ch. lvi.]
Act, 1886.

(e.) The Undertakers shall acquire only such an easement across, over, or under any of the railways, canal, towing-path, works, and property of the Great Western Company as may be necessary for constructing and maintaining any of their works, and shall pay to the Great Western Company for any such easement to be so acquired by them such sum either annual or otherwise as may be agreed upon, or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the acquisition of lands otherwise than by agreement, and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands.

A.D. 1886.
Melksham.

(f.) If the Great Western Company at any time or times hereafter require (of which they shall be the sole judges) to construct any additional or other works upon their lands, railways, canal, or towing-path, or to alter or repair their railways, canal, towing-path, bridges, viaducts, or works upon, across, over, or under which any of the works of the Undertakers may have been constructed or laid, the Great Western Company may, on giving to the Undertakers seven days notice in writing under the hand of their secretary or general manager for the time being, and in case of emergency without notice, divert, support, or carry the said works of the Undertakers across, over, or under their land, railways, canal, towing-path, bridges, viaducts, or works at any other point, or otherwise deal with the same in as convenient a manner as circumstances will admit, and doing as little damage as may be without being liable to pay compensation in respect thereof, and the Undertakers shall, at their own expense, shore up or support their mains, pipes, or other works which may be interfered with during the alteration or repair of any bridges of the Great Western Company, and failing their so doing, the Great Western Company may do so at the expense of the Undertakers.

(g.) Except as in this section otherwise provided, any dispute or difference which may arise between the Great Western Company and the Undertakers with reference to the provisions of this section or in any way arising thereout, or any works to be carried out in pursuance thereof, shall be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the Great Western Company and the Undertakers, or either of them, and the costs of such arbitration shall be in the discretion of the arbitrator.

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 gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their mains, pipes, or other works in, over, or upon such lands or works, or the facilities to be afforded for the same, the same shall be settled by an engineer or other fit person, to be appointed by the Board of Trade at the request of either party.

Differences
with railway
and other
companies.

17. The Undertakers may manufacture, purchase, or hire and supply gas meters, fittings, gas stoves, and cooking and other apparatus, and may also manufacture, purchase, let, or deal in and contract for doing work in connexion with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating, and also engines and machines for the production of motive power for

Power to make
gas meters, &c.

[Ch. lvi.] *Gas Orders Confirmation (No. 1)* [49 & 50 VICT.]
Act, 1886.

A.D. 1886. domestic, agricultural, manufacturing, and other purposes by means of gas, and
Melksham. all articles and things in any way connected with gasworks or with the storage,
supply, use, or consumption of gas, and may take charges and remuneration in
respect thereof.

Power to take
licenses for
patents.

18. The Undertakers may, subject to the provisions of this Order (but only for the purpose of their gas undertaking authorised by this Order within the limits of supply, and not so as to acquire any exclusive right therein), contract for, take, and use any leave, license, or authority to work, use, exercise, and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working, using, or vending any invention in relation to the manufacture, or utilisation of any products obtainable in or arising from the manufacture of gas.

Quality of Gas.

Quality of gas. 19. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

Fixing maxi-
mum price of
gas with
sliding scale as
to dividend.

20. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings per thousand cubic feet, and so in proportion for any less quantity supplied, provided that the Undertakers may increase or diminish such standard price, subject to a reduction or increase in the standard rate of dividend, to be calculated as follows :—

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

Provided always that the standard rate of dividend payable by the Undertakers in respect of any preference shares or preference stock, at any time created and issued by the Undertakers, shall not be increased or diminished so long as any such preference continues.

Pressure of Gas.

Pressure of
gas.

21. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water 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.

Testing of Gas.

Testing of gas.

22. The Undertakers shall within six months after the commencement of this Order 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 gas shall be a Sugg's London argand, No. 1, with a

[49 & 50 VICT.] *Gas Orders Confirmation (No. 1).* [Ch. lvi.]
Act, 1886.

six-inch by one-and-three-quarters-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: Provided that any other description of burner may be used which shall from time to time be approved for the purpose by the Board of Trade; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purpose of this Order may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, not being the immediate approach to any railway or canal bridge or railway station, 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.

A.D. 1886.

Melksham.

Miscellaneous.

23. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency, defect, or excess was produced by an unavoidable cause or accident.

No penalty in case of unavoidable cause.

24. Where any money is deposited by any person by way of security with the Undertakers 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 Undertakers 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.

Undertakers to pay interest on deposit.

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

Incorporation of section 140 of 8 Vict. c.106.

26. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the commencement of this Order.

Saving of existing contracts, &c.

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

Costs of Order.

SCHEDULE.

Gas Lands.

All that piece or parcel of land formerly part of a close of land called "Stalkers," with the buildings, gasworks, and other erections thereon, situate on the eastern side of Bank Street, or Bath Road, in Melksham, in the county of Wilts, together with a carriage road thereto, from Bank Street or Bath Road aforesaid, containing together two roods and three perches or thereabouts, bounded on or towards the north and north-east by the brook which divides the said piece of land from lands belonging or reputed to belong to Walter Hume Long, Esq.,

A.D. 1886. M.P., and occupied by Charles Cottle, on or towards the east and south by other parts of the field called "Stalkers," but now severed therefrom, and now belonging or reputed to belong to and occupied by Charles James Spencer, and on or towards the south-west and west by three several pieces of land lying between it and Bank Street or Bath Road aforesaid, one having a messuage thereon and belonging or reputed to belong to and occupied by James Willis, another with two messuages thereon, belonging or reputed to belong to Mrs. Ann Moon, and in the respective occupations of Maria Hurn and Frederick Hill, and the other being called or known as the "Withy Bed," and belonging or reputed to belong to and occupied by the said Charles James Spencer.

*Menai
Bridge.*

MENAI BRIDGE GAS.

Order conferring powers for the maintenance and continuance of gasworks, and for the manufacture and supply of gas to Menai Bridge, and other places, in the parish of Llandysilio, in the county of Anglesey.

Short title.

1. This Order may be cited as "The Menai Bridge Gas Order, 1886."

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."

Incorporation
of Acts.

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), of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order, and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Interpretation.

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

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 parish of Llandysilio, in the county of Anglesey.

Undertakers.

Undertakers.

6. Robert Algeo, of Menai Bridge, in the county of Anglesey, civil engineer, his executors or administrators, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Provided that if the undertaking is at any time assigned to any other body or person in accord-

[49 & 50 VICT.] *Gas Orders Confirmation (No. 1)* [Ch. lvi.]
Act, 1886.

ance with the provision of this Order, such body or person shall from the date of such assignment be the Undertakers for the purposes of this Order, in lieu of the person or persons above mentioned.

A.D. 1886.

*Menai
 Bridge.*

Capital.

7. The capital of the Undertakers for the purposes of the undertaking authorised by this Order shall consist of the original capital of two thousand six hundred pounds, already expended upon the said undertaking, and of additional capital not exceeding four thousand four hundred pounds, and the original and additional capital of the Undertakers for the purposes of the said undertaking shall not exceed seven 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.

8. The Undertakers shall not, in any year, make any larger profits on the said original and additional capital than ten pounds in respect of every one hundred pounds of such original capital actually expended upon the undertaking authorised by this Order, and seven pounds in respect of every one hundred pounds of such additional capital actually expended upon the said undertaking.

Limits of
 profits on
 capital.

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

Limit of
 borrowing
 power.

Purchase of Lands.

10. The Undertakers may, for the purposes of the undertaking authorised by this Order, from time to time, purchase or take on lease (by agreement, but not otherwise) and may hold in addition to the lands described in the Schedule A. to this Order annexed, any lands and hereditaments not exceeding in the whole three acres which they may from time to time require, but no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the said schedule.

Power to
 purchase addi-
 tional land.

*Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas,
 Coke, and Residual Products.*

11. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the Schedule A. to this Order annexed, while they are possessed of the same, may maintain and continue, and from time to time alter, and enlarge retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke, and other residual products obtained in the manufacture of gas and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal tar, coke, pitch, asphaltum, ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere, and may also deal in and sell lime at the works and elsewhere.

Undertakers
 may maintain
 and continue
 gasworks on
 lands described
 in Schedule A.
 and may make
 and sell gas,
 &c.

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Act, 1886.

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Bridge.*

Differences
with railway
and other
companies.

12. 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 gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of
gas.

13. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

Price of gas.

14. The price to be charged by the Undertakers for gas supplied by them shall not exceed seven shillings and sixpence per one thousand cubic feet, and so in proportion for any less quantity supplied: Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may, if they think fit, upon the application of the local authority, or of any twenty or more consumers of the gas of the Undertakers within the limits of supply, by order in writing signed by a secretary or an assistant secretary of the said Board, alter the said maximum price, either by substituting any other sum for the said sum of seven shillings and sixpence, or by fixing a standard price, with sliding scale as to profits, and as from the date specified in such order (herein-after referred to as "the specified date"), the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order: Provided further, that in case such order shall prescribe a standard price, with sliding scale as to profits, then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect, and this Order shall be read and construed accordingly.

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.

Pressure of Gas.

Pressure of gas.

15. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water 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.

Testing of Gas.

Testing of gas.

16. The Undertakers shall, within six months after the commencement of this Order, 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

[49 & 50 VICT.] *Gas Orders Confirmation (No. 1)* [Ch. lvi.]
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burner to be used for testing 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: Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade, and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order 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, not being the immediate approach to any railway or canal bridge or railway station, vested in or under the control of any local or road authority.

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Menai
Bridge.

Miscellaneous.

17. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

No penalty in case of unavoidable cause.

18. Where any money is deposited by any person by way of security with the Undertakers 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 Undertakers 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.

Undertakers to pay interest on deposit.

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

8 Vic. c. 16. s. 140. incorporated.

20. No sale or assignment of the undertaking authorised by this Order shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a secretary or an assistant secretary of the said Board: Provided always, that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the said undertaking, not exceeding the amount by this Order prescribed, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

No sale or assignment of undertaking without consent of Board of Trade.

21. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

Saving of existing contracts.

22. Nothing contained in this Order shall authorise the Undertakers to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are

Saving rights of the Crown.

[Ch. lvi.] *Gas Orders Confirmation (No. 1) [49 & 50 VICT.]*
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A.D. 1886. hereby respectively authorised to give); neither shall anything in the said Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors.

*Menai
Bridge.*

Costs of
Order.

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

SCHEDULE A.

GAS LANDS.

A piece or parcel of land situated in the village of Menai Bridge; in the parish of Llandysilio, in the county of Anglesey, containing two roods or thereabouts, bounded on the north by the Shrewsbury and Holyhead turnpike road; on the south-east by a plantation belonging or reputed to belong to the Marquis of Anglesey; on the south-west by Menai Straits; and on the north-west by land known as Tymawr, belonging or reputed to belong to the Marquis of Anglesey; together with an easement or right of way over the occupation road leading from the said turnpike road to the gasworks.

SCHEDULE B.

The foregoing Order shall, after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained altering the maximum price to be charged by the Undertakers for gas supplied by them, and as from the specified date be read and construed subject to the modifications following:—

- (i.) Sections thirty to thirty-four (both inclusive) of the Gas Works Clauses Act, 1847, shall not continue to be incorporated with or to form part of the foregoing Order.
- (ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them shall be the price prescribed by such order of the Board of Trade as aforesaid per one thousand cubic feet, and so in proportion for any less quantity supplied: Provided that the Undertakers may increase or diminish such standard price, subject to a reduction or increase in the rates of profit prescribed by the foregoing Order, and herein-after referred to as "the standard rates of profit," to be calculated as follows:—

For every penny or part of a penny charged in excess or in diminution of such standard price in any one year, the standard rates of profit shall for such year be reduced or increased by five shillings in the one hundred pounds per annum, and the standard rates of profit, or the standard rates of profits as so reduced or increased shall be and are hereafter referred to as "the prescribed rates."

- (iii.) If the clear profits of the undertaking authorised by the foregoing Order in any year amount to a larger sum than is sufficient to pay the prescribed

Sections 30 to 34 of Gas-works Clauses Act, 1847, not to continue to be incorporated.

Price of gas with sliding scale as to profits.

If profits exceed the amount

rates, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the capital of the Undertakers for the purposes of the said undertaking, 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 part of such capital of the Undertakers, which fund shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strike, or other circumstance which, in the opinion of a justice, 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 happens: Provided that when and so often as the said fund reaches one-twentieth part of the said capital, the interest thereon shall be carried to the credit of the fund available for profits: 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.

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Bridge.*

limited excess
may be in-
vested and
form an in-
surance fund.

(iv.) If the clear profits of the undertaking authorised by the foregoing Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess, 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 said undertaking for the next following year.

Application
of excess of
profits over
prescribed
rates.

(v.) Where in any year the amount of the standard rates of profit is, by reason of a diminution of the standard price, charged by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers, applicable to the payment of such increase, the Undertakers may, in such year, set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of the Undertakers of a like character, existing at the specified date in relation to the undertaking authorised by the foregoing Order, may be invested in Government or other securities, and the dividends and interest 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 profits in any year in which the clear profits of the Undertakers in respect of the said undertaking are insufficient to enable the Undertakers in such year to pay the prescribed rates; and, save as in this schedule otherwise provided, no sum shall, in respect of the said undertaking in any year be carried by the Undertakers to any reserve fund.

Power to
create a
reserve fund
out of profits
in excess of
the standard
rates of profit,
and applica-
tion thereof.

(vi.) Nothing in this Schedule contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred, or notice given before the specified date with respect to the gasworks of, or the supply of gas by, the Undertakers.

Saving
existing
contracts.

A.D. 1886.

POCKLINGTON GAS.

Pocklington. *Order empowering the Pocklington Gaslight and Coke Company (Limited) to maintain and continue gasworks and to manufacture and supply gas within the township of Pocklington in the east riding of the county of York.*

Short title.

1. This Order may be cited as "The Pocklington Gas Order, 1886."

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."

Incorporation
of Acts.

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 on lands by the Promoters of the undertaking,) of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with and form part of this Order, (except where the same are expressly varied by this Order,) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, lamps, lamp posts, lamp irons, and other works of the Undertakers laid down, erected, fixed, or constructed before the commencement of this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, lamps, lamp posts, lamp irons, or other works which may be laid down, erected, fixed, or constructed under the authority of this Order.

Interpretation.

4. 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 Waterworks Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings, and in the construction of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

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 township of Pocklington in the parish of Pocklington in the east riding of the county of York.

Undertakers.

Undertakers.

6. The Pocklington Gaslight and Coke Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed four thousand six hundred pounds consisting of the original share capital already raised or authorised to be raised by the Undertakers (in this Order referred to as the "original capital") amounting to one thousand six hundred pounds, and of additional share capital to be issued subject to the provisions of this Order (in this Order referred to as "additional capital") not exceeding three thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Waterworks Facilities Act, 1870, or by Act of Parliament.

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8. The Undertakers shall, when any shares 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, and that the reserved price put upon such shares shall not be less than the nominal amount thereof; and notice of the amount of such reserved 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.

A.D. 1886.

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

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

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

10. It shall be one of the conditions of every sale of shares 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.

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

Notice to be given as to sale of shares.

12. When any shares 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 reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

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

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

Application of premium arising on issue of shares.

[Ch. lvi.] *Gas Orders Confirmation (No. 1)* [49 & 50 VICT.]
Act, 1886.

A.D. 1886. Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Pocklington.

Limits of dividend on capital.

14. Except as is by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividend on the original and additional capital than the standard rates of dividend herein-after mentioned, namely, ten pounds in respect of every one hundred pounds actually paid up of the original capital, and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital, and such dividends or such dividends as reduced or increased in accordance with the provisions of this Order are in this Order referred to as "the prescribed rates."

Dividends on different classes of ordinary shares to be paid proportionately.

15. In case in any half-year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital a proportionate deduction shall be made in the dividends payable on each class.

Limit of interest on borrowed moneys.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the Undertaking shall not at any time exceed in the whole one-fourth of the nominal value of their paid-up capital for the time being, and 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 by the Undertakers and secured as aforesaid after the commencement of this Order.

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

17. If the clear profits of the Undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may, from time to time, to the extent of one per centum per annum upon the paid-up capital of the Undertakers, 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 Undertakers, which fund shall form an insurance fund to meet any extraordinary claim, demand, or charge, which may at any time arise against or fall upon the Undertakers, from accident, strike, or other circumstance, which, in the opinion of a justice, due care and management could not have prevented, and if such fund be at any time below the said limit of one-twentieth part of the paid-up capital for the time being, it may thereafter be again made up to the said limit, and so from time to time as often as the occasion may require. Provided that when and so often as the said fund reaches the said limit of 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 such 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 part of the paid-up capital, for the time being as aforesaid.

Application of further excess of profits over

18. If the clear profits of the Undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess, 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.

Pocklington.
prescribed
rates.

19. Where in any year the standard rates of dividend are by reason of a diminution of the standard price charged by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit by way of reserve fund, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order, may be invested in Government or other securities, and the dividends and interest 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 Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates, and save as in this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Power to
create a
reserve fund
and applica-
tion thereof.

Acquisition of Lands.

20. The Undertakers may, for the purposes of the Undertaking, from time to time purchase, or take on lease by agreement, but not otherwise, and may hold in addition to the land shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, any lands which they may require: Provided that they shall not at any time hold for such purposes more than three acres in addition to the lands described in the said schedule, and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the said schedule.

Power to pur-
chase lands by
agreement.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

21. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed, so long as they are possessed of the same, may maintain and continue, and from time to time alter and enlarge, pull down, and re-erect their existing gasworks and works connected therewith, and may construct and enlarge retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal tar, coke, pitch, asphaltum and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere, and may also deal in and sell lime at the works and elsewhere.

Undertakers
may maintain
and continue
gasworks on
lands de-
scribed in
schedule and
may make and
sell gas, &c.

Quality of Gas.

22. The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light

Quality of gas.

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A.D. 1886: produced by fourteen sperm candles and shall in all respects be in accordance
Pocklington. with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

Fixing
 maximum
 price of gas,
 with sliding
 scale as to
 dividend.

23. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings and tenpence per one thousand cubic feet and so in proportion for any less quantity supplied: Provided that the Undertakers may increase or diminish such standard price subject to a reduction or increase in the standard rates of dividend to be calculated as follows:—

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

Provided always that the standard rates of dividend payable by the Undertakers in respect of any preference shares at any time created and issued by the Undertakers shall not be increased or diminished so long as any such preference continues.

Pressure of Gas.

Pressure of
 gas.

24. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water 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.

Testing Gas.

Testing gas.

25. The Undertakers shall within six months after the commencement of this Order 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, provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade, and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order 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, not being the immediate approach to any railway or canal bridge, or railway station vested in or under the control of any local or road authority.

Miscellaneous.

Power to
 Undertakers to
 purchase and
 supply gas
 appliances and
 apparatus, &c.

26. The Undertakers may at the works or elsewhere manufacture, purchase, hire, supply, and sell gas meters, fittings, gas stoves and cooking and other apparatus, and also manufacture, purchase, hire, sell, let, deal in, and contract for doing work in connexion with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating, and also engines and machines for the production of motive power for domestic, agricultural, manufacturing, and other

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purposes by means of gas and all articles and things in any way connected with gas works or with the supply of gas. A.D. 1886.
Pocklington.

27. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was occasioned by an unavoidable cause or accident. No penalty in case of unavoidable cause.

28. Where any money is deposited by any person by way of security with the Undertakers 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, fittings, gas stoves, or cooking or other apparatus, the Undertakers shall pay or allow 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. Undertakers to pay interest on deposit.

29. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order, provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16.
140. incorporated.

30. (1.) Any mains, pipes, or other works of the Undertakers now existing, or which under the authority of this Order the Undertakers may lay down or execute under, or over, or across, or which may affect any railway works or property of the North-eastern Railway Company, shall be laid down and executed and subsequently maintained and repaired by the Undertakers at such times as may be required or approved by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that Company and in accordance with plans and sections previously submitted to and approved of by him: Protection of North-eastern Railway Company.

(2.) The said mains, pipes, and works shall be so laid down, executed, maintained, repaired, and used 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 said 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 any works of the Undertakers or otherwise in connexion therewith.

31. If any difference arise between the Undertakers and any railway, canal, or other company, other than the North-eastern Railway Company, whose lands or works the Undertakers have power to cross under the authority of this Order, as to the mode of laying down, repairing, altering, or enlarging their mains, pipes, or other works in, over, or upon such lands or works, or the facilities to be afforded for the same, the same shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. Differences with railway and other companies.

32. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the commencement of this Order. Saving of existing contracts.

[Ch. lvi.] *Gas Orders Confirmation (No. 1)* [49 & 50 VICT.]
Act, 1886.

A.D. 1886. 33. All the costs, charges, and expenses of and incidental to the applying for,
Pocklington. preparing, obtaining, and confirming this Order, and otherwise in relation thereto
Costs of Order. shall be paid by the Undertakers.

SCHEDULE.

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GAS LANDS.

A piece of land now belonging or reputed to belong to and occupied by the Undertakers situate in the township and parish of Pocklington in the East Riding of the county of York, containing by admeasurement two thousand nine hundred and seventy square yards, or thereabout, and bounded on or towards the west by the highway leading from Pocklington to Kilnwick Percy, on or towards the north by an occupation road leading to the Chapel Hill, and on or towards the south and east by hereditaments belonging or reputed to belong to Admiral the Honourable Arthur Duncombe.

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