



CHAPTER xix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Abingdon Gas, Hoddesdon Gas, Honley Gas, Horley District Gas, and Langley Mill and Heanor Gas.

A.D. 1886.

[25th September 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 :

And whereas the limits of supply as defined by the Horley District Gas Order hereby confirmed include a small portion of the area within which the Redhill Gas Company were by the Redhill Gas Act, 1865, authorised to supply gas, but the said Company have not in fact supplied gas within the small portion aforesaid, and it has been agreed between the said Company and the Undertakers for the purposes of the said Order that the said Undertakers shall be authorised by the said Order to supply gas therein, and that so much of the said Act as authorises the said Company to supply gas therein shall be repealed :

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 :

A.D. 1886.

Short title.

1. This Act may be cited as the Gas Orders Confirmation (No. 2) Act, 1886.

Confirmation of Orders in schedule.

2. The several Orders as 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.

Special provision as to houses of labouring class.

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

Repeal of part of the Redhill Gas Act, 1865.

4. So much of the Redhill Gas Act, 1865, as authorises the Redhill Gas Company to supply gas within any parishes or parts of parishes in the county of Surrey which are included within the limits of supply as defined by the Horley District Gas Order hereby confirmed, is hereby repealed, and from and after the passing of this Act all the powers of the Redhill Gas Company, with reference to the supply of gas within such parishes or parts of parishes as aforesaid, shall absolutely cease and determine, and the said Order shall have as full validity and effect as though such parishes or parts of parishes had never been included within the limits within which the said company was by the said Act authorised to supply gas.

SCHEDULE OF ORDERS.

A.D. 1886.

ABINGDON GAS.—Order empowering the Abingdon Gaslight and Coke Company, Limited, to construct and maintain additional gasworks, and to extend their limits of supply and to increase their capital.

HODDESDON GAS.—Order empowering the Hoddesdon Gas and Coke Company, Limited, to maintain and continue their existing gasworks at Hoddesdon in the county of Hertford, to construct additional works, to make and supply gas, and to raise further capital.

HONLEY GAS.—Order empowering the Honley Gas Company, Limited, to maintain and continue gasworks, and to make and supply gas in certain parts of the townships of Honley and Thurstonland, all in the west riding of the county of York.

HORLEY DISTRICT GAS.—Order empowering the Horley District Gas Company, Limited, to construct and maintain gasworks, and to make and supply gas within parts of the parishes of Horley and Nutfield, and the parishes of Charlwood, Newdigate, Burstow, and Horne, all in the county of Surrey, and part of the parish of Upper Beeding, and the parishes of Ifield, Rusper, Crawley, and Worth, all in the county of Sussex, and for other purposes.

LANGLEY MILL AND HEANOR GAS.—Order empowering the Langley Mill and Heanor Gaslight and Coke Company, Limited, to maintain and continue gasworks, and to construct additional gasworks, and to make and supply gas in the township of Heanor and the district of Loscoe, in the township of Codnor and Loscoe, and so much of the township of Smalley, and of that part of the township of Codnor Park, called Aldercar, as lie within a radius of a mile and three-quarters from the parish church of Heanor, all in the county of Derby.

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ABINGDON GAS.

Abingdon.

Order empowering the Abingdon Gaslight and Coke Company, Limited, to construct and maintain additional Gasworks, and to extend their limits of supply, and to increase their capital.

Short title.

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

Commencement 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."

Interpretation.

3. The Abingdon Gas Order, 1877 (in this Order referred to as the "Order of 1877"), 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 30 to 34, both inclusive, of the Gasworks Clauses Act, 1847, shall cease to be incorporated with or to form part of the Order of 1877.

Limits of supply.

4. The Undertakers shall have, and may exercise, subject to the provisions of this Order, within so much of the area comprised within a circle having a radius of three miles from the Shire Hall in the market place of Abingdon aforesaid, as is within the county of Berks, all and the like powers, privileges and authorities for and in relation to the supply of gas, and shall be subject to all and the like duties, liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1877, and the expression "limits of supply" in the Order of 1877 shall, from and after the commencement of this Order, be deemed to include the said area.

Undertakers.

The Undertakers.

5. The Abingdon 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.

6. The limitation prescribed by the Order of 1877, with respect to the amount of the share capital of the Undertakers, shall not prevent the Undertakers from raising additional share capital not exceeding ten thousand pounds for the purpose of the gas undertaking authorised by the Order of 1877 and this Order, provided that the share capital of the Undertakers shall not for such purpose exceed in the whole the sum of thirty thousand pounds, unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

New shares to be offered by auction or tender.

7. The Undertakers shall, when any shares forming part of the additional capital by this Order authorised are to be issued, and before offering the same to the holder of any other 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.

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8. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share 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 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.

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

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

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

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 the borough of Abingdon.

As to notice to be given as to sale of shares.

11. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at the 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 that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital by this Order authorised.

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

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

Application of premium arising on issue of shares.

13. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the

Limits of dividend on additional capital.

A.D. 1886.

Abingdon.

original and additional capital as defined or authorised by the Order of 1877 or this Order, 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 as defined by the Order of 1877, and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital authorised by the Order of 1877 or this Order as may have been or be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of so much of the said additional capital as may have been or 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 for dividend prescribed by the Order of 1877 or any Act incorporated therewith.

Dividend on different classes of shares to be paid proportionately.

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 capital of the Undertakers, a proportionate reduction shall be made in the dividends payable on each class.

Borrowing powers.

15. 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 except with the sanction of the Board of Trade no higher rate of interest than five pounds per centum 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 invested and form an insurance fund.

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 paid up capital of the Undertakers for the time being 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 for the time being 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 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 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 of the paid up capital for the time being as aforesaid.

Application of further excess of profits over prescribed rates.

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. A.D. 1886.

Abingdon.

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, 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 sum as they think fit by way of a 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 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 by 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 application thereof.

Lands.

19. The Undertakers may by agreement purchase and use such of the lands shown on the map deposited for the purpose of this Order (and in this Order referred to as "the deposited map A") and described in the first part of the schedule to this Order annexed as may be required for the undertaking authorised by this Order.

Acquisition and use of lands.

20. The Undertakers may, for the purposes of the gas undertaking, from time to time purchase or take on lease (by agreement, but not otherwise), and hold in addition to the lands 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 under the powers granted to them by the Order of 1877 and this Order more than three acres of land in the whole, 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 schedule to this Order annexed.

Power to purchase additional land by agreement.

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

21. The Undertakers, on the lands shown on the deposited maps marked "A" and "B," and described in the Schedule to this Order annexed, when the same have been acquired by them, and while they are possessed of the same, may erect, maintain, and continue, and from time to time alter and enlarge, retorts, gas-holders, 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 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

The Undertakers may maintain and continue gasworks on lands described in the schedule and may make and sell gas.

A.D. 1886. may sell and dispose of the same at the works and elsewhere, and they may also erect and construct, maintain and continue, and from time to time alter and enlarge, houses, offices, buildings, and other works connected with the gas undertaking.

Abingdon.

For protection
of Great
Western and
Abingdon
Railway
Companies.

22. For the protection of the Great Western Railway Company (herein-after referred to as the Great Western Company) and the Abingdon Railway Company (herein-after referred to as the Abingdon 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, 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 or of the Abingdon 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.

(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, level crossings, approaches, viaducts, stations, works, lands, or property, or interruption to the passage or conduct of traffic over such railways or at any station or wharf thereon.

(d.) If any injury or interruption as aforesaid 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 or of the Abingdon Company, the Undertakers shall make compensation to the Great Western Company or to the Abingdon Company, as the case may be (whichever of them is entitled to such compensation), in respect thereof; the amount of such compensation to be determined by arbitration in the manner herein-after provided.

(e.) The Undertakers shall acquire only such an easement across, over, or under any of the railways, works, and property of the Great Western Company or of the Abingdon Company as may be necessary for constructing and maintaining any of the works of the Undertakers, and shall pay to the Great Western Company or the Abingdon Company, as the case may be (whichever of them is entitled thereto), 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.

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Abingdon.

(f.) If the Great Western Company or the Abingdon 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 or railways, or to alter or repair their railways, 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 or the Abingdon Company, as the case may be, 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 (of which their engineer shall be sole judge) without notice divert, support, or carry the said works of the Undertakers across, over, or under their land, railways, 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 doing so, the Great Western Company or the Abingdon Company, as the case may be, 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 Abingdon Company, or either of them, and the Undertakers with reference to the provisions of this section, or in any way arising thereout, or as to any works to be carried out in pursuance thereof, shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Abingdon Company, or either of them, as the case may be, and the Undertakers, or either of them, and the costs of such arbitration shall be in the discretion of such arbitrator.

23. 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, 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, such difference shall be settled by an engineer, or other fit person to be appointed by the Board of Trade at the request of either party.

Differences
with railway
and other
companies.

Price of Gas.

24. Notwithstanding anything in the Order of 1877, the standard price to be charged by the Undertakers for gas supplied by them shall be five shillings and threepence 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:—

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

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

A.D. 1886. such year be reduced or increased respectively by five shillings in the one hundred pounds per annum.

Abingdon.

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.

Quality of Gas.

Quality of gas.

25. Notwithstanding anything in the Order of 1877, 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 fifteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Miscellaneous.

Saving of existing contracts.

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.

Costs of Order.

27. 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.

PART I.

PROPOSED NEW SITE OF GASWORKS.

A piece of land containing by admeasurement one acre two roods and two perches or thereabouts situate on the south of the vineyard in the parish of St. Nicholas, in the borough of Abingdon, in the county of Berks (being the orchard and part of the garden now or late occupied with the "Red Lion" public-house reputed to be the property of the trustees of Wigglesworth Charity, in Abingdon aforesaid), extending from the vineyard aforesaid on the north to the Abingdon branch of the Great Western Railway on the south, and bounded on the west by land and premises reputed to belong to Edward Williams, the trustees of Powell and Christ's Hospital, Abingdon, respectively, and on the east by other lands reputed to be the property of Wigglesworth Charity aforesaid, being the piece of land shown on the deposited plan marked "A."

PART II.

PRESENT SITE OF GASWORKS.

A plot of land reputed to belong to and occupied by the Undertakers, situate in the parish of St. Nicholas, in the borough of Abingdon, in the said county of Berks, bounded on the east by land reputed to belong to John Shawe Phillips,

on the north by land reputed to belong to the said John Shawe Phillips and the Abbey Mill stream, on the west by buildings reputed to belong to the representatives of the late Henry Yeates, and on the south partly by buildings reputed to belong to the said representatives of the late Henry Yeates and partly by the River Thames.

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Abingdon.

And also another plot of land near to the last described plot and reputed to belong to the Undertakers, bounded on the south side by Thames Street, on the east by tenements and garden reputed to belong to George Frederick Glanville and Mary Ann George respectively, on the north side by land reputed to belong jointly to the devisees in trust of the late George Bowes Morland and Tom Lindars, and on the west by a tenement reputed to belong to Thomas Hicks—which last two pieces of land are shown on the deposited plan marked “B,” and contain by admeasurement two roods twelve perches or thereabouts.

HODDESDON GAS.

Hoddesdon.

Order empowering the Hoddesdon Gas and Coke Company Limited to maintain and continue their existing gasworks at Hoddesdon in the county of Hertford to construct additional works to make and supply gas and to raise further capital.

1. This Order may be cited as “The Hoddesdon 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 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 30 to 34 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 and 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 for the purpose of the incorporation of any such Act the expression the “undertaking” in such Act 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 Limits of Order.

A.D. 1886. hamlet of Hoddesdon the parishes of Broxbourne and Wormley and so much of
Hoddesdon. the parish of Great Amwell as is within the special drainage district of
Hoddesdon and Great Amwell as constituted at the date of the commencement
of this Order all in the county of Hertford.

Undertakers.

Undertakers. 6. The Hoddesdon Gas and Coke Company Limited shall be the Undertakers
for the purposes of this Order and are in this Order referred to as "the Under-
takers."

Capital.

Capital. 7. The share capital of the Undertakers shall not for the purposes of the
undertaking authorised by this Order exceed sixteen thousand pounds consisting of
the original share capital amounting to ten thousand pounds and of additional share
capital in shares either ordinary or preference or partly ordinary and partly
preference to be issued subject to the provisions of this Order not exceeding six
thousand pounds unless the Undertakers are hereafter authorised to raise further
additional share capital by Provisional Order under the Gas and Water Works
Facilities Act 1870 or by Act of Parliament.

New shares to
be offered by
auction or
tender.

8. 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 reserve price put upon such shares shall not
be less than the nominal amount thereof and notice of the amount of such
reserve price shall be sent by the Undertakers in a sealed letter to the Board of
Trade not less than twenty-four hours before the day of auction or the last day
for the reception of tenders as the case may be and such letter may be opened
after such day of auction or last day for the reception of tenders and not sooner
and provided that no priority of tender shall be allowed to any holder of shares
or stock of the Undertakers.

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

9. Where the amount bidden or tendered by the proprietor of any share or
stock of the Undertakers for any share 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 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.

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

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

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

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.

A.D. 1886.

—
Hoddesdon.

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 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.

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 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.

14. Except as by this Order expressly provided the Undertakers shall not in any year 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 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."

Limits of
dividend on
capital.

15. 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 capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends on
different classes
of shares to be
paid pro-
portionately.

16. The amount of all moneys which the Undertakers may borrow and secure by mortgage of the gas undertaking shall not together with any moneys which they may have borrowed and secured as aforesaid before the commencement of this Order 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 centum 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.

Borrowing
powers.

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

If profits
exceed the
amount

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Hoddesdon.
limited excess
may be
invested and
form an
insurance fund.

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 for the time being 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 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 for the time being 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 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 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 of the paid up capital for the time being as aforesaid.

Application of
further excess
of profits over
prescribed
rates.

18. If the clear profits of the gas 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.

Power to
create a reserve
fund and
application
thereof.

19. Where in any year the standard rates of dividend are by reason of a diminution of the standard price charged by the Undertakers increased 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 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 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 by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Lands, &c.

Power to
purchase land
by agreement.

20. The Undertakers may for the purposes of the gas undertaking 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 two acres 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 for

residual products except the lands described in the schedule to this Order annexed.

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Hoddesdon.

Maintenance and Continuance of Gasworks Construction of New Works and Manufacture and Sale of Gas Coke and Residual Products.

21. Subject to the proviso herein-after contained, the Undertakers on the lands shown on the map deposited for the purposes of this Order and thereon marked A and described in Part I. of 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 gasholders 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 also on the land shown on the deposited map and thereon marked B and described in Part II. of the schedule to this Order annexed, while they are possessed of the same construct erect and maintain and from time to time alter remove and enlarge retorts gasholders 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 upon the said lands marked A and B 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 their works and elsewhere and they may 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: Provided that when the gasworks and other works by this Order authorised to be constructed upon the said land marked B described in Part II. of the schedule to this Order annexed are completed and in use for the manufacture and storage of gas and of the residual products obtainable therefrom as aforesaid the Undertakers shall within three months from commencing to use such works cease to manufacture and store gas and to manufacture and store the residual products thereof as aforesaid at the existing works upon the said land marked A described in Part I. of the said schedule and the Undertakers shall thenceforth discontinue the use of the said existing works and may pull down take up and remove and sell the same and they may sell exchange or otherwise dispose of the said land marked A as they may think fit.

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

22. The Undertakers may enter into and carry into effect and alter and rescind contracts and agreements with the New River Company and with John Alfred Hunt and Thomas Hunt or any or either of them for the discontinuance and removal of the existing gasworks of the Undertakers on the land described in Part I. of the schedule to this Order annexed and for the conveyance by sale or exchange or otherwise of the site of the said existing gasworks to the New River Company and to John Alfred Hunt and Thomas Hunt or any or either of them and for and in relation to any payment to be made to the Undertakers by the said New River Company and the said John Alfred Hunt and Thomas Hunt

Undertakers may make agreements with New River Company and others for certain purposes.

A.D. 1886. or any or either of them for or in relation to the conveyance or exchange of the
Hoddesdon. said last-mentioned land and the discontinuance and removal of the said existing
 gasworks.

Differences
 with railway
 and other
 companies.

23. 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 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.

Power to make
 gas meters &c.

24. The Undertakers may manufacture purchase or hire and supply gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing and execute 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 purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take
 licenses for
 patents.

25. The Undertakers may subject to the provisions of this Order (but only for the purposes 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 production and distribution of gas or the conversion manufacture or utilization of any products obtainable in or arising from such manufacture or production or from the materials used therein.

Quality of Gas.

Quality of gas.

26. 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.

27. The standard price to be charged by the Undertakers for gas supplied by them shall be five 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 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.

[50 VICT.] *Gas Orders Confirmation (No. 2) Act, 1886.* [Ch. xix.]

Provided that the standard rate 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.

A.D. 1886.
Hoddesdon.

Pressure of Gas.

28. 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.

29. The Undertakers shall within twelve months after the commencement of this Order cause to be provided at the works from which they may be supplying gas at the expiration of such period of twelve months a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and before commencing to supply gas from any other works after the expiration of the said period of twelve months they shall at such works provide a similar testing place with similar apparatus 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 threequarter inch glass chimney and if at any time the gas flame tail 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.

30. 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.

No penalty in case of unavoidable cause.

31. 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.

32. The Undertakers may supply gas in bulk to Haileybury College for consumption within the college and may also supply gas in bulk for re-sale or

Sale of gas in bulk.

A.D. 1886. distribution to any body or person who may be authorised by or in pursuance
— of any Act of Parliament or Order confirmed by Parliament to supply gas in any
Hoddesdon. adjoining district beyond the limits of supply Provided always that nothing
in this section shall be construed as conferring any powers on the Undertakers
in relation to the laying down or placing of any pipes or the breaking up of any
road or street or the execution of any works beyond the limits of supply or as
authorising the Undertakers to supply gas in any such district within the
meaning of section 161 of the Public Health Act 1875 or any similar
provision.

Incorporation of section 140 of 8 Vict. c. 16. 33. Section 140 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 contracts &c. 34. 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. 35. All the costs charges and expenses of and incidental to the applying for
preparing obtaining and confirming this Order and otherwise in relation thereto
shall be paid by the Undertakers.

SCHEDULE.

PART I.

(a.) A piece of land situate in the hamlet of Hoddesdon in the county of Hertford reputed to belong to the Undertakers and occupied by gas and other works bounded on the north-east and west sides thereof by land reputed to belong to the New River Company and occupied by John Alfred Hunt and Thomas Hunt and on the south by a brook or stream called Spital Brook and containing in the whole 1 rood or thereabouts.

PART II.

(b.) A piece of land situate in the hamlet of Hoddesdon in the county of Hertford forming part of a field called Hawthorns now reputed to belong to the New River Company and bounded on the south-east side thereof by the Great Eastern Railway on the north-west side thereof by land reputed to belong to the Marquis of Salisbury and occupied by Alfred Goodwin and on the west and south sides thereof by other land of the New River Company in the occupation of Messieurs John James and Jasper Gripper and containing 2 acres or thereabouts.

HONLEY GAS.

A.D. 1886.

Order empowering the Honley Gas Company, Limited, to maintain and continue gasworks, and to make and supply gas in certain parts of the townships of Honley and Thurstonland, all in the west riding of the county of York.

Honley.

1. This Order may be cited as "The Honley 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 provisions of the Land 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 30 to 34, 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 so much of the township of Honley as is coloured pink on the map deposited for the purposes of this Order, and in this Order referred to as the "deposited map," and so much of the township of Thurstonland as is not included within the limits of supply of the Kirkburton Gaslight Company, Limited, as defined by the Kirkburton Gas Order, 1884, and as is also coloured pink on the deposited map, all in the west riding of the county of York.

Limits of Order.

Undertakers.

6. The Honley Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

7. The share capital of the Undertakers may, for the purposes of the gas undertaking, consist of the original share capital of the Undertakers already issued amounting to eight thousand pounds, and of additional share capital, to be issued subject to the provisions of this Order, not exceeding four thousand

Capital.

A.D. 1886. pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed twelve thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Honley.

New shares to be offered by auction or tender.

8. 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.

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

9. Where the amount bidden or tendered by the proprietor of any share 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.

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

As to notice to be given of sale of shares.

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.

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

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 said additional capital.

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

A.D. 1886.

Honley.

Application of premium arising on issue of shares.

14. Except as by this Order expressly provided, the Undertakers shall not in any year make out of their profits any larger dividends on their 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 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."

Limit of dividend on capital.

15. In case in any 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 original and additional capital of the Undertakers, a proportionate deduction shall be made in the dividends payable on each class.

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

16. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the gas 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 no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade, in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

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 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 for the time being, 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,

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

A.D. 1886.

Honley.

Application of further excess of profits over prescribed rates.

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 part of the paid up capital for the time being as aforesaid.

Power to create a reserve fund, and application thereof.

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.

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 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 by this Order specially provided, no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Lands.

Power to purchase land by agreement.

20. The Undertakers may, for the purposes of the gas undertaking 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 which they may from time to time 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, or of storing gas, except the lands described in the schedule to this Order annexed.

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

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

21. The Undertakers, on the lands shown on the deposited map 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, enlarge, or when necessary repair or remove retorts, gasholders, receivers, purifiers, meters, buildings, apparatus, and works for the manufacture and storing of gas and of coke, asphaltum, pitch, coal tar, ammoniacal liquor, oil, 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 on such lands, and supply and sell the same within the limits of supply, and may on the same lands manufacture and store coke, asphaltum, pitch, coal tar, ammoniacal liquor, oil, and all other residual products as aforesaid, and may sell and dispose of the same at the

gasworks and elsewhere, and may also deal in and sell lime at the works and elsewhere, and may also manufacture, purchase or hire, and supply and deal in gas fittings, meters, stoves, pipes, and all other articles and things in any way connected with gasworks or with the supply of gas, in such manner and upon such terms as the Undertakers may think fit.

A.D. 1886.

Honley.

22. In laying down or executing, or in effecting the repairs or renewals of any mains, pipes, or other works of the Undertakers upon, across, over, or under, or in any way affecting the railways, works, lands or property now or hereafter belonging to or used by the Lancashire and Yorkshire Railway Company (in this section referred to as "the company"), or the bridges, approaches, viaducts, stations, or other works of the company, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the company, and only according to such plans and in such manner as shall be previously submitted to and reasonably approved by such engineer, and by and at the expense in all things of the Undertakers, who also shall restore and make good the roads over any bridges and approaches which the company is or may be liable to maintain, and which may be disturbed or interfered with by or owing to any works or operations of the Undertakers, and all such works and operations, and all matters incidental thereto, shall be constructed, executed and done so as not to cause any injury to such railways, bridges, approaches, viaducts, stations, works, lands or property, or any interruption to the passage or conduct of traffic over such railways or at any station thereon, and if any such injury or interruption shall arise from or in any way be owing to any of the works, operations, or matters aforesaid, or the failure of any such mains, pipes, or works, the Undertakers shall make compensation to the company in respect thereof, the amount of such compensation, together with full costs, to be recoverable by the company from the Undertakers by all and the same means as any simple contract debt of like amount is recoverable. In case of any difference arising between the Undertakers and such engineer as to any plans, or the mode of executing any works, such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade on the application of either party.

For the protection of the Lancashire and Yorkshire Railway Company.

23. The Undertakers may, subject to the provisions of this Order, but only for the purposes of the Undertaking 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, production, and distribution of gas, or the conversion, manufacture, or utilisation of any products obtainable in or arising from such manufacture or production, or from the materials used therein.

Power to take licenses for patents.

Quality of Gas.

24. 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 fifteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Quality of gas.

A.D. 1886.

Price of Gas.

Honley.

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

25. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings and fourpence 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 respectively 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 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.

26. 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.

27. 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-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 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.

No penalty in case of unavoidable cause.

28. 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 produced by unavoidable cause or accident.

Undertakers to pay interest on deposit.

29. Where any money is deposited by any person, by way of security with the Undertakers for the payment to them of any 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.

Honley.

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

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

31. 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 con-
tracts, &c.

32. All the costs, charges, and expenses of and incident 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.

A piece of land containing two thousand two hundred and thirty square yards, or thereabouts, now in the occupation of the Company, situate in Honley, and bounded on the north partly by the River Holme, and partly by the old highway leading from the Huddersfield and Woodhead turnpike road into the village of Honley, on the south by land now or lately reputed to belong to the Earl of Dartmouth, on the east by the Huddersfield and Woodhead turnpike road, and on the west by the old highway leading from Honley to Holmfirth.

HORLEY DISTRICT GAS.

Horley.

Order empowering the Horley District Gas Company, Limited, to construct and maintain gasworks, and to make and supply gas within parts of the parishes of Horley and Nutfield, and the parishes of Charlwood, Newdigate, Burstow, and Horne, all in the county of Surrey, and part of the parish of Upper Beeding and the parishes of Ifield, Rusper, Crawley and Worth, all in the county of Sussex; and for other purposes.

1. This Order may be cited as "The Horley District 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

Incorporation
of Acts.

[Ch. xix.] *Gas Orders Confirmation (No. 2) Act, 1886.* [50 VICT.]

A.D. 1886. *Horley.* 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.

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 several parishes and parts of parishes herein-after described, namely:—

So much of the parishes of Horley and Nutfield as lies to the south of a line drawn from a point in the Horsehill Road at or near Woolver's Farm, and thence proceeding in an easterly, northerly and north-easterly direction along the boundary between the said parish of Horley and the detached portion, No. 1, of Charlwood until such boundary meets the River Mole at Sidlow; thence in an easterly direction along the centre of the stream, being a tributary of the said River Mole, between such point and Salford Bridge, carrying the road leading from Redhill to Horley Row across the said tributary of the said River Mole; thence southwardly along the said road to the junction of Honeycrook Lane therewith; thence along the south side of Honeycrook Lane, crossing the London, Brighton and South Coast Railway, and continuing along the said lane to and crossing the road leading from Earlswood to Mason's Bridge, and thence along and passing Axeland Park; thence crossing the boundary line between the said parishes of Horley and Nutfield; thence along and following the south side of the highway called Green Lane, passing Cock's Coppice and Woolborough Farm, and terminating at a point at the junction of the highway at the boundary of the said parish of Nutfield, adjoining the parish of Burstow, together with the whole of the several parishes of Newdigate, Charlwood, Burstow and Horne, all in the county of Surrey; and the detached portion of the parish of Upper Beeding, lying between the parishes of Horsham and Ifield, together with the whole of the several parishes of Ifield, Rusper, Crawley and Worth, all in the county of Sussex.

Provided that, if at any time after the period of three years from the commencement of this Order it is represented in writing to the Board of Trade, by the local authority having jurisdiction in the said parish of Newdigate, or by twenty inhabitant householders of such parish, that the Undertakers are not supplying gas in such parish or some part thereof, and if such local authority or twenty inhabitant householders satisfy the Board of Trade that such local authority or a company or other undertakers are prepared to undertake the supply of such parish, or of such part of such parish as the case may be with gas, and to apply for an Act of Parliament or Provisional Order to authorise such supply, the Board of Trade may, if they think fit, by Order, to be made as herein-after specified, amend the limits of supply as defined by this Order, and exclude therefrom the whole or any part of such parish as to them may seem proper.

Every such Order shall be signed by a secretary or an assistant secretary of the Board of Trade, and the Board of Trade shall cause a copy of the same to be published, once at least in each of two successive weeks in some one and the same local newspaper circulating within the limits of supply, and once in the London Gazette; and the Undertakers shall pay to the Board of Trade all costs

incurred by them in and about the publication of the copies of such Order in manner aforesaid ; and from and after the publication of the copy of such Order in the London Gazette, all the powers by this Order conferred upon the Undertakers, and exerciseable within such parish or such part of such parish as shall by such Order be excluded from the limits of supply, shall absolutely cease and determine, and this Order shall be construed accordingly, and as though such parish or such part of such parish had not been by this Order included within the limits of supply.

A.D. 1886.

Horley.

Undertakers.

6. The Horley District Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

7. The share capital of the Undertakers shall not, for the purposes of the gas undertaking, exceed twenty 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.

Capital.

8. Except as by this Order expressly provided, the Undertakers shall not in any year make out of their profits any larger dividend on the said 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 capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital, 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.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the gas 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 no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

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 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 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

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

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Horley.

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 for the time being, the interest thereon shall be carried to the credit of the fund available for dividend: Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached, or may have been reduced below, the full amount of one twentieth as aforesaid.

Application of excess of profits over prescribed rates.

11. 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.

Power to create a reserve fund and application thereof.

12. Where in any year the standard rates of dividend, or any of them, 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 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.

Lands.

Power to use lands scheduled for the purposes of the undertaking.
Power to purchase lands by agreement.

13. The Undertakers may, for the purpose of the gas undertaking while they are possessed of the same, hold and use such of the lands shown on the map deposited for the purposes of this Order and thereon coloured red, and which lands are more particularly described in the schedule to this Order annexed, as may be required for the purposes of their said Undertaking; and may, in addition to those lands, purchase, or take on lease (by agreement, but not otherwise) and hold any lands, which they may from time to time require for the purposes of such Undertaking : 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.

Construction and Maintenance of Gasworks; Manufacture and Sale of Gas, Coke, and other Residual Products.

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

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 construct and maintain, and from time to time alter, extend, enlarge, renew, and discontinue 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 and store gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil and other residual products obtained in the manufacture of gas and matters producible therefrom, and may store the same, and may convert, utilise, sell, and dispose of the same at the 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 undertaking.

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Horley.

15. The Undertakers may manufacture, purchase, or hire and supply gas meters, fittings, gas stoves, and cooking and other apparatus, and may also manufacture, purchase, hire, sell, 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 domestic, agricultural, manufacturing, and other purposes by means of gas, and all articles and things in any way connected with gasworks or with the supply of gas, and may take charges and remuneration in respect thereof.

Power in relation to gas meters, &c.

16. The Undertakers may, subject to the provisions of this Order (but only for the purposes of the undertaking 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 distribution of gas, or the utilisation of any products obtainable in or arising from such manufacture, or from materials used therein.

Power to take licenses for patents.

17. If any difference arise between the Undertakers and any highway board or road authority, or any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, as to the mode of laying down, making, erecting, repairing, altering, enlarging or removing their pipes, lamps 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 companies, &c.

18. For the protection of Surrey county bridges, and approaches thereto and other property, be it enacted, as follows:—

For protection of Surrey county bridges.

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

A.D. 1886.

Horley.

- (b.) Notwithstanding anything in this Order contained, the Undertakers shall be responsible for and make good to the said justices all costs, losses, damages and expenses which they may be put to or sustain by reason of the execution or failure of any of the intended works, or of any act or omission of the Undertakers, or of any of their contractors, agents, workmen or servants, or any of the persons in their employ or in the employ of their contractors or others ; and the Undertakers will effectually indemnify and hold harmless the justices from all claims and demands upon or against them by reason of such execution or failure, or of any such act or omission ;
- (c.) The costs, charges and expenses of the said surveyor of and incident to the approval of the said plans and specifications, and the superintendence of the works shall be paid by the Undertakers.

Quality of Gas.

Quality of gas.

19. 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.

Fixing maximum 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 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 respectively 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 them shall not be increased or diminished so long as 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, before supplying gas under the authority of this Order, shall 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

[50 VICT.] *Gas Orders Confirmation (No. 2) Act, 1886.* [Ch. xix.]

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.

A.D. 1886.

Horley.

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 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.

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. 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.

26. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers.

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

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

Costs of Order.

SCHEDULE.

GAS LANDS.

Land situate in the parish of Horley, in the county of Surrey, now reputed to belong to the Undertakers, and in their occupation, containing by admeasurement 1a. 2r., or thereabouts, and bounded on the north by a bridge crossing the London, Brighton and South Coast Railway at Horley aforesaid; on the south partly by the Horley Brewery premises and partly by land reputed to belong to Dr. William Chessall; on the east by the high road leading from Brighton to London; and on the west by the said London Brighton and South Coast Railway.

A.D. 1886.

LANGLEY MILL AND HEANOR GAS.

*Langley
Mill and
Heanor.*

Order empowering the Langley Mill and Heanor Gaslight and Coke Company Limited to maintain and continue gasworks and to construct additional gasworks and to make and supply gas in the township of Heanor and the district of Loscoe in the township of Codnor and Loscoe and so much of the township of Smalley and of that part of the township of Codnor Park called Aldercar as lie within a radius of a mile and three-quarters from the parish church of Heanor all in the county of Derby.

Short title.

1. This Order may be cited as "The Langley Mill and Heanor 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 (except sections 30 to 34 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.

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 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.

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 Heanor, and the district of Loscoe in the township of Codnor and Loscoe, and so much of the township of Smalley and of that part of the township of Codnor Park called Aldercar, as lie within a radius of a mile and three-quarters from the parish church of Heanor all in the county of Derby.

Undertakers.

The Under-
takers.

6. The Langley Mill and Heanor 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.

A.D. 1886.

7. The share capital of the Undertakers shall not for the purposes of the gas undertaking exceed thirty thousand pounds consisting of the original share capital already raised or authorised to be raised by the Undertakers and in this Order referred to as the "original capital" amounting to seventeen thousand five hundred pounds that is to say fifteen thousand pounds ordinary share capital and two thousand five hundred pounds preference share capital and of additional share capital to be issued subject to the provisions of this Order not exceeding twelve thousand five hundred pounds unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

*Langley
Mill and
Heanor.*
Capital.

8. 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 fifty 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.

New share
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 share 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 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.

When pro-
prietor tenders
same amount
as any other
person pro-
prietor 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 of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase
money of
shares 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.

As to notice
to be given of
intention to
sell 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 reserve price put upon the same respectively for the purpose of sale by auction or tender

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

A.D. 1886.

*Langley
Mill and
Heanor.*

Application
of premium.

Limits of
dividend.

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

Limits of
borrowing
powers.

If profits
exceed the
amount
limited the
excess may be
invested and
form insur-
ance fund.

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 said additional capital.

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 Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividends.

14. 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 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 as has been issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of such original capital as has been issued as preference 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 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."

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 in the original and additional capital of the Undertakers a proportionate deduction shall be made in the dividends payable on each class.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the gas 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 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.

17. If the clear profits of the gas 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 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 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 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 of the paid up capital for the time being as aforesaid.

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18. If the clear profits of the undertaking in any year amount to a larger sum that 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.

Application
of further
excess of
profits over
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 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 by 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 gas undertaking from time to time purchase or take on lease by agreement but not otherwise and may hold in addition to the land 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.

Maintenance and Continuance of existing Gasworks—Construction of additional Gasworks—Manufacture and Sale of Gas Coke and Residual Products.

21. The Undertakers on the land 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 their existing gasworks and works connected therewith and they may construct erect make and maintain and from time to time alter and enlarge additional retorts gas holders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual

Undertakers
may maintain
and continue
existing gas-
works and
construct ad-
ditional gas-
works on
lands described
in schedule

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and may make
and sell
gas &c.

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.

Power to make
gas meters &c.

22. The Undertakers may manufacture purchase or hire and supply gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell 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 domestic agricultural manufacturing and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take
licenses for
patents.

23. The Undertakers may subject to the provisions of this Order (but only for the purposes 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 production and distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from the materials used therein.

Sale of gas in
bulk.

24. The Undertakers may supply gas in bulk for re-sale or distribution to any body or person, who may be authorised by or in pursuance of any Act of Parliament or Order confirmed by Parliament to supply gas in any adjoining district beyond the limits of supply : Provided always that nothing in this section shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipes or the breaking up of any road or street or the execution of any works beyond the limits of supply or as authorising the Undertakers to supply gas in any such district within the meaning of section 161 of the Public Health Act 1875 or any similar provision.

For protection
of the Midland
Railway Com-
pany.

25. Any mains pipes or other works which the Undertakers may lay down or execute under or over or which may affect any railway or works of the Midland Railway Company shall be laid down and executed and subsequently maintained and repaired by the Undertakers under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said railway company and in accordance with plans and sections previously submitted to and approved by him.

For protection
of county
bridges.

26. Any mains pipes or other works which the Undertakers may lay down or execute under over or along or which may affect any bridges belonging to or repairable by the county of Derby or the roadway of any such bridges or so much of the approaches thereto as may be repairable by the said county shall be laid down and executed and subsequently maintained and repaired by the Undertakers under the direction and superintendence and to the reasonable satisfaction of the surveyor for the time being of the said county and in accordance with plans and sections previously submitted to and approved by him.

[50 VICT.] *Gas Orders Confirmation (No. 2) Act, 1886. [Ch. xix.]*

If any difference arise between the Undertakers and the said surveyor as to the mode of laying down executing repairing altering or enlarging any such mains pipes or other works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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27. If any difference arise between the Undertakers and any railway or other company other than the Midland 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.

Quality of Gas.

28. 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.

29. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings and sixpence 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:—

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

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 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 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.

30. 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.

31. 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

Testing of
gas.

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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.

No penalty in case of unavoidable cause.

32. 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.

Undertakers to pay interest on deposit.

33. Where any money is deposited by any person by way of security with the Undertakers for 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 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, incorporated.

34. Section 140 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 contracts.

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.

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.

SCHEDULE.

GAS LANDS.

A piece or parcel of land situate in the township of Heanor in the parish of Heanor in the county of Derby reputed to belong to and in the occupation of the Undertakers and upon part of which their existing works stand bounded on the north and south by lands reputed to belong to the Midland Railway Company on the east by the Midland Railway and on the west in part by a certain street called North Street and in the remaining part by an occupation road being a continuation of the said street and which piece or parcel of land contains two acres and five perches or thereabouts.