



CHAPTER cxxv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Chigwell, Loughton, and Woodford Gas, Great Berkhamstead Gas, Hatfield Gas, Snodland Gas, and Swansea Gas. A.D. 1888.
[24th July 1888.]

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Gas Orders Confirmation Act, 1888. Short title.

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

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

Special pro-
vision as to
houses of
labouring
class.

A.D. 1888.

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

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

SCHEDULE OF ORDERS.

CHIGWELL, LOUGHTON, AND WOODFORD GAS.—Order empowering the Chigwell, Loughton, and Woodford Gas Company to extend their limits of supply and to raise additional capital.

GREAT BERKHAMPTSTEAD GAS.—Order empowering the Great Berkhamptstead Gas Light and Coke Company (Limited) to maintain and continue gasworks, and to make and supply gas, within the parishes of Berkhamptstead Saint Peter and Berkhamptstead Saint Mary, otherwise Northchurch, both in the county of Hertford.

HATFIELD GAS.—Order empowering the Hatfield Gas Company (Limited) to maintain and continue gasworks, and to make and supply gas, in the town of Hatfield and the parishes of Bishop's Hatfield and Essendon, and part of the parish of Saint Peter, in the county of Hertford.

SNODLAND GAS.—Order empowering C. Townsend Hook and Company (Limited) to maintain and continue gasworks, and to manufacture and supply gas, within the parishes of Snodland, Birling, and Halling, all in the county of Kent.

SWANSEA GAS.—Order empowering the Swansea Gas Light Company to raise additional capital, and for other purposes.

CHIGWELL, LOUGHTON, AND WOODFORD GAS.

A.D. 1888.

Order empowering the Chigwell, Loughton, and Woodford Gas Company to extend their limits of supply, and to raise additional Capital.

*Chigwell,
Loughton,
and
Woodford.*

1. This Order may be cited as the Chigwell, Loughton, and Woodford Gas Order, 1888. 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 Chigwell, Loughton, and Woodford Gas Act, 1873 (in this Order referred to as "the Act of 1873"), and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order: Provided that from and after the commencement of this Order sections thirty to thirty-four, both inclusive, of the Gasworks Clauses Act, 1847, shall cease to be incorporated with or to form part of the Act of 1873, and section thirty-five of the said Gasworks Clauses Act shall, for the purpose of incorporation with the said Act, be read and construed as though the words from "in case the whole," down to "have been paid," all inclusive, had been omitted therefrom, and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order, together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund. Construction
of Order.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following; (that is to say,) Incorporation
of Acts.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

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

5. In this Order—

The expression "the undertaking" means the undertaking authorised by the Act of 1873 and this Order ;

Interpretation.

A.D. 1888.

*Chigwell,
Loughton,
and
Woodford.*

The expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers, or such rates as reduced or increased in accordance with the provisions of this Order ; and

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

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

The expression the "special Act" shall mean this Order, and the expression "the Company" shall mean the Undertakers.

Limits of
supply.

6. The Undertakers shall have and may exercise, subject to the provisions of this Order, within the parish of Chingford, in the county of Essex, 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 the Act of 1873 as defined by that Act, and the expression "limits of this Act" in the Act of 1873 shall, from and after the commencement of this Order, be deemed to include the said parish of Chingford.

Undertakers.

Undertakers.

7. The Chigwell, Loughton, and Woodford Gas Company, incorporated by the Act of 1873, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

New capital.

8. In addition to the original and additional capital of the Undertakers as defined or authorised by the Act of 1873 (in this Order referred to as "the existing capital" they may from time to time—

- 1.) Raise any further sums, not exceeding in the whole ten thousand pounds, by the issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by any one or more of those modes respectively (in this Order referred to as the "new capital"); but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same, unless and until the full nominal amount of such share or stock, together with any premium obtained upon the sale thereof as herein-after provided, has been paid in respect thereof : Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of ten thousand pounds ; and
- (2.) Borrow on mortgage from time to time in respect of the new capital of ten thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock any sums not exceeding in the whole two thousand five hundred pounds ; and the Undertakers may, as each sum of two thousand pounds of such new capital has been actually issued by shares or stock, borrow on mortgage in respect of each such sum of two thousand pounds any sum or sums not exceeding in the whole five hundred pounds, but in no case

shall any part of the said respective sums of five hundred pounds be borrowed until the whole of the shares or stock for so much of the said new capital in respect of which such borrowing powers are sought to be exercised, together with the premium (if any) realised on the sale thereof, have been fully paid up, and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that such shares and stock and premium (if any) have been fully paid up ; and upon production to such justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

A.D. 1888.

*Chigwell,
Loughton,
and
Woodford.*

9. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Order, unless in either case all dividends upon the shares or stocks, whether ordinary or preference, are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital

10. Except as by this Order otherwise provided, the capital in new shares or stock created by the Undertakers under this Order, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever, in all respects as if that capital were part of the existing capital of the Undertakers of the same class or description, and the new shares or stock were shares or stock in that capital.

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

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

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

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

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

A.D. 1888.

[Ch. cxxv.] *Gas Order Confirmation Act, 1888* [51 & 52 Vict.]

*Chigwell,
Loughton,
and
Woodford.*

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

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

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

Application of
premium arising
on issue of
shares or stock.

Power to create
debenture
stock.

Priority of
existing mortgages.

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

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

15. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order, and not sold, the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act, 1863: Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

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

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

18. All mortgages granted by the Undertakers under the authority of the Act of 1873 before the commencement of this Order, and subsisting at the date of such commencement, shall, during the continuance of such mortgages, and subject to the provisions of the Act of 1873, have priority over all mortgages granted under the authority of this Order; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

A.D. 1888.

*Chigwell,
Loughton,
and
Woodford.*

Limits of
dividend on
capital.

19. 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 existing and new capital than the standard rates of dividend herein-after mentioned, namely, ten pounds in respect of every one hundred pounds of the original capital as defined by the Act of 1873, and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital authorised by the said Act, and of so much of the new capital as has been or may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of so much of such additional and new capital as may be issued as preference capital.

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

20. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the existing and new capital of the Undertakers a proportionate reduction shall be made in the dividend of each class.

Limit of
interest on
borrowed
moneys.

21. The Undertakers shall not, without the consent of the Board of Trade, pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Appointment
of a receiver.

22. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

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

23. 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 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 for the time being, 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.

A.D. 1888.

[Ch. CXXV.] *Gas Orders Confirmation Act, 1888* [51 & 52 Vict.]

Chigwell,
Loughton,
and
Woodford.

Application of
further excess of
profits over pre-
scribed rates.

Power to
create a reserve
fund, and appli-
cation thereof.

24. 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.

25. 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.

Application of
money.

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

Quality of Gas.

Quality of gas.

27. Notwithstanding anything contained in the Act of 1873, 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.

Price of Gas.

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

28. Notwithstanding anything contained in the Act of 1873, the standard price to be charged by the Undertakers for gas supplied by them shall be four shillings and elevenpence per thousand cubic feet.

Provided that the Undertakers may increase or reduce the price charged by them for gas above or below the standard price, subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall, in respect of each penny by which the standard price shall have been increased, be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds ;

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may, in respect of each penny by which the standard price shall have been reduced, be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

29. 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.

A.D. 1888.

*Chigwell,
Loughton,
and
Woodford.*

Costs of Order.

GREAT BERKHAMPTSTEAD GAS.

*Great
Berkhampt-
stead.*

Order empowering the Great Berkhamptstead Gas Light and Coke Company (Limited) to maintain and continue Gasworks, and to make and supply Gas within the Parishes of Berkhamptstead Saint Peter and Berkhamptstead Saint Mary, otherwise Northchurch, both in the County of Hertford.

1. This Order may be cited as the Great Berkhamptstead Gas Order, 1888.

Short title.

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

Commence-
ment of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order, and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the commencement of this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order : Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act, 1847, shall be read and construed as though the words from "in case the whole" down to "have been paid," all inclusive, had been omitted therefrom, and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order, together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

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 this Order, or of any such Act for the purposes of this Order, the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Berkhamptstead Saint Peter and Berkhamptstead Saint Mary, otherwise Northchurch (except the portion of the last-mentioned parish comprised within the limits of supply as defined in the Hemel Hempstead District Gas Act, 1878), both in the county of Hertford.

Limits of
Order.

A.D. 1888.

*Great
Berkham-
stead.*
Undertakers.

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

Capital.

Capital.

7. The capital of the Undertakers shall not for the purposes of the undertaking exceed twelve thousand pounds, consisting of the original share capital of the Undertakers already raised or authorised to be raised by the Undertakers, and in this Order referred to as "the original capital," amounting to seven thousand pounds, and of additional share capital, in this Order referred to as "the additional capital," to be issued subject to the provisions of this Order, not exceeding five thousand pounds, including any premiums which may be obtained on the sale of any shares under the provisions of this Order, 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.

New shares to
be offered by
auction or
tender.

8. The Undertakers shall, when any shares forming part of the additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, 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.

Where 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 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 lot.

Purchase
money of
shares to be
paid within
three months.

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

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

A.D. 1888.

*Great
Berkhamp-
stead.*

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 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 so much 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 so much 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 or in any half year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital of the Undertakers, a proportionate reduction shall be made in the dividends payable on each class.

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

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock, including any premiums which may be obtained on the sale of any shares under the provisions of this Order; 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 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

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

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*Great
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stead.*

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 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, 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.

Application of
excess of
profits over
prescribed
rates.

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.

Power to create
a reserve fund,
and application
thereof.

19. When in any year the standard rates of dividend are by reason of a diminution of the standard price charged by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit by way of reserve fund; and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order, may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest; and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates; and, save as 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 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 more than two 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, or of storing gas, except in accordance with the provisions of the Gasworks Clauses Act, 1871.

Maintenance and continuance of Gasworks, manufacture and sale of Gas, Coke, and Residual Products.

Undertakers
may maintain
and continue

21. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, while 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 may construct, erect, make, and maintain, and from time to time alter and enlarge, retorts, gas-holders, 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 such other residual products as aforesaid, 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, provided that the land described in the third part of the said schedule may be used for the purposes of storage, but not for the manufacture of gas or residual products.

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gas works on lands described in schedule, and may make and sell gas, &c.

22. The Undertakers may manufacture, purchase, or hire and supply, sell, or let on hire 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, 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 make gas meters, &c.

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, supply, and distribution of gas, or the conversion, manufacture, or utilisation of any products obtainable in or arising from such manufacture, or from the materials used therein.

Power to take licenses for use of patents.

24. The notice required to be given by section eight of the Gasworks Clauses Act, 1847, and the plan to be approved under section nine of the same Act before breaking up any streets for the purpose of laying pipes, shall, with respect to any bridge or the approaches thereto, or the roads over the same, or with respect to any main roads under the control or management of the justices of the county of Hertford, be given to and approved by the surveyor of the said county; and the work referred to in such notice and plan shall be executed to the reasonable satisfaction of such surveyor, whose proper expenses in connexion therewith shall be paid by the Undertakers.

For protection of main roads and bridges.

25. The following provisions for the protection of the London and North-western Railway Company shall be in force and have effect and be binding upon the Undertakers:

For the protection of the London and North-western Railway Company.

In laying down and executing or in effecting the repairs and renewals of any mains, pipes, or other works upon, across, over, under, or in any way affecting the railways, lands, or property now or hereafter belonging to or used or

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occupied by such railway company, or the bridges, approaches, viaducts, stations, or other works or any level crossings of such railway company, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of such railway company, and only according to plans submitted to and in such manner as shall previously be reasonably approved by him, and in all things by and at the expense of the Undertakers, who also shall restore and make good the roads over any such bridges, level crossings, and approaches which such railway company is or may be liable to maintain, and which may be disturbed or interfered with by or owing to any operations of the Undertakers ; and all such works, matters, and things shall be constructed, executed, and done so as not to cause any injury to such railways, bridges, level crossings, approaches, viaducts, stations, works, lands, or property, or interruption to the passage or conduct of the traffic over such railways, or at any station thereon. And if any injury or interruption shall arise from, or be in any way owing to, any of the acts, operations, matters, and things aforesaid, or the bursting, leakage, or failure of any such mains, pipes, or works under or near to any bridge or level crossing, the Undertakers shall make compensation in respect thereof to such railway company, the amount of such compensation, together with full costs, to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

For protection
of Grand
Junction Canal
Company.

26. Notwithstanding anything in this Order, or in any Act incorporated with this Order, the Undertakers shall not, without the previous consent in writing of the Company of Proprietors of the Grand Junction Canal (herein-after called " the Canal Company "), lay or maintain any mains, pipes, or other works across, over, under, or along the Grand Junction Canal, or the towing-path thereof, or other property of the Canal Company, otherwise than by means of public bridges across the same, and in such manner that the mains, pipes, and works shall, if required by the Canal Company, be laid inside the parapets of such bridges, and that no injury or interference with the permanent structure, brickwork, or timbers of any such bridge, and no interruption of the traffic on the canal or towing-path, shall be occasioned ; and the Canal Company may at any time after the commencement of this Order, upon giving to the Undertakers three months notice in writing of their intention so to do, remove, alter, or renew any bridge across, over, or along which any mains, pipes, or works may be laid in the same manner as they might have done if this Order had not been made and confirmed, and such mains, pipes, and works had not been so laid, without making compensation to the Undertakers for any expense or loss occasioned to them thereby ; and in the event of any such alteration or renewal the Undertakers shall, at their own expense, alter the position of their mains, pipes, or works, and relay the same upon the altered or renewed bridge in the same manner and subject to the same restrictions as in the case of the original bridge : Provided that all works of the Undertakers in relation to the laying down, maintaining, altering, or relaying of any mains, pipes, or other works across, over, or along any such bridges as aforesaid shall be executed under the supervision and to the reasonable satisfaction of the engineer of the Canal Company and according to plans approved by him.

Difference
with road
authorities or

27. If any difference arise between the Undertakers and any highway board or road authority, or railway, canal, or other company other than the London

and North-Western 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, 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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railway or
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 fifteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Quality of gas.

29. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings and sevenpence per thousand cubic feet:

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

Provided that the Undertakers may increase or reduce the price charged by them for gas above or below the standard price, subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price, the dividend payable by the Undertakers shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds:

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price, the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

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 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

Testing of gas.

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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 which it is proved that such insufficiency, defect, or excess was produced by 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 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.

8 & 9 Vict.
c. 16. s. 140
incorporated.

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

Time for
making up and
forwarding
accounts to
local
authorities.

35. Notwithstanding anything contained in section thirty-five of the Gasworks Clauses Act, 1871, the annual statement of accounts of the Undertakers shall be made up to the thirty-first day of March in each year, and forwarded to the local authority of every district within the limits of supply on or before the thirtieth day of June next following, and the said section shall, for the purposes of this Order, be read and construed as though in lieu of the thirty-first day of December and the twenty-fifth day of March being named therein the thirty-first day of March and the thirtieth day of June had been so named.

Saving of
existing con-
tracts, &c.

36. 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.

37. 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.

SCHEDULE.

—
GAS LANDS.

I.

Land belonging or reputed to belong to and in the occupation of the Undertakers on which their gasworks are situate, in the parish of Great Berkhamstead, in the county of Hertford, containing by admeasurement one rood eight perches and nineteen yards, or thereabouts, and bounded on the north by Mill Street, on the east by land belonging or reputed to belong to the Governors of Berkham-

stead Grammar School and the Trustees of the Baptist Cemetery, on the south by land belonging or reputed to belong to the said Trustees, and on the west by the road called the Wilderness.

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Berkhamp-
stead.

II.

Lands belonging or reputed to belong to and in the occupation of the Undertakers on which a gas-holder and store-house are situate, in the parish of Great Berkhamstead, in the county of Hertford, containing by admeasurement nine perches and eight yards, or thereabouts, and bounded on the north by land and buildings belonging or reputed to belong to David Clark, on the east by the road called the Wilderness, on the south by land and buildings belonging or reputed to belong to Henry Baldwin and George Catherall, and on the west by the road called Water Lane.

III.

Land in the occupation of the Undertakers, and held by them on lease from the Right Honourable Earl Brownlow for a term of which about ninety-eight years are unexpired, situate in the said parish of Great Berkhamstead, containing by admeasurement one rood and twenty perches, or thereabouts, and bounded on the north and west by land belonging or reputed to belong to the said Earl, and on the east and south by Mill Street.

HATFIELD GAS.

Hatfield.

Order empowering the Hatfield Gas Company (Limited) to maintain and continue Gasworks, and to make and supply Gas in the Town of Hatfield and the Parishes of Bishop's Hatfield and Essendon, and part of the Parish of Saint Peter, in the County of Hertford.

1. This Order may be cited as the Hatfield Gas Order, 1888.

Short title.

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

Commence-
ment of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the commencement of this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order: Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act, 1847, shall be read and construed as though the words from "in case the whole," down to "have been

Incorporation
of Acts.

[Ch. cxxv.] *Gas Orders Confirmation Act, 1888.* [51 & 52 VICT.]

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Hatfield.

paid," all inclusive, had been omitted therefrom, and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order, together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

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 this Order, or 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 town of Hatfield, the parishes of Bishop's Hatfield and Essendon, and so much of the parish of Saint Peter as is situated eastward of an imaginary straight line drawn from Hook's Wood at the boundary of the parishes of Bishop's Hatfield, Sandridge, and Saint Peter on the north to Parkgate Corner near Saint Mark's Church, Colney Heath, on the south, all in the county of Hertford:

Provided that in the event of no part of the parish of Essendon being supplied with gas by the Undertakers at the end of five years from the commencement of this Order, the said parish shall cease to form part of the limits of supply as if the same had not been named in this Order as forming part of such limits: Provided also, that the Undertakers shall at any time during the said five years extend their gas mains or pipes to and supply gas to the village of Essendon within twelve months after receiving from the vestry of the said parish or inhabitant householders of the said village a guarantee in writing to consume and pay for at the current rate two million cubic feet of gas per annum.

Undertakers.

Undertakers.

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

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed ten 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 three thousand pounds, and of additional share capital (in this Order referred to as the "additional capital") to be issued, subject to the provisions of this Order, not exceeding seven thousand pounds, including any premiums which may be obtained on the sale of any shares under the provisions of this Order, 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.

New shares to be offered by auction or tender.

8. The Undertakers shall, when any shares forming part of the additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, 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.

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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 lot.

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

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

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

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

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

Limit of dividend on capital.

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Dividends on different classes of ordinary shares to be paid proportionately. 15. In case in any year or in any half year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to 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 reduction shall be made in the dividends payable on each class.

Limit of borrowing powers. 16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount payable in respect of the capital actually raised by the issue of shares or stock, including any premiums that may be obtained on the sale of shares under the provisions of this Order, 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.

If profits exceed the amount limited, excess may be invested and form an insurance fund. 17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Undertakers 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 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 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, 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.

Application of excess of profits over prescribed rates. 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 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 by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

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Power to create a reserve fund, and application thereof.

Purchase 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 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, or of storing gas, except in accordance with the provisions of the Gasworks Clauses Act, 1871.

Power to purchase land by agreement.

Maintenance and continuance of Gasworks, manufacture and sale of Gas, Coke, and Residual Products.

21. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, while they are possessed of the same, may maintain and continue, and from time to time alter, enlarge, renew, and discontinue their existing gasworks and works connected therewith, and may construct, erect, make, and maintain, and from time to time alter and enlarge, retorts, gas-holders, reservoirs, purifiers, meters, 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, 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 such other residual products as aforesaid, 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 also construct and maintain, and from time to time alter, enlarge, extend, and renew or discontinue houses, offices, buildings, and other works connected with the Undertaking.

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

22. The Undertakers may manufacture, purchase, or hire and supply, sell, or let on hire, gas meters, fittings, gas stoves, and cooking and other apparatus,

Power to make gas meters, &c.

[Ch. cxxv.] *Gas Orders Confirmation Act, 1888.* [51 & 52 VICT.]

A.D. 1888. *Hatfield.* 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, 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 use
of patents.

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 or distribution of gas, or the conversion, manufacture, or utilisation of any products obtainable in or arising from such manufacture, or from the materials used therein.

For protection
of main roads
and bridges.

24. The notice required to be given by section eight of the Gasworks Clauses Act, 1847, and the plan to be approved under section nine of the same Act before breaking up any streets for the purpose of laying pipes, shall, with respect to any bridge or the approaches thereto, or the roads over the same, or with respect to any main roads under the control or management of the justices of the county of Hertford, be given to and approved of by the surveyor of the said county, and the work referred to in such notice and plan shall be executed to the reasonable satisfaction of such surveyor, whose proper expenses in connexion therewith shall be paid by the Undertakers.

For protection
of Great
Northern Rail-
way Company.

25. Any mains or pipes to be laid down by the Undertakers in the exercise of the powers conferred by this Order on or in any way affecting any railway belonging to the Great Northern Railway Company, or any of the bridges or works thereof, or any lands or property belonging to that Company, shall be laid down under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that Company, and according to plans to be reasonably approved by him, but in all things at the expense of the Undertakers, and so as to cause no injury to any such railway bridges, works, lands, or property, or interruption to the passage or conduct of traffic over any such railway; and if in consequence of the laying of such mains or pipes any injury be caused to any such railways, bridges, works, lands, or property, or any interruption be caused to such traffic, the Undertakers shall make full compensation to that Company in respect of such injury or interruption.

Differences
with road
authorities or
railway or
other
companies.

26. If any difference arise between the Undertakers and any highway board or road authority, or 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.

Quality of Gas.

A.D. 1888.

27. 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.

Hatfield.

Quality of gas.

Price of Gas.

28. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings and threepence per thousand cubic feet :

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

Provided that the Undertakers may increase or reduce the price charged by them for gas above or below the standard price, subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows :—

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price, the dividend payable by the Undertakers shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds :

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price, the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

Pressure of Gas.

29. 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.

30. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place, with apparatus therein according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used : Provided that any other 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

Testing of gas.

A.D. 1888. supplied, and for that purpose may open any street, road, passage, or place, not
Hatfield. 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. 31. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency, defect, or excess was produced by unavoidable cause or accident.

Undertakers to pay interest on deposit. 32. 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.

8 & 9 Vict. c. 16. s. 140, incorporated. 33. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Time for making up and forwarding accounts to local authorities. 34. Notwithstanding anything contained in section thirty-five of the Gasworks Clauses Act, 1871, the annual statement of accounts of the Undertakers shall be made up to the twenty-ninth day of September in each year, and forwarded to the local authority of every district within the limits of supply on or before the twenty-fifth day of December next following; and the said section shall for the purposes of this Order be read and construed as though in lieu of the thirty-first day of December and the twenty-fifth day of March being named therein the twenty-ninth day of September and the twenty-fifth day of December had been so named.

Saving of existing contracts, &c. 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 incident to the applying for, preparing, obtaining, and confirming this Order, or otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

GAS LANDS.

Lands belonging or reputed to belong to and in the occupation of the Undertakers on which their gasworks are situate, in the parish of Bishop's Hatfield, in the county of Hertford, containing by admeasurement one acre or thereabouts, and bounded on the north by the road called French Horn Lane, on the east by the Great Northern Railway and Bishop's Hatfield Rectory glebe land, and on the south and west by part of the said glebe lands.

SNODLAND GAS.

A.D. 1888.

Order empowering C. Townsend Hook and Company (Limited) to maintain and continue Gasworks, and to manufacture and supply Gas within the Parishes of Snodland, Birling, and Halling, all in the County of Kent. Snodland.

1. This Order may be cited as the Snodland Gas Order, 1888.

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 on lands by the Promoters of the undertaking), of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with 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: Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act, 1847, shall be read and construed as though the words from "in case the whole" down to "have been paid," all inclusive, had been omitted therefrom, and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order, together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Incorporation of Acts.

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

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Snodland, Birling, and Halling, all in the county of Kent.

Limits of Order.

Undertakers.

6. C. Townsend Hook and 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 undertaking exceed fifteen 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.

[Ch. cxxv.] *Gas Orders Confirmation Act, 1888.* [51 & 52 VICT.]

A.D. 1888.

Snodland.

Limit of dividend on capital.

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

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking 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.

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

10. 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 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 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 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, 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 out of dividends in excess of the standard rate of dividend, and application thereof.

12. Where in any year the standard rate of dividend is 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 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.

A.D. 1888.

Snodland.

Purchase of Land.

13. The Undertakers may for the purposes of the 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 require, provided that they shall not at any time hold for such purposes under the powers granted to them by 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, and matters producible therefrom, or of storing gas, except the lands described in the said schedule.

Power to purchase additional land.

Maintenance and continuance of Gasworks, manufacture and sale of Gas, Coke, and Residual Products.

14. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, while they are possessed of the same, may maintain and continue, and from time to time alter and enlarge, their existing gasworks and works connected therewith, and may construct, erect, make, and maintain, 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 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 their works and elsewhere.

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

15. The Undertakers may at the works or elsewhere manufacture, purchase, hire, supply, and sell gas meters, fittings, gas stoves, and cooking and other apparatus, and also manufacture, purchase, hire, sell, let, deal in and contract for doing work in connexion with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating, 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, user, or consumption of gas, and may take charges and remunerations in respect thereof.

Power to Undertakers to purchase and supply gas appliances and apparatus.

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

Power to take licenses for patents.

A.D. 1888. manufacture or 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.
Snodland.

For the protection of the South-eastern Railway Company.

17. Before laying down or executing or effecting the repairs or renewals of any mains, pipes, or other works, in the exercise of the powers contained in this Order (except urgent necessary repairs), upon, across, over, under, or in any way affecting the railway lands or property now or hereafter belonging to or used by the South-eastern Railway Company (herein-after called "the railway company"), and before entering upon the said railway lands and property for executing works other than such urgent necessary repairs, the Undertakers shall give at least fourteen days notice in writing to the company of their desire so to do.

Fourteen days at least before commencing to lay down any main, pipe, or other work, or to execute or effect any repair or renewal of any main, pipe, or other works as aforesaid, upon, across, over, under, or in any way affecting the railway lands or property of the railway company, or the permanent way, bridges, approaches, viaducts, stations, or other works, or any level crossings over the railways, plans, sections, and specifications shall be submitted to the principal engineer for the time being of the said railway company for his approval, and shall be reasonably approved by him in writing, or in the event of such engineer failing to signify his approval or disapproval within fourteen days after the submission of such plans as aforesaid, or in the event of any difference thereon arising between the company and the Undertakers, such plans, sections, and specifications shall be submitted to an engineer to be appointed by the Board of Trade on the application of either the railway company or the Undertakers, and the decision of such engineer shall be final and conclusive between both parties, and such work shall be executed in accordance with such plans, sections, and specifications as so approved or as modified in accordance with any decision of such last-mentioned engineer, as the case may be, under the superintendence of and subject to the reasonable approval of the principal engineer aforesaid: Provided always, that nothing herein contained shall authorise the Undertakers to occupy or use permanently with their works the surface of any land or property of the railway company without the previous consent in writing of the secretary of the railway company. 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 railway company's engineer the roads over any bridges, level crossings, and approaches which the railway company, either alone or jointly, are or may be liable to maintain, and which may be disturbed or interfered with by or owing to any operations of the Undertakers; and all such works and operations, and all other works of the Undertakers, in constructing their gas or other works, or in carrying on any of their operations on the lands described in the schedule annexed to this Order, and all matters incidental thereto, shall be constructed, executed, and done so as not to cause any injury to such railway bridges, permanent way, 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 thereon, and if any such injury or interruption shall arise from, or in any way be owing to, any of the works, operations, and matters aforesaid, or the failure of any such mains, pipes, or works, the Undertakers shall make compensation to the railway company in respect thereof, the amount of such compensation to be determined by arbitration

in the manner herein-after provided, and such compensation, together with full costs, shall be recoverable by the railway company from the Undertakers by all and the same means as any simple contract debt of like amount is recoverable.

A.D. 1888.

Snodland.

In the event of any dispute arising between the principal engineer for the time being of the railway company and the engineer for the time being of the Undertakers, the same shall be determined by an engineer to be appointed by the Board of Trade at the request of either party, and the costs of such arbitration shall be in the discretion of the arbitrator.

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

Differences
with railway
and other
Companies.

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

Qual ty of gas.

Price of Gas.

20. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings per thousand cubic feet :

Provided that the Undertakers may increase or reduce the price charged by them for gas above or below the standard price, subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows :---

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

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price, the dividend payable by the Undertakers shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds. And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price, the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

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.

Pressure of
gas.

A.D. 1888.

Testing Gas.

Snodland.
Testing gas.

22. The Undertakers shall, within six months after the commencement of this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing gas shall be a Sugg's London Argand No. 1, with a six-inch by a 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.

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

Undertakers to pay interest on deposit.

24. 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.

Incorporation of s. 140 of 8 Vict. c. 16.

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

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 with respect to the gasworks of or the supply of gas by the Undertakers.

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.

A.D. 1888.

Snodland.

A piece of land now reputed to belong to and occupied by the Undertakers, situate in the parish of Snodland, in the county of Kent, containing by admeasurement twelve thousand one hundred square yards or thereabouts, and bounded on all sides, except as to part of the south-west side thereof, by the works of the Undertakers, and as to the said part of the said south-west side thereof, by a private road or lane known as Brook Lane, leading from East Street to Snodland Common.

SWANSEA GAS.

Swansea.

Order empowering the Swansea Gas Light Company to raise additional Capital, and for other purposes.

1. This Order may be cited as the Swansea Gas Order, 1888. 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 Swansea Gas Act, 1861 (in this Order referred to as the Act of 1861), as amended by this Order, and this Order, shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
 4. So far as the same relate to the powers conferred by this Order, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following ; (that is to say,)
 - The distribution of the capital of the Company into shares ;
 - The transfer or transmission of shares ;
 - The payment of subscriptions and the means of enforcing the payment of calls ;
 - The forfeiture of shares for non-payment of calls ;
 - The remedies of creditors of the Company against the shareholders ;
 - The borrowing of money by the Company on mortgage or bond ;
 - The conversion of borrowed money into capital ;
 - The consolidation of shares into stock ;
 - The general meetings of the Company and the exercise of the right of voting by the shareholders ;
 - The making of dividends ;
 - The giving of notices ; and
 - The provisions to be made for affording access to the special Act by all parties interested ;Incorporation of Acts.
- and Part I. (relating to the cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, the Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, are (except where expressly varied by this Order) incorporated with and form part of this Order.

[Ch. cxxv.] *Gas Orders Confirmation Act, 1888.* [51 & 52 VICT.]

A.D. 1888. For the purposes of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order, and the term "the Company" shall mean the Undertakers.

Swansea.

Application of
Gasworks
Clauses Act,
1871, to
undertaking.

5. From and after the commencement of this Order the Undertakers shall be subject in all respects to the provisions of the Gasworks Clauses Act, 1871 (save so far as the same may be expressly varied or excepted by this Order), and the said provisions, save as aforesaid, shall apply to the Undertaking as though the gasworks and works connected therewith were an undertaking authorised by this Order, and shall be held to control and supersede such of the provisions of the Act of 1861 as are inconsistent therewith.

Undertakers.

Undertakers.

6. The Swansea Gas Light Company incorporated or continued by the Act of 1861 shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Additional
capital.

7. In addition to the capital authorised to be raised by the Undertakers under the Act of 1861 (in this Order referred to as "the original capital") they may from time to time—

(1.) Raise any further sums, not exceeding in the whole fifty thousand pounds, by the issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital"); but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same, unless and until the full nominal amount of such share or stock, together with any premium obtained upon the sale thereof, as herein-after provided, has been paid in respect thereof: Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of fifty thousand pounds; and

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

and upon production to such justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid had been given, which certificate shall be sufficient evidence thereof.

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8. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage, or by the issue of debenture stock, or any part thereof, by the creation of shares or stock, instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Order, unless in either case all dividends upon such shares or stock, whether ordinary or preference, are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

9. Except as by this Order otherwise provided, the additional capital created by the Undertakers under this Order, and the new shares therein, and the holders thereof respectively, shall be subject and entitled to the same powers, liabilities, rights, and privileges, and incidents whatsoever, in all respects as if that additional capital were part of the original capital of the Undertakers of the same class or description, and the new shares were shares in that capital.

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

10. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to two votes for every five shares or every lot of stock of the nominal value of fifty pounds held by him.

Scale of voting in respect of additional capital.

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

New shares to be offered by auction or tender.

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

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

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

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

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

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

Application
of premium
arising on
issue of shares.

Power to issue
debenture
stock.

Priority of
existing
mortgages.

Limits of
dividend on
capital.

14. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the town clerk of Swansea, and 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 Act of 1861.

15. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order, and not sold, the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers, in manner provided by the Companies Clauses Act, 1863: Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

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

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

18. All mortgages granted by the Undertakers under the authority of the Act of 1861 before the commencement of this Order, and subsisting at the date of such commencement, shall, during the continuance of such mortgages, and subject to the provisions of the Act of 1861, have priority over all mortgages granted under the authority of this Order; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

19. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of such 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.

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20. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the original and additional capital of the Undertakers, a proportionate reduction shall be made in the dividend of each class.

Swansea.

Dividends on different classes of shares to be paid proportionately.

21. The Undertakers shall not, without the consent of the Board of Trade, pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Limit of interest on borrowed money.

22. Section thirty-two of the Act of 1861 (arrears may be enforced by appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order, but without prejudice to any appointment theretofore made or any proceedings then pending; and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of the Act of 1861 and this Order.

Appointment of a receiver.

23. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1861 and this Order to which capital is properly applicable.

Application of money.

Lands.

24. No lands shall be used by the Undertakers for the purpose of manufacturing or storing gas, or manufacturing residual products, except the lands described in the schedule to this Order.

Not to make gas except on scheduled lands.

Works.

25. 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 make gas meters, &c.

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

Power to take licenses for patents.

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Quality of gas.

Quality of Gas.

27. 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.

Price of Gas.

Maximum
price of gas.

28. The price to be charged by the Undertakers for gas supplied by them to consumers by meter shall not, as regards gas supplied within the borough of Swansea, as existing at the passing of the Act confirming this Order, exceed three shillings and sixpence per thousand cubic feet, and as regards gas supplied outside the said borough, shall not exceed five shillings per thousand cubic feet, and so much of section forty-nine of the Act of 1861 as prescribes a larger maximum price is hereby repealed.

Testing of Gas.

Testing of gas.

29. The Undertakers 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 burner, No. 1, with the most suitable chimney for burning such gas: 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.

Pressure of Gas.

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

Miscellaneous.

Undertakers to
pay interest on
deposit.

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.

32. In the event of any meter used by a consumer of gas being tested in manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third year of the reign of Her present Majesty. intituled "An Act for regulating measures used in sales of gas," and being proved to register erroneously within the meaning of the said Act, such erroneous registration shall be deemed to have arisen only during the current quarter of the year in which the said meter shall be so tested, unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act.

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Period of error
in defective
meters.

The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers in pursuance of the certificate of the inspector shall be paid by or to the Undertakers to or by the consumer, as the case may be, and shall be recoverable in any court of competent jurisdiction for the recovery of debts of like amount.

The said Act shall be carried into execution by the council of the borough of Swansea, and shall apply to that borough as if the said council had adopted the Act at the time and in manner in the said Act mentioned.

33. Sections fifty-two, fifty-three, fifty-four, and fifty-five of the Act of 1861 are hereby repealed.

Repeal of cer-
tain sections of
Act of 1861.

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.

Saving of exist-
ing contracts.

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

Costs of Order.

SCHEDULE.

GAS LANDS.

All that piece of land situate in the borough of Swansea, in the county of Glamorgan, and belonging or reputed to belong to the Undertakers, and now occupied by their gasworks, and used by them for the manufacture and storage of gas and of residual products, bounded on the northerly side thereof partly by the rear of cottages fronting into Wellington Street, and partly by Wellington Street, on the southerly side thereof by the Oystermouth Road, on the easterly side by Albert Row, and on the westerly side by the rear of cottages fronting into Bathurst Street, which said piece of land contains by admeasurement five acres one rood and two perches, or thereabouts.

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