



CHAPTER cxxvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Dursley Gas, King's Lynn Gas, Littlehampton Gas, Oakham Gas, Poulton-le-Fylde Gas, and Worksop 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 (No. 2) Act 1888. Short title.

2. The several Orders 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 Special pro-
vision as to
houses of

A.D. 1888.
labouring
class.

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

For the purposes of this section, the expression "labouring class" includes mechanics, artisans, 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.

DURSLEY GAS.—Order empowering the Dursley Gaslight and Coke Company (Limited) to maintain and continue gasworks and to make and supply gas in the town and parish of Dursley and the parish of Cam, both in the county of Gloucester.

KING'S LYNN GAS.—Order empowering the King's Lynn Gas Company to raise additional capital and to construct additional works.

LITTLEHAMPTON GAS.—Order empowering the Littlehampton Gas Company (Limited) to purchase additional lands, to construct and maintain additional works, and to raise additional capital.

OAKHAM GAS.—Order empowering the Oakham Gas Company (Limited) to maintain and continue gasworks and to make and supply gas in the parishes of Oakham Dean's Hold with Barleythorpe, Oakham Lord's Hold and Langham, all in the county of Rutland.

POULTON-LE-FYLDE GAS.—Order empowering the Poulton-le-Fylde Gas, Coal, Lime, and Coke Company (Limited) to maintain and continue gasworks and to manufacture and supply gas within the township of Poulton-le-Fylde and a portion of Thornton and Carlton, all in the parish of Poulton-le-Fylde in the county of Lancaster.

WORKSOP GAS.—Order empowering the Worksop Gas Company to raise additional capital.

DURSLEY GAS.

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Dursley Gas.

Order empowering the Dursley Gaslight and Coke Company (Limited) to maintain and continue gasworks and to make and supply gas in the town and parish of Dursley, and the parish of Cam, both in the county of Gloucester.

1. This Order may be cited as the Dursley 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 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 other 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 other works which may be laid down or constructed under the authority of this Order. Provided that for the purposes 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 town and parish of Dursley and the parish of Cam, both in the county of Gloucester.

Limits of
Order.

Undertakers.

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

Undertakers.

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Capital.

*Bursley Gas.
Capital.*

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed seven 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 five 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 two 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.

8. The Undertakers shall when any shares created under the powers of this Order are to be issued and before offering the same to the holders 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 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.

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

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

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

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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 the manner provided by the Companies Clauses Act, 1863, provided that any shares 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 created under the powers of this Order.

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Dursley Gas.

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 sale of shares.

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

Limits of dividend on capital.

15. In case in any 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.

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

16. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the 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 like securities in order that the same may accumulate at compound interest, until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Undertakers 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.

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

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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 occasion may require. Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund, to meet any such extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital for the time being as aforesaid.

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 rates the Undertakers may in such year set apart such sum as they think fit to form a reserve fund, and all sums so set apart by the Undertakers, whether 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 each year to pay the prescribed rates, and save as in this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Acquisition of Lands.

20. The Undertakers may, for the purposes of the undertaking, from time to time purchase or take on lease by agreement, but not otherwise, and may hold in addition to the land shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, any lands which they may require: Provided that they shall not at any time hold for such purposes more than three acres 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 matters producible therefrom or of storing gas except the lands described in the said schedule.

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

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they are possessed of the same, may maintain and continue and from time to time alter and enlarge retorts, gas holders, receivers, purifiers, meters, apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom, and they may, subject to the provisions of this Order, make and store gas and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum and ammoniacal liquor, oil and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may store the same and may sell and dispose of the same at their works and elsewhere, and they may also construct and maintain and from time to time alter, extend, enlarge and renew or discontinue houses, offices, buildings and other works connected with the gas undertaking by this Order authorised.

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Dursley Gas.
 gasworks on
 lands described
 in schedule,
 and may make
 and sell gas,
 &c.

22. 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, &c.

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

Power to take
 licenses for
 patents.

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

For protection
 of Midland
 Railway
 Company.

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

Differences
 with railway
 and other
 companies.

Quality of Gas.

26. 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

Quality of gas.

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A.D. 1888. light produced by fifteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Dursley Gas.

Price of Gas.

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

27. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings and one penny 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.

Pressure of Gas.

pressure of gas

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

Testing Gas.

of gas.

29. 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 description of burner may be used which may from time to time be approved for the purpose by the Board of Trade, and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place, not being the immediate approach to any railway or canal bridge or railway station, vested in or under the control of any local or road authority.

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Miscellaneous.

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

Dursley Gas.

No penalty in case of unavoidable cause.

31. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, fittings, gas stoves, or cooking or other apparatus, the Undertakers shall pay or allow interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Undertakers to pay interest on deposit.

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

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

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

Saving of existing contracts.

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

Costs of Order.

SCHEDULE.

Gas Lands.

A piece of land now belonging or reputed to belong to and occupied by the Undertakers situate in the parishes of Dursley and Cam, in the county of Gloucester, containing by admeasurement one acre and thirty-two perches, or thereabouts, and bounded on or towards the north by the road leading from Dursley to Cam, called Kingshill Lane, on or towards the east by the Dursley branch of the Midland Railway, and on or towards the south and west by land belonging or reputed to belong to George Augustus Graham.

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KING'S LYNN GAS.

King's Lynn Gas.

Order empowering the King's Lynn Gas Company to raise additional capital and to construct additional works.

1. This Order may be cited as the King's Lynn Gas Order 1888.

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."

3. The King's Lynn Gas Act 1870 (in this Order referred to as "the Act of 1870") as amended and modified by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Provided that from and after the commencement of this Order sections 30 to 34 both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Act of 1870 and section 35 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" 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.

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 borrowing of money by the company on mortgage or bond.

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 1 (relating to the cancellation and surrender of shares) and Part 2 (relating to additional capital) and Part 3 (relating to debenture stock) of the Companies Clauses Act 1868 and the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

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

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Order and shall be held to control and supersede such of the provisions of the Act of 1870 as are inconsistent therewith.

A.D. 1888.

*King's Lynn
Gas.*

Undertakers.

6. The King's Lynn Gas Company incorporated by the Act of 1870 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

7. In addition to the capital authorised to be raised by the Undertakers under the Act of 1870 they may from time to time :—

Additional capital.

(1.) Raise any further sums not exceeding in the whole eight 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 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 power 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 eight thousand pounds and—

(2.) Borrow on mortgage from time to time in respect of the additional capital of eight 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 pounds and the Undertakers may as each sum of one 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 one thousand pounds any sum or sums not exceeding in the whole two hundred and fifty pounds but in no case shall any part of the said respective sums of two hundred and fifty 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 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 40th 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.

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

As to conversion of borrowed money into capital.

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King's Lynn
Gas.

except as
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vided new
shares to be
subject to
the incidents
of other shares.

new shares
offered
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bidding
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purchaser.

shall
be sold by
the Undertakers
to be
within
three months.

and
may be
sold as
the Undertakers
may think fit.

not
by auction
or tender to
be offered to
the holders.

or preference are limited to a rate not exceeding five pounds per centum per annum.

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 provisions 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.

10. The Undertakers shall when any shares 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.

11. 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.

12. 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.

13. The intention to sell any shares by auction or by 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.

14. 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 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

[51 & 52 VICT.] *Gas Orders Confirmation (No. 2) [Ch. cxxvi.]*
Act, 1888.

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.

A.D. 1888.

King's Lynn Gas.

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

Application of premium arising on issue of shares.

16. 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 rank *pari passu* (without respect to the dates of the securities or of the 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.

Power to create debenture stock.

17. All mortgages granted by the Undertakers under the authority of the Act of 1870 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 1870 have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect the priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Priority of existing mortgages.

18. 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 such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital and such dividends or such dividends as reduced or increased in accordance with the provisions of this Order are in this Order referred to as "the prescribed rates."

Limits of dividend on capital.

19. 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 original and additional capital of the Undertakers a proportionate reduction shall be made in the dividend of each class.

Dividend on different classes of shares to be paid proportionately.

20. 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 moneys.

[Ch. cxxvi.] *Gas Orders Confirmation (No. 2)* [51 & 52 Vict.]
Act, 1888.

A.D. 1888.

King's Lynn
Gas.

Appointment
of receiver.

profits
and the
amount limited
may be
invested and
as an insur-
ance fund.

portion of
the excess
shall be over-
laid

to create
a reserve fund
thereof.

21. 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.

22. 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 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.

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 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.

24. 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 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.

[51 & 52 Vict.] *Gas Order's Confirmation (No. 2)* [Ch. cxxvi.]
Act, 1888.

25. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1870 and this Order to which capital is properly applicable.

A.D. 1888.

King's Lynn
Gas.

Application of
money.

Manufacture and Sale of Gas, Coke and Residual Products.

26. The Undertakers may on the lands described in the schedule to this Order annexed when they have acquired and while they are possessed of the same exercise all and singular the powers of manufacture sale storage and distribution and other like powers given to them by the Act of 1870.

Undertakers
may construct
and maintain
works.

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.

Quality of gas.

Price of Gas.

28. The standard price to be charged by the Undertakers for gas supplied by them shall be three shillings and sixpence 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.

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.

[Ch. cxxvi.] *Gas Orders Confirmation (No. 2)* [51 & 52 VICT.]
Act, 1888.

A.D. 1888.

Testing of Gas.

*King's Lynn
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 in accordance with the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be 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 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 un-
avoidable
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 occasioned by an unavoidable cause or accident.

*Undertakers
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.

*Nothing of
this Order
shall affect
any contract.*

33. 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.

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

SCHEDULE.

Gas Lands.

All those two pieces of land lying together on the south-east and part of the east sides of the land and works belonging or reputed to belong to the Undertakers and abutting thereon towards the west and north-west on the bank of the River Nar south-west and on lands belonging or reputed to belong to the mayor aldermen and burgesses of King's Lynn east north and south which

[51 & 52 VICT.] *Gas Orders Confirmation (No. 2)* [Ch. cxxvi.]
Act, 1888.

pieces of land contain twenty-one perches and three roods eleven perches and a quarter of a perch respectively and are now partly in the occupation of the said mayor aldermen and burgesses and partly in the occupation of the Undertakers.

A.D. 1888.
King's Lynn Gas.

LITTLEHAMPTON GAS.

Littlehampton Gas.

Order empowering the Littlehampton Gas Company (Limited) to purchase additional lands to construct and maintain additional works and to raise additional capital.

1. This Order may be cited as the Littlehampton 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.
3. The Littlehampton Gas Order 1875 (in this Order referred to as "the Order of 1875") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Provided that from 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 Order of 1875 and section thirty-five of the said Gasworks Clauses Act shall for the purpose of incorporation with the said Order 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. 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) are (except where expressly varied by this Order) incorporated with and form part of this Order. Incorporation of Acts.
5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply" shall be the limits of supply as defined by the Order of 1875. Limits of supply.

Undertakers.

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

Additional Capital.

7. The limitation prescribed by the Order of 1875 with respect to the amount of the share capital of the Undertakers shall not prevent the Undertakers from raising further additional share capital not exceeding ten thousand pounds for

Additional share capital.

A.D. 1888.

London
for Gas.

shares to
be offered by
the Undertakers

pro-
posed
tenders
amount
other
pro-
posed
be
the

of
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to be
within
months.

notice to
be given as to
the day of

not
by auction
tender to
be made to
the Undertakers.

the purpose of the undertaking authorised by the Order of 1875 and this Order including any premiums that may be obtained on the sale of any shares under the provisions of this Order. Provided that the share capital of the Undertakers shall not for such purpose exceed in the whole the sum of seventeen thousand pounds unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

8. The Undertakers shall when any shares forming part of the additional capital authorised by this Order 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 twenty-five 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.

9. Where the amount bidden or tendered by the proprietor of any shares or stock of the Undertakers for any such lot of shares so offered for sale 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 entitled to such lot.

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

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 said additional capital.

[51 & 52 Vict.] *Gas Orders Confirmation (No. 2)* [Ch. cxxvi.]
Act, 1888.

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

A.D. 1888.

Littlehampton Gas.

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 dividend on the original and additional capital as defined or authorised by the Order of 1875 and the further additional capital authorised by this Order 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 Order of 1875 and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital authorised by the Order of 1875 or the said further additional capital as may have been or be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of the said additional or further additional capital as may have been or be issued as preference capital and such dividends or such dividends as reduced or increased in accordance with the provisions of this Order are in this Order referred to as "the prescribed rates."

Limits of dividend on additional capital.

15. In case in any year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each class.

Dividends on different classes of shares to be paid proportionately.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their gas undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that 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 and secured as aforesaid after the commencement of this Order.

Limit of borrowing powers.

17. If the clear profits of the undertaking authorised by the Order of 1875 and by this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strikes 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 reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens

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

[Ch. cxxvi.] *Gas Orders Consolidation (No. 2)* [51 & 52 Vict.]
Act, 1888.

A.D. 1888.

Littlehampton Gas.

Provided that when and so often as the said fund reaches one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

18. If the clear profits of the gas undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates 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. When 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.

Lands for Construction of Additional Gasworks.

20. The Undertakers may by agreement purchase or take on lease and use such of the land shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map") and described in the schedule to this Order annexed as may be required for the purposes of this Order.

21. Subject to the proviso herein-after contained the Undertakers on the lands described in the schedule annexed to the Order of 1875 while they are possessed of the same may maintain and continue and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may also on the land shown on the deposited map and described in the schedule to this Order annexed when they have acquired and while they are possessed of the same construct erect and maintain and from time to time alter remove and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order upon the said lands described in the schedule annexed to the Order of 1875 and the said lands described in the schedule to this Order annexed make and store gas and supply and sell the same within the limits of supply and may manufacture coal-tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may store the same

[51 & 52 VICT.] *Gas Orders Confirmation (No. 2)* [Ch. cxxvi.]
Act, 1888.

and may sell and dispose of the same at their works and elsewhere and may also deal in and sell lime at their works and elsewhere and they may construct and maintain and from time to time alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the gas undertaking by this Order authorised Provided that when the gasworks and other works by this Order authorised to be constructed upon the said land described in the schedule to this Order annexed are completed and in use for the manufacture and storage of gas and of the residual products obtainable therefrom as aforesaid the Undertakers shall within three months from commencing to use such works cease to manufacture and store gas and to manufacture and store the residual products thereof as aforesaid at the existing works upon the said land described in the schedule annexed to the Order of 1875 and the Undertakers shall thenceforth discontinue the use of the said existing works and may pull down take up and remove and sell the same and they may sell exchange or otherwise dispose of the said land described in the schedule annexed to the Order of 1875 as they think fit.

A.D. 1888.

Littlehampton Gas.

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 stoves and gas apparatus.

23. 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 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.

Power to take licenses for use of patents.

Quality of Gas.

24. Notwithstanding anything in the Order of 1875 the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

Price of Gas.

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

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

[Ch. CXXVI.] *Gas Order Bill* (No. 2) [51 & 52 Vict.]
1888.

1888. 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 shall 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.

Testing of Gas.

26. The Undertakers shall, before commencing to supply gas from the works by this Order authorised to be constituted provide at the said works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing the gas shall be a Sugg's Bunsen argand No. 1 with a six-inch by one-and-three-quarters-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

27. 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 thirtieth day of June in each year and forwarded to the local authority of every district within the limits of supply on or before the twenty-ninth day of September 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 thirtieth day of June and the twenty-ninth day of September had been so named.

28. 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.

29. 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.

[51 & 52 VICT.] *Gas Orders Confirmation (No. 2)* [Ch. cxxvi.]
Act, 1888.

SCHEDULE.

A.D. 1888.

Littlehampton Gas.

Gas Lands.

Land in the parish of Littlehampton in the county of Sussex containing by admeasurement one acre two roods and seven perches or thereabouts being part of a field or meadow known as Lincee or Linseed Brook No. 64 in the tithe commutation apportionment for the said parish of Littlehampton and bounded on the south-west by land belonging or reputed to belong to the London Brighton and South Coast Railway Company and on all other sides by land belonging or reputed to belong to His Grace the Duke of Norfolk.

OAKHAM GAS.

Oakham Gas.

Order empowering the Oakham Gas Company (Limited) to maintain and continue gasworks and to make and supply gas in the parishes of Oakham Dean's Hold with Barleythorpe Oakham Lord's Hold and Langham all in the county of Rutland.

1. This Order may be cited as the Oakham 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 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 may 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 Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings

Interpretation.

[Ch. cxxvi.] *Gas Orders Confirmation (No. 2)* [51 & 52 Vict.]
Act, 1888.

A.D. 1888.

*Oakham
Gas.*

*Limits of
supply.*

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.

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 Oakham Dean's Hold with Barleythorpe Oakham Lord's Hold and Langham all in the county of Rutland.

Undertakers.

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

Capital.

7. The capital of the Undertakers for the purposes of the undertaking shall consist of the original capital of eight thousand pounds (in this Order referred to as the "original capital") and of additional capital not exceeding four thousand pounds (in this Order referred to as the "additional capital") and the original and additional capital of the Undertakers for the purposes of the undertaking shall not exceed twelve thousand pounds including any premiums that may be obtained on the sale of shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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 and 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.

9. When 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 entitled to such lot.

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

[51 & 52 VICT.] *Gas Orders Confirmation (No. 2)* [Ch. cxxvi.]
Act, 1888.

11. The intention to sell any shares by auction or by 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 the tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

A.D. 1888.

*Oakham
Gas.*

Notice to be
given as to sale
of shares.

12. When any shares have been offered for sale by auction or by tender under the provisions of this Order and not sold, the same shall be offered at the 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 share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or by 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
by 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 on
sales by auction
or tender.

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

Limits of
dividend on
capital.

15. In case in any 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.

Prescribed
rates 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 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.

Borrowing
powers.

1888.

*Oakham
Gas.*

profits
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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 circumstance which in the opinion of a justice of the peace and management could not have prevented and if such fund be at any time reduced 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 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.

of
profits
described

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.

fund.

19. Where in any year the amount of the standard rates of dividend are by reason of a diminution of the standard price charged by the Undertakers increased then out of the amount of the divisible profits applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit by way of reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called the "reserve fund" and shall be applicable to the payment of 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.

land

20. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease by agreement but not otherwise and 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 in addition to the lands described in such schedule and

[51 & 52 Vict.] *Gas Orders Confirmation (No. 2)* [Ch. cxxvi.]
Act, 1888.

that no lands shall be used by the Undertakers for the purposes of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

A.D. 1888.

*Oakham
Gas.*

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 extend renew or discontinue retorts gasholders receivers 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 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 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 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 remunerations in respect thereof.

Power to make gas meters, &c.

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

For protection of Midland Railway Company.

24. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for gas within the limits of supply as to the mode of laying down repairing altering or enlarging their pipes or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at request of either party.

Differences with railway and other companies.

Quality of Gas.

25. 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.

[Ch. cxxvi.] *Gas Orders Confirmation (No. 2)* [51 & 52 Vict.]
Act, 1888.

A.D. 1888.

Price of Gas.

Gas.

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

Pressure of Gas.

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

Testing of Gas.

28. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871; and the burner to be used for testing gas shall be a Sugg's London argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass, a six-inch by two-inch chimney shall be used; Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade; and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

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

[51 & 52 VICT.] *Gas Orders Confirmation (No. 2)* [Ch. cxxvi.]
Act, 1888.

30. 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 hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

A.D. 1888.

Oakham Gas.

Undertakers to pay interest on deposit.

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

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

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

Saving of existing contracts.

33. 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.

A piece of land belonging or reputed to belong to the Undertakers and bounded on the west by Cow Lane on the north by hereditaments belonging to or reputed to belong to David Shilton Royce and the Quakers Burial Ground on the east by hereditaments belonging or reputed to belong to Major Charles Cave John Orme and the Quakers Burial Ground aforesaid and on the south by the high road leading from Oakham to Braunston being partly in the parish of Oakham Lord's Hold and partly in the parish of Oakham Dean's Hold with Barleythorpe all in the county of Rutland.

POULTON-LE-FYLDE GAS.

Order empowering the Poulton-le-Fylde Gas, Coal, Lime, and Coke Company (Limited) to maintain and continue gasworks, and to manufacture and supply gas, within the township of Poulton-le-Fylde and a portion of Thornton and Carleton, all in the parish of Poulton-le-Fylde, in the county of Lancaster.

Poulton-le-Fylde Gas.

1. This Order may be cited as the Poulton-le-Fylde 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.

A.D. 1888.

Poulton-le-Fylde Gas Corporation
Act.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking) of the Gasworks Clauses Act, 1847 (except sections 30 to 34 both inclusive) and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order (except where the same are expressly varied by this Order), and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the commencement of this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order, provided that for the purpose of such incorporation section 35 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.

Interpretation.

4. In this Order 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 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

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the township of Poulton-le-Fylde, such part of the township of Thornton as lies within a line commencing at the south-eastern extremity of the said township at Skippool, and thence following the present boundary thereof along the banks of the River Wyre to the extreme eastern end of Hillylaid Road, at a place called Hillylaid Clough, then westwards, along the northern side of and including the whole of the said Hillylaid Road to Hillylaid Gate, thence across the railway and in a northerly direction, along and including the highway through Trunnah into the highway leading from Blackpool to Fleetwood, at a point a few yards south of a place called "Holmes," thence southwards, along the west side of and including the whole of the said highway leading from Blackpool to Fleetwood, past Marsh Mill and across Ramper Road, at the Four Lane Ends, thence southwards, along the west side of and including the whole of the highway leading from the Four Lane Ends aforesaid to the Four Lane Ends in Carleton, to the boundary of the township of Carleton near Holm Nook, thence south, following the present boundary of Thornton to the point where it joins the boundary of the township of Poulton-le-Fylde, thence along the boundary of the township of Poulton-le-Fylde to the south-eastern extremity of the township of Thornton, near Skippool aforesaid, where the line commenced, and such part of the township of Carleton as lies within a line commencing at the point where the highway from Blackpool to Poulton-le-Fylde first crosses the boundary of

Poulton-le-Fylde eastwards of Scut House Farm, then westwards, along the south side of and including the whole of the said highway, to the road leading from the said highway to the Four Lane Ends in Carleton aforesaid, thence along the west side of and including the whole of that road crossing the Preston and Wyre Railway, and past Carleton Lodge to the school at the Four Lane Ends in Carleton aforesaid, thence along the south-west side of the road leading from the said Four Lane Ends in Carleton to Bispham, and including the whole of that road to Whiteholme, thence along the north side of the road leading past Norcross, and including the whole of that road to the highway leading from the Four Lane Ends in Carleton to the Four Lane Ends in Thornton, thence northwards, along the west side of and including the whole of that highway, to the point where the said highway crosses the boundary of Carleton aforesaid.

A.D. 1888.

Poulton-le-Fylde Gas.

Undertakers.

6. The Poulton-le-Fylde Gas, Coal, Lime, and Coke 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 twelve 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 five 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.

Capital.

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

New shares to be offered by auction or tender.

A.D. 1888.

*Poulton-le-
Fylde Gas.*

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of shares.

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 entitled to such lot.

10. It shall be one of the conditions of every sale of shares under this Order, that the whole nominal amount of such 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.

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

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.

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

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. A.D. 1888.

16. The amount of all the 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 actually raised by the issue of shares or stock, including any premiums that 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. *Poulton-le-Fylde Gas.* 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 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 occasion may require, provided that when, and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital, for the time being the interest thereon shall be carried to the credit of the fund available for dividend, provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital for the time being as aforesaid. If profits exceed the amount limited, excess may be invested, and form an insurance fund.

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. Application of excess of profits over prescribed rates.

19. Where in any year the amount of the standard rates of dividend is by reason of a diminution of the standard price charged by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit 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 Power to create a reserve fund and application thereof.

A.D. 1888.

Poulton-le-Fylde Gas.

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 Land.

Power to purchase additional land.

20. The Undertakers may, for the purposes of the undertaking, from time to time purchase or take on lease, by agreement, but not otherwise, and 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 or storing gas or residual products and matters producible therefrom, except the lands described in the said schedule.

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

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

21. The Undertakers on the lands described in the schedule to this Order annexed and shown on the map deposited for the purposes of this Order, and thereon coloured red except nevertheless that portion of the said lands which adjoins the Preston and Wyre Railway, and is shown on the said map as lying between the said railway and the green line drawn upon the said map, while they are possessed of the said lands 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 all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works, and elsewhere.

Power to Undertakers to purchase and supply gas apparatuses, &c.

22. 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 remuneration in respect thereof.

Power to take licences for patents.

23. 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

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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 production, or from the materials used therein.

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Poulton-le-Fylde Gas.

24. Whenever the Undertakers shall require to lay down, alter, repair, enlarge, or re-place any mains or pipes upon, across, over, or under any railway, for the time being, belonging to, or worked by the Lancashire and Yorkshire Railway Company and the London and North-western Railway Company, jointly or severally (in this section called "the companies,") or the stations, bridges, approaches, or other works thereof, or to construct any works adjoining, or in close proximity to, any such railway, or upon any lands or property for the time being, belonging to, or used, or occupied by the companies, such mains or pipes shall (in all things at the expense of the Undertakers) be laid, and such works, together with the making good and repairing the roads over any such bridges and approaches, which the companies are, or may be liable to maintain, and which may be disturbed or interfered with by, or owing to any operations of the Undertakers under the provisions of this Order, shall be constructed and executed by the Undertakers, under the superintendence, and to the reasonable satisfaction of the principal engineer, for the time being, of the companies, and according to plans to be previously reasonably approved by him, and so as not to cause any injury to any such railway, or any of the works thereof, or to such lands, or property, or interruption to the passage or conduct of the traffic over, or at any such railway or station.

For the protection of the Lancashire and Yorkshire and the London and North-western Railway Companies.

If any injury shall, owing to, or by reason of any of the matters aforesaid, arise to any such railway, works, lands, or property, or interruption to such traffic, the Undertakers shall make full satisfaction in respect thereof to the companies, to be recoverable by the companies from the Undertakers, together with the costs of the recovery of the same, by all and the same means as any simple contract debt. Provided that in the event of any dispute as to the amount of such satisfaction, the same shall be determined by arbitration, in manner provided by the Public Health Act, 1875, and sections one hundred and seventy-nine to one hundred and eighty-one of that Act, both inclusive, shall have effect in any such case.

Before opening or breaking up for any of the purposes of this Order any public road crossing, either over or on the level of any such railway, the Undertakers shall give not less than five clear days notice of their intention so to do, sent by post in a registered letter addressed to the secretary of the companies, except, however, in any case of emergency arising from defects in any of the pipes or other works of the Undertakers, and then as soon as possible after the beginning of the work or the necessity for the same has arisen.

Nothing in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the companies otherwise than is herein expressly provided.

25. If any difference arise between the Undertakers and any railway, canal, or other company, whose lands or works the Undertakers have power to cross under the authority of this order, as to the mode of laying down, repairing, altering, or enlarging their mains, pipes, or other works, 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.

Difference with railway and other companies.

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Quality of Gas.

*Poulton-le-
Fylde Gas.*

Quality of

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

Price of Gas.

Price
Standard price
with
dividend.

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

Rate of

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

Testing Gas.

Testing gas.

29. 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, Number 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

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the gas is supplied, and for that purpose may open any street, road, passage, or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

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Poulton-le-Fylde Gas.

Miscellaneous.

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

No penalty in case of unavoidable cause.

31. When 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.

Undertakers to pay interest on deposit.

32. If within fourteen years from the commencement of this Order the township of Poulton-le-Fylde shall by Order of the Local Government Board be constituted a local government district, the local authority for such district (herein-after called the local board) shall if and when they shall be authorised by the Local Government Board be at liberty to acquire at the expiration of seven years or after seven years and within fourteen years from the commencement of this Order the undertaking and works of the Undertakers, and the Undertakers shall in such event if required by the local board by notice in writing addressed to the secretary of the Undertakers, sell and transfer the undertaking and works to the local board upon the terms following, that is to say :—

Power to purchase undertaking, &c.

The local board shall pay to the Undertakers as purchase money—

1. The moneys expended on capital account in connexion with the undertaking.
2. Such an additional sum of money as may be mutually agreed upon between the Undertakers and the local board, or in case of dispute as may be awarded and settled by arbitration in manner herein-after provided.

The costs, charges, and expenses of and incidental to the transfer of the undertaking and works, and of and incidental to dividing the purchase money among the shareholders of the undertaking, and of and incidental to the dissolution and winding up of the company, shall, if the Undertakers be compelled to transfer the said undertaking and works within the period of fourteen years, be paid by the local board.

The purchase shall be completed on the expiration of two calendar months from the giving of the notice by the local board to the Undertakers as aforesaid, and in the event of such purchase not being then completed the local board shall be entitled to the income and shall pay the outgoings in connexion with the undertaking and works as from the day whereon the purchase should have been completed as aforesaid, and shall pay to the Undertakers interest at the rate of five pounds per centum per annum from such last-mentioned day to the day of such actual completion on the amount of the purchase money.

If any dispute or difference shall arise between the Undertakers and the local board respecting any matter or thing relating to such sale or transfer such

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dispute or difference shall be determined by arbitration in manner provided by the Public Health Act, 1875.

Poulton-le-Fylde Gas.

Saving of existing contracts.

33. 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 or the supply of gas by the Undertakers.

Costs of Order.

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

SCHEDULE

Gas Lands.

The lands now belonging or reputed to belong to the company, situate in the township and parish of Poulton-le-Fylde, in the county of Lancaster, containing 1,480 square yards or thereabouts, and bounded on or towards the south by lands belonging to or reputed to belong to John Thomas Bailey, on or towards the north, partly by land belonging to or reputed to belong to the Lancashire and Yorkshire Railway Company and the London and North-western Railway Company, lessees of the Preston and Wyre Railway, and partly by lands and buildings belonging to or reputed to belong to William Grime, on or towards the east by the railway known as the Preston and Wyre Railway, and on or towards the west by a road or lane called or known as Station Road.

WORKSOP GAS.

Order empowering the Worksop Gas Company to raise additional capital.

1. This Order may be cited as the Worksop Gas Order 1888.

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."

3. The Worksop Gas Act 1856 (in this Order referred to as "the Act of 1856") and the Worksop Gas Order 1876 (in this Order referred to as "the Order of 1876") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Provided that from and after the commencement of this Order sections 30 to 34 both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Act of 1856 and section 35 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" had been omitted therefrom and as though

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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.

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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 payment of subscriptions and the means of enforcing the payment of calls.

The forfeiture of shares for nonpayment of calls.

The remedies of creditors of the company against the shareholders.

The borrowing of money by the company on mortgage or bond.

The conversion of 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 the Companies Clauses Act 1869 and the Gasworks Clauses Act 1871 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "the company" shall mean the Undertakers.

Undertakers.

5. The Worksop Gas Company incorporated by the Act of 1856 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

6. In addition to the capital authorised to be raised by the Undertakers under the Act of 1856 and the Order of 1876 (in this Order referred to as "the original and additional capital") they may from time to time:—

Additional
capital.

- (1.) Raise any further sums not exceeding in the whole seven 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

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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 authority 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 seven thousand pounds ; and

- (2.) Borrow on mortgage from time to time in respect of the new capital of seven thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock any sums not exceeding in the whole one thousand seven hundred and fifty pounds and the Undertakers may as each sum of one thousand pounds of such new capital has been actually raised by the issue of shares or stock borrow on mortgage in respect of each such sum of one thousand pounds any sum or sums not exceeding in the whole two hundred and fifty pounds but in no case shall any part of the said respective sums of two hundred and fifty pounds be borrowed until the whole of the shares or stock for so much of the said new capital in respect of which such borrowing powers are sought to be exercised together with the premiums (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.

7. 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.

8. If any money be payable to a shareholder being a minor idiot or lunatic the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

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

10. 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 holders 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.

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11. 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 other person proprietor to be declared the purchaser.

12. 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 by auction to be paid within three months.

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

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

14. 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 the 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.

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

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

Application of premium arising on issue of shares.

16. 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 or Order 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 this Order or any subsequent Act or Order shall

Debenture stock.

A.D. 1888.

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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 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.

17. All mortgages granted by the Undertakers under the authority of the Act of 1856 or of the Order of 1876 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 1856 and of the Order of 1876 respectively 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.

18. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the said original and additional and new capital than the standard rates of dividend herein-after mentioned namely eight pounds in respect of every one hundred pounds actually paid up of the old shares as defined by the Act of 1856 and seven pounds in respect of every one hundred pounds actually paid up of the new shares as defined by the Act of 1856 and of so much of the additional capital authorised by the Order of 1876 as has been issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of so much of the said additional capital as has been issued as preference capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the new capital authorised by this Order as may be issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of so much of the said new capital as may be issued as preference capital and such dividends or such dividends as reduced or increased in accordance with the provisions of this Order are in this Order referred to as "the prescribed rates," and shall be in substitution for the rates of dividend prescribed by the Act of 1856 or the Order of 1876 or any Act incorporated therewith.

19. 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 capital of the Undertakers a proportionate deduction shall be made in the dividend of each class.

20. 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.

21. 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 the 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 1856 and the Order of 1876 and this Order.

22. 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 same limit and so from time to time as often as 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.

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If profits exceed the amount limited excess may be invested and form an insurance 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 or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Application of further excess of profits over prescribed rates.

24. Where in any year the standard rates of dividend are by reason of the 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 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.

Power to create a reserve fund and application thereof.

25. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1856 and the Order of 1876 and this Order to which capital is properly applicable.

Application of money.

Quality of Gas.

26. Notwithstanding anything in the Act of 1856, or the Order of 1876 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

Quality of gas.

A.D. 1888. fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

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Gas.

Price of Gas.

27. Notwithstanding anything in the Act of 1856 or the Order of 1876, the standard price to be charged by the Undertakers for gas supplied by them shall be three shillings and eightpence 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.

28. 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.

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