CHAPTER xxxix.

An Act for incorporating and conferring powers on the Chippenham Gas Company and for other purposes. A.D. 1904.

[24th June 1904.]

WHEREAS by a deed of settlement dated the thirtieth day of August one thousand eight hundred and thirty-four certain persons formed themselves into a company under the name of the Chippenham Gas Company (herein-after referred to as "the Old Company") for the purpose of manufacturing gas and lighting therewith the town of Chippenham in the county of Wilts and the Old Company was in the year one thousand eight hundred and seventy-six registered in pursuance of the Joint Stock Companies Acts as a company limited by shares:

And whereas under the before-mentioned deed of settlement the capital of the Old Company was fixed at £2000 divided into 100 shares of £20 each:

And whereas previously to the year 1881 sums amounting in the whole to the sum of £1500 were from time to time taken from undivided profits and expended in enlarging and improving the works of the Old Company which sums together with the subscribed capital expenditure amounted to an aggregate sum of £8000 at which amount the capital of the Old Company stood in the year 1881:

And whereas the capital of the Old Company has since been increased by the subscription of a sum of £2000 and at present consists of £10000 divided into 500 fully paid up shares of £20 each:

And whereas in addition to the before-mentioned sum of £1500 the Old Company have out of revenue expended upon the general

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improvement and extension of their works and provided for working capital sums of money amounting in the aggregate to upwards of £6000 which are properly chargeable against capital but such sums have not been so charged:

And whereas it is reasonable that shares or stock representing the amount of the capital moneys and the sum of £6000 so expended on the undertaking as aforesaid should be created and should be distributed among the shareholders of the Old Company in the manner and under the conditions in this Act prescribed and set forth:

And whereas the Old Company have no mortgage debt:

And whereas the Old Company acquired a leasehold interest in the piece of land described in Part I. of the First Schedule to this Act and erected gasworks thereon and have from time to time improved and enlarged the same:

And whereas since the formation of the Old Company the borough of Chippenham has been extended and the population of the borough and the demand for gas in the district supplied by the Old Company has increased and is increasing and other parishes and places adjacent thereto are wholly without a supply of gas:

And whereas it is expedient that the Old Company should be dissolved and re-incorporated with further powers and that the Company so re-incorporated be authorised to acquire additional lands by compulsion or otherwise to construct additional works and to extend their mains and limits of supply and that additional capital should be provided for such purposes:

And whereas a plan of the lands which may be taken compulsorily for the purposes or under the powers of this Act and a book of reference to the plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands were duly deposited with the clerk of the peace for the county of Wilts and are herein-after referred to as "the deposited plan and book of reference":

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Chippenham Gas Act 1904.

Incorporation of Acts.

2. The following Acts or parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act namely :—

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) ;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ;

The Lands Clauses Acts ;

The Gasworks Clauses Act 1847 (except sections 31 to 34) and the Gasworks Clauses Act 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building."

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction :

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

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

Limits of Act.

4. The limits of this Act (herein-after called "the limits of supply") shall be the borough of Chippenham and the parishes of Langley Burrell Without Chippenham Without and Hardenhuish all in the county of Wilts.

Incorporation of Company.

5. From and after the passing of this Act the Old Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that Company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and

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they are hereby united into a company for the purposes hereinafter mentioned and shall be incorporated by the name of "The Chippenham Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of Company.

6. The Company shall be established for the purposes of acquiring maintaining altering improving enlarging extending and renewing the gasworks of the Old Company and manufacturing storing and supplying gas within the limits of supply for lighting heating motive power and other purposes and for converting or utilising and distributing materials used in or about the manufacture of gas and of residual products resulting from such manufacture and for dealing in selling and disposing of gas coke tar lime chemicals and residual and manufactured products and any other material or substance used in or arising or to be made and obtained from or in the manufacture of gas or by the combination of any of the above-mentioned matters either with each other or with other substances and generally for carrying on the business usually carried on by a gas company or incidental thereto.

Present property of Old Company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately before the passing of this Act were vested in the Old Company or any person in trust for them or to which the Old Company were in anywise entitled and all mains pipes plants plugs lamps irons retorts gauges meters gas-stoves cookers gas-fittings lamp-posts syphons apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of supply or which immediately before the passing of this Act were the property of the Old Company and all moneys securities credits choses in action effects and other property whatsoever which immediately before the passing of this Act belonged to the Old Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Old Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same interest as the same were previously to the passing of this Act vested in the Old Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

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Deed of settlement of Old Company to be void without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act the deed of settlement constituting the Old Company dated the thirtieth day of August one thousand eight hundred and thirty-four shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Old Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said deed of settlement incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Old Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Old Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said deed of settlement had not been avoided by this Act and such incorporation and avoidance of this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said deed of settlement were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and the holders of shares and stock therein and the property of the Company shall to all intents and purposes represent the Old Company and the members thereof as such and the property of the Old Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

10. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Old Company or any trustees or persons acting on behalf of the Old Company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Old Company or

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the trustees or persons acting on behalf of the Old Company the Company had been a party thereto.

Actions &c. not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the Old Company or any member thereof in relation to the affairs of the Old Company or to which the Old Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Old Company or any member thereof if this Act had not been passed the Company and the holders of shares and stock therein being in reference to the matters aforesaid in all respects substituted for the Old Company and its members respectively.

Trustees of Old Company to be indemnified.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Old Company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Old Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of Old Company.

13. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Old Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Old Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of gas rents &c.

14. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the Old Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before passing of Act.

15. All persons who immediately before the passing of this Act owed any money to the Old Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which

immediately before the passing of this Act were due or recoverable from the Old Company or for the payment of which the Old Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force.

16. Notwithstanding the avoidance of the said deed of settlement all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Old Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c. continued as evidence.

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

Officers to continue until removed.

18. All officers and servants of the Old Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

19. The books kept by the Old Company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share shall until a register of shareholders or holders of stock shall be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders and of holders of stock required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

20. The capital of the Company shall be forty-one thousand pounds being the aggregate of the following sums:—

(1) Capital stock to the amount of ten thousand pounds being the existing capital of the Old Company which shall form and hereafter be called "Original Stock A":

(2) Capital stock to the amount of six thousand pounds being stock created in respect of moneys expended by the Old Company out of revenue upon extensions and improvements and working capital and herein-after called "Improvement Stock B":

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The above amounts of capital namely ten thousand pounds and six thousand pounds (making in the aggregate the sum of sixteen thousand pounds) shall be deemed fully paid up:

(3) Twenty-five thousand pounds in this Act called "the additional capital" which shall be raised in manner herein-after mentioned:

And the Company may convert into stock the whole or any part of the additional capital when fully paid up.

Vesting of Original Stock A and Improvement Stock B in present shareholders.

21. On the passing of this Act the Original Stock A and the Improvement Stock B shall be appropriated to and vested in the several persons who immediately before the passing of this Act were the registered proprietors of the Old Company in substitution for the existing shares of the Old Company and such stocks respectively shall be distributed between such persons in proportion to the number and nominal value of shares to which such persons were then entitled and such stocks respectively shall be subject and liable to the same trusts powers provisions declarations and agreements charges liens and incumbrances as immediately before the passing of this Act affected the shares for which the same are substituted and so as to give effect to and not revoke any deed will or other instrument or any testamentary disposition of or affecting the same and every such deed will or other instrument or testamentary disposition shall take effect with reference to a proportionate amount of the stock so substituted Provided that no person shall hold any fractional part of a pound of stock and in any case in which any person would but for this provision have become entitled to a fractional part of a pound of stock in respect of his shares in the Old Company the Company shall not be bound to register such fractional part of stock but may pay to such person such a sum in cash as shall be equal to the market value of such fractional part and the amount of stock vesting in such person shall thereupon be reduced accordingly and the directors may raise the money necessary to enable the Company to make such cash payment as aforesaid either by the sale of such fractional parts of stock or by the creation and issue of such an amount of additional capital by this Act authorised as may be requisite in that behalf.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

22. The Company shall call in and cancel the existing certificates of shares in the Old Company and issue in lieu thereof certificates in the form and under the conditions prescribed under the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have

delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Multiples of stock.

23.—(1) Any transfer of stock may be in multiples of one pound so long as thereby no holding of any stockholder of the Company is less than ten pounds nominal value of stock and notice of the provisions of this subsection shall be stated in all stock certificates.

(2) Sections 18 19 and 20 of the Companies Clauses Consolidation Act 1845 shall be deemed and construed to include and apply to capital stock and the interest thereon as if such stock and interest had been expressly mentioned therein.

Power to Company to raise additional capital.

24. The Company may from time to time raise additional capital not exceeding in the whole twenty-five thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or partly in one mode and partly in the other but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twenty-five thousand pounds Provided also that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than twelve thousand pounds.

Receipt in case of persons not sui juris.

25. If any money is payable to a holder of shares or stock or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Profits of Company limited.

26. Except as in this Act otherwise provided the profits of the Company to be divided among the stockholders and shareholders in any year shall not exceed the following rates (which are in this Act referred to as "the standard rates of dividend") (that is to say):—

On the Original Stock A the rate of ten pounds in respect of every one hundred pounds;

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On the Improvement Stock B the rate of five pounds in respect of every one hundred pounds;

On the additional capital to be raised under the powers of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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

27. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

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

28. Notwithstanding anything in this Act contained the Company shall when any shares or stock in the additional capital created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon any such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any such holder of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder of shares or stock shall be accepted in preference.

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

29. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of shares or stock.

30. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of Chippenham the clerk of the Chippenham Rural District Council and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the borough of Chippenham.

Disposal of shares or stock not sold by auction or tender.

31. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same may be disposed of by the directors at a price not less than the reserved price put upon the same for the purpose of sale by auction or tender or may be offered at such reserved price to the holders of ordinary shares or stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock not so disposed of or so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act except that the reserved price put upon such shares or stock may upon such second sale if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold may be disposed of by the directors or offered to the holders of ordinary shares or stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

32. Any sum of money which shall arise from the issue of any such shares or stock portion of the additional capital by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that in any case where a power to raise money by borrowing or to create an insurance fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

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

33. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital (if any) and dividend on the ordinary capital at the authorised rate 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 Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or the like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company 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 Company from accident strikes or other circumstances which in the opinion of a court of summary jurisdiction 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 shall happen Provided that when and so often as the said fund shall reach 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.

Application of excess of profits over authorised rate of dividend.

34. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital if any and dividend at the authorised rate on the ordinary capital of the Company the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

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

35. Where in any year the dividend of the Company on the ordinary capital of the Company shall exceed the standard rate by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company 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 Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rate on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow in respect of original and improvement stock.

36. The Company may borrow on mortgage of their undertaking in respect of the Original Stock A and the Improvement Stock B any sum not exceeding in the whole five thousand three hundred and thirty-three pounds.

Power to borrow in respect of additional capital.

37. In addition to the money which the Company are authorised to borrow by the last preceding section they may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that such shares or stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Provisions as to auction &c. to apply to loan capital.

38. The provisions of this Act relating to the offering of shares or stock for sale by public auction or by tender and to the sale thereof and to the application of the premium arising from such sale shall so far as applicable apply mutatis mutandis in relation to the granting of mortgages and the issuing of debenture stock by the Company after the passing of this Act.

For appointment of a receiver.

39. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver 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 thousand pounds in the whole.

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Debenture stock.

40. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament 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.

Priority of mortgages over other debts.

41. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking.

Limit of interest on borrowed money.

42. The Company shall not without the consent of the Board of Trade pay interest at a higher rate than four pounds per centum per annum in respect of moneys raised on mortgage or by the creation and issue of debenture stock under the authority of this Act.

Application of moneys.

43. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

44. The first ordinary meeting of the Company shall be held within nine months next after the passing of this Act and the future ordinary meetings of the Company shall be held in the month of March in every year or at such other time as shall be appointed for that purpose by an order of a general meeting.

Quorum for meetings of Company.

45. The quorum of all general meetings whether ordinary or extraordinary shall be five holders of shares or stock present in

person or by proxy holding not less in the aggregate than two thousand pounds in the ordinary capital of the Company. A.D. 1904.

Number of directors.

46. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than six or less than four Provided that until the number of the directors appointed by this Act who shall be continued in office shall be reduced to five the number of directors may be more than five but not more than nine.

Qualification of directors.

47. The qualification of a director shall be the possession in his own right of not less than twenty shares or not less than two hundred pounds of stock (not being debenture stock).

Quorum.

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

First directors.

Election of directors.

49. Daniel Collen John Pound Robert Edwin Brinkworth Richard Darley Charles Stafford Ellery John Hetherington Henry Gilbert James Edwin Slade and William Fothergill Tuckett shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the holders of shares or stock present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the holders of shares or stock present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in the manner provided by the same Act.

Scale of voting.

50. At all general meetings of the Company every holder of ordinary shares or stock shall have one vote for every ten pounds (nominal value) of the capital of the Company up to one hundred pounds and an additional vote for every fifty pounds (nominal value) of the capital of the Company beyond the first one hundred pounds held by him.

Auditors.

51. The auditors need not hold shares or stock in the Company.

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Directors not to be disqualified &c.

52. No person shall be disqualified from becoming or continuing a director of the Company by reason of his or any partner of his being or becoming interested in any contract with the Company either in his own behalf or as a member of any other company corporation local authority or partnership but no such person shall as a director vote in respect of any question as to any such contract.

Interim dividend.

53. The directors of the Company may in any year without calling a meeting of holders of shares or stock for the purpose declare an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half year one half of the amount of the standard rate of dividend.

Closing of transfer books previous to declaring interim dividend.

54. The directors of the Company may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal office is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

Powers as to construction and maintenance of gasworks &c.

55. Subject to the provisions of this Act the Company may upon the lands described in Part I. of the First Schedule to this Act maintain alter improve enlarge extend and renew or discontinue the gasworks of the old Company and may purchase or acquire by agreement and hold the lands described in Part II. of the said First Schedule and may upon such lands respectively erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of supply and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar and all other products or residuum of any materials employed in or resulting from the manufacture of gas or the materials used therein.

Power to purchase lands by agreement. Gas not to be manufactured except on lands scheduled.

56. The Company may for the purposes of their undertaking purchase take on lease and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Power to take lands.

57. Subject to the provisions of this Act the Company may for the purposes of the undertaking enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of their undertaking.

Limit of time for compulsory purchase of lands.

58. The powers of the Company for the compulsory purchase of the lands so delineated and described as aforesaid shall cease after the expiration of three years from the passing of this Act.

Owners may be required to sell parts only of certain lands and buildings.

59. And whereas in the exercise of the powers of this Act it may happen that portions only of certain properties shown on the deposited plan may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Correction of errors &c. in deposited plan and book of reference.

60. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to

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two justices for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Wilts and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands in accordance with such certificate.

For protection of Messieurs Saxby and Farmer Limited.

61. For the protection of Messieurs Saxby and Farmer Limited (herein-after referred to as "the owners") the following provisions unless otherwise agreed in writing between the Company and the owners shall have effect:—

(1) The Company shall not without the previous consent of the owners purchase or acquire any property belonging to the owners except only so far as shall be necessary for the purpose of placing laying down inspecting maintaining or repairing their mains and pipes in under and along the land and road forming a continuation of Foundry Lane numbered 1 on the deposited plan and the Company may purchase and take and the owners shall grant such easements and rights in under and along the said land and road as the Company may require for the purposes aforesaid:

(2) The Company shall pay to the owners for the easements and rights to be acquired by them as aforesaid such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts:

(3) When the Company have opened or broken up the said road for the purpose of laying down their mains and pipes as aforesaid they shall restore and leave in a condition suitable for ordinary cart traffic so much of the road as is coloured pink on a plan signed in duplicate by William Henry Brinkworth on behalf of the Company and Charles Hodgson on behalf of the owners:

(4) In the laying down maintenance and repair of their mains and pipes the Company shall not impede or interrupt

the traffic upon the siding of the owners connecting their property with the railway of the Great Western Railway Company.

For protection of Great Western Railway Company.

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

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under or in any way affecting the railways lands and property for the time being belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in case of difference may be determined by arbitration in manner herein-after provided Provided always that if such principal engineer shall not approve or disapprove any plans or proposals so submitted to him within twenty-eight days after the same are delivered or shall refuse or neglect to superintend the work the Company may proceed without the approval of the plans as aforesaid or without the superintendence of the said engineer :

(B) All such works shall be done by and at the expense of the Company except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the Great Western Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the Great Western Company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the

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Company but so nevertheless that any mains or pipes so laid by the Great Western Company shall be laid under the superintendence and to the reasonable satisfaction of the Company's engineer:

(c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

(d) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the Great Western Company the Company shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

(e) Notwithstanding anything in this Act contained the Company shall not acquire any interest in the lands or property of the Great Western Company other than an easement across over or under any of the railways works or property of the Great Western Company as may be necessary for constructing or maintaining any of the works of the Company and shall pay to the Great Western Company for any such easement to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration:

(f) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their

lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the Great Western Company may on giving to the Company fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works provided that such works shall be done subject to the reasonable satisfaction of the engineer of the Company and without unduly interfering with the supply of gas by the Company :

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

Power to discontinue existing gas-works and to sell or lease lands.

63. The Company may if they think fit from the time when they commence to manufacture gas upon the lands described in Part II. of the First Schedule to this Act discontinue and abandon the manufacture of gas and residual products upon the lands described in Part I. of the said First Schedule and may notwithstanding anything in this Act or any Act incorporated herewith to the contrary sell and dispose of in such manner upon such terms and to such persons as they may think fit the buildings works gasholders tanks and the machinery plant apparatus and conveniences upon the lands described in Part I. of the said First Schedule or any part thereof and subject to the provisions of sections 128 to 132 of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Company may sell or lease any other lands

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vested in or acquired by them and which may not be required for the purposes of the Company Provided that when the Company shall discontinue and abandon their existing gasworks they shall after selling or otherwise disposing of such gasworks surrender to the Corporation the lease dated the second day of August one thousand eight hundred and seventy.

Power to supply gas fittings &c. for heating motive and other purposes and fittings not to be subject to distress.

64.—(1) The Company may sell let for hire or otherwise deal in fix repair and remove but shall not manufacture engines stoves ranges dynamos motors pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Company and the person to or for whom the fittings are sold let fixed up repaired or removed.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Dividend dependent on price charged.

65. The standard price to be charged by the Company for gas supplied to persons who shall burn the same by ordinary meter shall be four shillings per thousand cubic feet within the borough of Chippenham as for the time being constituted and four shillings and sixpence per thousand cubic feet beyond the borough and within the limits of supply:

Provided that the Company 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 Company on the ordinary share capital or stock as follows:—

In respect of any half-year during any part of which the price charged by the Company shall have been one penny or part of a penny above the standard price the dividend payable by the Company shall in respect of each penny or part

of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by two shillings and sixpence on every one hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend by one shilling and ninepence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and by one shilling and threepence on every one hundred pounds of such capital with a five per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

And in respect of any half year during the whole of which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by two shillings and sixpence on every one hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend by one shilling and ninepence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and by one shilling and threepence on every one hundred pounds of such capital with a five per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

Charges for gas supplied by means of prepayment meters.

66.—(1) The Company may charge for any gas supplied through a prepayment meter a not greater charge rate or rent than for gas supplied to private consumers within or without the borough of Chippenham as the case may be through any other kind of meter or by any other method of supply.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meters and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet including cooker:

The said charge shall include the providing letting fixing repairing and maintenance of the meter fittings and cooker and the cost of collection and other costs incurred by the Company in connexion with the meter fittings and cooker.

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(3) The maximum charge for the hire of a prepayment meter without fittings and cooker shall be at the rate of sixpence per one thousand cubic feet.

(4) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Discounts.

67. The Company may if they think fit allow discounts or rebates not exceeding in any case ten per centum to consumers of gas in consideration of prompt payment of gas and meter rents or to consumers of gas of large quantities upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Company and any of such consumers Provided that notice of the effect of this enactment shall be endorsed on every demand note for gas rent Provided also that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Pressure of gas.

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

Quality of gas.

69. The prescribed number of candles shall be not less than fourteen.

Testing place.

70. Within twelve months from the passing of this Act a testing place shall be provided upon some part of the works or lands of the Company or within two hundred yards from any part thereof.

Burner.

71. The burner for testing gas shall be Sugg's London sixteen candle Argand burner number one and in making the tests shall be

so used that the gas shall be burnt at such a rate as shall give a light equal to sixteen candles.

As to construction and placing of pipes &c. between mains and meters.

72. In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

(1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Company's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :

(2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :

(3) The specification shall be published twice in some newspaper circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company :

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building :

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with :

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the

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court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Company to pay interest on money deposited as security for gas meters.

73. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest at the rate of four 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.

Anti-fluctuators for gas engines.

74. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Company may cease to supply him with gas The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

Gas consumers to give notice to Company before removing.

75. Twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent payable to the Company.

Power to refuse supply to persons in debt for other property.

76. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all gas or meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

Notice to discontinue supply of gas.

77. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it

be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Company.

Period of error in defective meters.

78. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Company.

No penalty in case of unavoidable cause.

79. No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the Court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Company or was of so slight or unimportant a character as not materially to affect the value of the supply Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

Company may contract with local authority &c. for supply in bulk.

80. The Company may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under Parliamentary powers in that district) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Recovery of demands under one hundred pounds.

81. Proceedings for the recovery of any demand not exceeding one hundred pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Dwelling-houses for workmen.

82. The Company may purchase or take on lease dwelling-houses for persons in their employ and may erect fix up maintain

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and let houses cottages and buildings for such persons upon the lands for the time being belonging to or leased by the Company.

Power to hold licences under letters patent.

83. The Company may take hold and use within the limits of this Act patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and of such materials and residual products as aforesaid.

Power to lay pipes in streets not dedicated to public use.

84. The Company may upon the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with gas and may lay down take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to utilise pipes for ancillary purposes.

85. The Company may lay down place repair alter remove and renew subways mains pipes culverts wires and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil and other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to apply for a Provisional Order to supply electrical energy.

86. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 make application for a Provisional Order or licence to supply electrical energy for public and private purposes and may apply their funds for the purpose of such application.

Repeal of part of Act 4 Will. IV. c. xlvii.

87. From and after the passing of this Act the sections of the Act passed in the fourth year of the reign of King William the Fourth intituled "An Act for Lighting Watching Cleansing Paving and otherwise Improving the Town of Chippenham in the County of Wilts" numbered respectively 39 40 41 44 45 49 53 and section 54 of that Act so far as the same has relation to lighting shall be and are hereby repealed.

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For protection of Wilts County Council.

88. For the protection of the council of the administrative county of Wilts (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company have effect (that is to say) :—

(1) For the purpose of any notice required under section 8 of the Gasworks Clauses Act 1847 to be given by the Company to the council the period of seven days shall be substituted for the period of three days mentioned in that section :

(2) Neither the council nor any body or person repairing on their behalf any main road within the limits of supply shall be liable to the Company for any damage which may be done to any of the pipes or other works of the Company laid or constructed after the passing of this Act at a less depth than two feet six inches from the surface of such main road caused by or resulting from the reasonable use by or on behalf of the council of any steam-roller or other engine :

(3) If the Company shall require to lay down across any county bridge any main or pipe and the roadway over such bridge shall be of insufficient depth to enable the Company to do so without interfering with or prejudicially affecting the structure of such bridge the Company shall if so required by the council carry their mains or pipes across such bridge in such other manner as may be agreed upon between the Company and the council Any difference as to the sufficiency of the depth of roadway or as to the manner in which such mains or pipes shall be carried across such bridge shall be determined by arbitration as herein-after in this section provided :

(4) If at any time the council require to carry out works for rebuilding altering widening or repairing any county bridge which might involve interference with any main or pipe of the Company they shall before commencing such works give the Company one month's notice of their intention to carry out such works except in cases of emergency when they shall give notice to the Company so soon as is possible after the necessity for the work shall have arisen and if in order to avoid interruption to the supply by the Company of gas it becomes necessary to remove temporarily the mains or

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pipes belonging to the Company then the Company shall and may at their own expense temporarily carry their mains or pipes across such bridge in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the council and the council shall afford all reasonable facilities for the purpose so as not to interrupt the continuous supply by the Company of gas:

(5) When the rebuilding altering widening or repairing of such bridge shall have been completed the Company shall have the same rights and powers with regard to such bridge as they had before such rebuilding altering widening or repairing:

(6) If any difference arises under this section between the council and the Company the same shall be determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party.

Provisions as to purchase of undertaking by corporation.

89.—(1) If the corporation shall introduce a Bill into Parliament and bonâ fide promote the same in the next available session of Parliament for an Act to empower them to purchase the undertaking of the Company the Company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of provisions to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit.

(2) If the corporation obtain an Act authorising such purchase they shall give a written notice of their intention to purchase within three months after the passing of such Act and thereupon the Company shall sell and transfer and the corporation shall purchase and acquire the undertaking of the Company subject to all their then existing obligations and liabilities.

(3) Any such sale and purchase shall be for such price and consideration and on such terms and conditions as may be agreed upon between the Company and the corporation or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the corporation and the expression "lands" shall mean the undertaking of the Company but the

arbitrator shall not in assessing the sum to be paid by the corporation to the Company have regard to the fact that the Company have obtained this Act.

(4) In addition to the sum to be paid by the corporation to the Company under the foregoing provisions of this section the corporation shall on or before the transfer of the undertaking pay to the Company all the taxed costs charges and expenses incurred by the Company preliminary to and of and incident to the preparing applying for and obtaining this Act or otherwise in relation thereto and the corporation shall also pay to the Company the taxed costs charges and expenses of and incident to the arbitration and the transfer of the undertaking of the Company and the winding up of the Company.

(5) The corporation shall also pay compensation to any officers and servants in the regular employment of the Company who shall not be retained by the corporation in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the Company at the passing of the Act authorising the purchase of the undertaking of the Company in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertaking of the Company to the corporation the amount of such compensation in default of agreement to be determined by arbitration as aforesaid and no officer or servant who has been in the employment of the Company for ten years or upwards shall lose his right to compensation aforesaid by reason of his declining to continue in the service of the corporation.

(6) The Company shall not except with the consent of the corporation raise any capital in pursuance of this Act previously to the twentieth day of November one thousand nine hundred and four and if the corporation shall give notice of such Bill as aforesaid in October or November one thousand nine hundred and four the Company shall not raise any capital in pursuance of this Act during the promotion of such Bill but the Company may carry on their undertaking as heretofore in the ordinary course of their business.

(7) For the purposes of this section the expression "the undertaking of the Company" includes all the gasworks engines mains pipes and machinery lands and buildings plant fixed and moveable and other property and all the rights powers and privileges (if any) vested in or belonging to or had or enjoyed by the Company at the date of transfer of the undertaking of the Company to the

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corporation (subject nevertheless to the rights powers and privileges (if any) of the corporation) save and except—

(i) The cash balances (other than consumers' deposits) in the Company's hands or in those of their bankers or agents securities for money and all sums standing to the credit of their reserve fund and all undivided profits and also except moveable stock in trade gas coal and other stores which shall be purchased by the corporation by valuation at the date of transfer;

(ii) All the rents and profits of and all book and other debts received or due to the Company on credit or revenue account and all rates accrued due on the date of the transfer and the books and papers relating exclusively to the shareholders in and the constitution of the Company.

Copy of Act to be registered.

90. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Costs of Act.

91. All costs charges and expenses of and incident and preliminary to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act. A.D. 1904.

THE FIRST SCHEDULE.

Part I.

Lands on which the Company may maintain alter improve enlarge extend renew or discontinue Gasworks.

A piece of land containing by admeasurement one rood thirty-nine perches or thereabouts situate in the parish of Chippenham Within in the borough of Chippenham in the county of Wilts bounded on the south by property belonging or reputed to belong to the mayor aldermen and burgesses of the borough of Chippenham on the north partly by property belonging or reputed to belong to the said mayor aldermen and burgesses and partly by a roadway in continuation of Factory Lane leading to the waterworks on the east by the last-mentioned roadway and on the west by the River Avon.

Part II.

Lands on which the Company may erect and maintain Works and manufacture Gas and Residual Products and store Gas.

A piece of land containing by admeasurement three acres and seven perches or thereabouts situate in the parish of Langley Burrell Without in the county of Wilts belonging or reputed to belong to Miss Mary Carrick Moore and in the occupation of Humphrey William White bounded on or towards the south by a railway line belonging to the Great Western Railway Company on or towards the north and east by land belonging or reputed to belong to the said Miss Mary Carrick Moore and on or towards the west by a watercourse dividing the said piece of land from land belonging or reputed to belong to Messieurs Evans O'Donnell and Company Limited.

THE SECOND SCHEDULE.

Properties in respect of which a Portion only is required to be taken.

Parish.	Nos. on deposited Plan.
County of Wilts.	
Parish of Langley Burrel (Within borough of Chippenham.	1 3 4
Parish of Langley Burrell Without -	2

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