CHAPTER cxxv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bedford Gas, Long Melford Gas, Musselburgh Gas, Penmaenmawr Gas, and Portsea Gas. [19th July 1887.]

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WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the Schedule to this Act annexed:

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

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

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

Short title.

1. This Act may be cited as the Gas Orders Confirmation Act, 1887.

Confirmation of orders in Schedule.

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

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Special provisions as to houses of labouring class.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the consent of the Local Government Board in England, or of the Secretary for Scotland in Scotland, 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 in England, or in Scotland in any district within the meaning of the Public Health (Scotland) Act, 1867, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

SCHEDULE OF ORDERS.

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BEDFORD GAS.—Order empowering the Bedford Gas Light Company to raise additional capital.

LONG MELFORD GAS.—Order conferring powers for the maintenance and continuance of gasworks, and for the manufacture and supply of gas in the parish of Long Melford in the county of Suffolk.

MUSSELBURGH GAS.—Order empowering the Musselburgh Gas Light Company to maintain and continue gasworks and to make and supply gas in the burgh of Musselburgh, and in other parts of the parish of Inveresk in the county of Mid-Lothian.

PENMAENMAWR GAS.—Order conferring powers for the maintenance and continuance of gasworks, and for the manufacture and supply of gas in the local board district of Dwygyfylchi in the county of Carnarvon.

PORTSEA GAS.—Order empowering the Portsea Island Gaslight Company to purchase additional lands to construct and maintain additional works and for other purposes.

BEDFORD GAS.

Bedford.

Order empowering the Bedford Gas Light Company to raise additional capital.

Short title.

1. This Order may be cited as "The Bedford Gas Order, 1887."

Commencement of Order.

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

Construction of Order.

3. The Bedford Gas Act 1864 (in this Order referred to as "the Act of 1864") 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 1864 and section 35 of the said Gas Works 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.

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Bedford. Incorporation of Acts.

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of 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.

Undertakers.

5. The Bedford Gas Light Company incorporated by the Act of 1864 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Additional capital.

6. In addition to the capital authorised to be raised by the Undertakers under the Act of 1864 (in this Order referred to as "the original capital") they may from time to time

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

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

New shares to be offered by auction or tender.

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

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

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

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

9. 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.

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

10. 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

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days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

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

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

Application of premium arising on issue of shares.

12. 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.

Power to issue debenture stock.

13. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers shall subject to the provisions of any subsequent Act or Order rank pari passu (without respect to the dates of the securities or of 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.

Priority of existing mortgages.

14. All mortgages granted by the Undertakers under the authority of the Act of 1864 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 1864 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 Company.

Limits of dividend on capital.

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

Dividends on different classes of shares to be paid proportionately.

16. 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 deduction shall be made in the dividend of each class.

Limit of interest on borrowed moneys.

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

Appointment of a receiver.

18. Section 29 of the Act of 1864 (arrears to be enforced by the appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of the Act of 1864 and this Order.

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

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

Application of further excess of profits over prescribed rates.

20. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates of dividend the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

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Power to create a reserve fund and application thereof.

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

Application of money.

22. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1864 and this Order to which capital is properly applicable.

Quality of Gas.

Quality of gas.

23. Notwithstanding anything in the Act of 1864 the quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

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

24. Notwithstanding anything in the Act of 1864 the standard price to be charged by the Undertakers for gas supplied by them to ordinary consumers shall be three shillings and sixpence per one thousand cubic feet and so in proportion for any less quantity supplied provided that the Undertakers may increase or diminish such standard price subject to a reduction or increase in the standard rates of dividend to be calculated as follows:—

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

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

Costs of Order.

25. 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.

LONG MELFORD GAS.

A.D. 1887.

Long Melford.

Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas in the parish of Long Melford in the county of Suffolk.

Short title.

1. This Order may be cited as "The Long Melford Gas Order, 1887."

Commencement of Order.

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

Incorporation of Acts.

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

Interpretation.

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

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Long Melford, in the county of Suffolk.

Undertakers.

Undertakers.

6. Alfred Suart, of 29, Great St. Helens, in the City of London, merchant, his executors or administrators, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Provided that if the undertaking is at any time assigned to any other body or person in accordance with the provisions of this Order, such body or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned.

Capital.

Capital.

7. The capital of the Undertakers for the purposes of the undertaking authorised by this Order shall consist of the original capital of three thousand two hundred and fifty pounds, already expended upon the said undertaking, (in this Order referred to as the "original capital,") and of additional capital not exceeding three thousand five hundred pounds, (in this Order referred to as the "additional capital,") and the total capital of the Undertakers for the purposes of the said undertaking shall not exceed six thousand seven hundred and fifty pounds, and such total capital, together with any moneys for the time being owing by

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the Undertakers and secured by mortgage of the undertaking or any part thereof, shall not exceed in the whole eight thousand seven hundred and fifty pounds, unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of profits on capital.

8. The Undertakers shall not, in any year, make out of their profits any larger dividend on the original and additional capital than 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 original or additional capital as may be issued as preference capital: Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers, and not by a duly constituted Company, any moneys actually expended upon or actually used for the purposes of the undertaking on account of the said original or additional capital shall be deemed to be ordinary capital, actually paid up, of such original or additional capital, as the case may be.

Limit of borrowing power.

9. The amount of all moneys borrowed by the undertakers and secured by mortgage of the undertaking or any part thereof, shall not at any time exceed in the whole two thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order: Provided that nothing in this section contained shall affect the validity of any mortgage or mortgages of the said undertaking, or any part thereof, which may have been granted by the Undertakers prior to the commencement of this Order, whereby any sum or sums of money not exceeding in the aggregate the sum of two thousand eight hundred pounds may have been secured, if within twelve months after such commencement the provisions of this section are duly complied with by the Undertakers.

Undertaking to be personal property.

10. The undertaking and any share thereof shall be personal estate and transmissible as such, and shall not be considered to be of the nature of or be treated as real estate.

Purchase of Lands.

Power to purchase additional land.

11. 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 gas or residual products 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

12. 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, extend, enlarge, renew, and discontinue retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke, and other residual products obtained in the manufacture of gas and matters producible therefrom; and they may, subject to the provisions of this Order, make and store gas, and supply and sell the same within the limits of supply, and may manufacture coal tar, coke, pitch, asphaltum, ammoniacal liquor, oil, and other residual products obtained in the manufacture of gas and matters producible therefrom, and may store the same, and may convert, utilise, sell and dispose of the same at the works and elsewhere, and may also deal in and sell lime at the works and elsewhere, and they may also construct and maintain, and from time to time alter, extend, enlarge and renew or discontinue houses, offices, buildings and other works connected with the undertaking.

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

13. The Undertakers may purchase, sell, rent, let, hire, or otherwise deal in gas meters, fittings, gas stoves and cooking and other apparatus, and may also purchase, hire, sell, let, or deal in and contract for doing work in connection with fittings, tubes, meters, pipes, apparatus, stoves, ranges and apparatus for heating, and also engines and machines for the production of motive power for domestic, agricultural, manufacturing and other purposes by means of gas, and all articles and things in any way connected with gasworks, or with the supply, use, or consumption of gas, and may take charges and remuneration in respect thereof.

Power to deal in gas meters, gas stoves, &c.

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

Power to take licenses for patents.

15. The Undertakers may supply gas in bulk for re-sale or distribution to the proprietors of the existing gasworks supplying the town of Sudbury, in the county of Suffolk, or to any body or person who may be authorised by Parliament to supply gas in any adjoining district beyond the limits of supply, but nothing in this section shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipes, or the breaking up of any roads, or the execution of any works beyond the limits of supply, or as authorising the Undertakers to supply gas in any such district within the meaning of section 161 of "The Public Health Act, 1875," or any similar provision.

Sale of gas in bulk.

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

Differences with railway and other companies.

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Quality of Gas.

Quality of gas.

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

Price of Gas.

Price of gas.

18. The price to be charged to ordinary consumers by the Undertakers for gas supplied by them shall not exceed six shillings and six pence per one thousand cubic feet, and so in proportion for any less quantity supplied: Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may, if they think fit, upon the application of the local authority, or of any twenty or more consumers of the gas of the Undertakers within the limits of supply or of the Undertakers, by order in writing, signed by a secretary or an assistant secretary of the said board, alter the said maximum price, by substituting any other sum for the said sum of six shillings and six pence, and as from the date specified in such order, the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order.

A copy of any such order made by the Board of Trade shall be published in the London Gazette, and a copy of the said gazette containing such order shall be conclusive evidence of the due making and validity of the same, and of the contents thereof.

Pressure of Gas.

Pressure of gas.

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

Testing of Gas.

Testing of gas.

20. 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.

Long Melford.

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposit.

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

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

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

Saving of existing contracts.

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

Costs of Order.

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

SCHEDULE.

Gas Lands.

A piece or parcel of land situate in the parish of Long Melford, in the county of Suffolk, containing 1 rood and 20 poles, or thereabouts, bounded on the north-east side thereof by Cock and Bell Lane, and on the north and west sides thereof by a road or way unnamed, forming the eastern boundary of the timber yard and premises at Long Melford aforesaid, in the occupation of David Ward, and on the south-west and south-east sides thereof by the foundry and premises situate at Long Melford aforesaid, reputed to belong to and occupied by the said David Ward.

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MUSSELBURGH GAS.

Order empowering the Musselburgh Gas Light Company to maintain and continue gasworks, and to make and supply gas in the burgh of Musselburgh, and in other parts of the parish of Inveresk in the county of Mid-Lothian.

Short title.

1. This Order may be cited as "The Musselburgh Gas Order, 1887."

Commencement of Order.

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

Incorporation of Acts.

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

Interpretation.

4. The several words, terms, and expressions to which by any Act in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings, and in the construction of this Order or of any such Act for the purposes of this Order, the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Inveresk in the county of Mid-Lothian, including the burgh of Musselburgh.

Undertakers.

Undertakers.

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

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the gas undertaking exceed twenty thousand pounds, consisting of the original share capital of the Undertakers already issued, amounting to fifteen thousand pounds, and of additional share capital, to be issued subject to the provisions of this Order, not exceeding five thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

New shares to be offered by auction or tender.

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

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

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

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

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

As to notice to be given of sale of shares.

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

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

12. When any shares have been offered for sale by auction or tender under the provisions of this Order, and not sold, the same shall be offered at the 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

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time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital by this Order authorised.

Application of premium arising on issue of shares.

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.

Limit of dividend on capital.

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

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

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

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the gas undertaking shall not at any time exceed in the whole one-fourth of the nominal value of their paid-up capital for the time being, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade, in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

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

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may, from time to time, to the extent of one per centum per annum upon the paid-up capital of the Undertakers for the time being, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or the like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers for the time being, which fund shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strike, or other circumstances which, in the opinion of a sheriff, due care and management could not have

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

Application of further excess of profits over prescribed rates.

18. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

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

Purchase of Lands.

Power to purchase additional land by agreement.

20. The Undertakers may, for the purposes of the gas undertaking from time to time purchase or take on lease (by agreement, but not otherwise) and hold, in addition to the lands described in the schedule to this Order annexed, any lands which they may require, provided that they shall not at any time hold for such purposes more than three acres in addition to the lands described in the said schedule, and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products, or of storing gas, except the lands described in the 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 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, or when necessary repair or remove retorts, gas-holders, receivers, purifiers, meters, buildings, apparatus, and works for the

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manufacture and storing of gas and of coke, asphaltum, pitch, coal tar, ammoniacal liquor, oil, and other residual products obtained in the manufacture of gas and matters producible therefrom, and they may, subject to the provisions of this Order, make and store gas on such lands, and supply and sell the same within the limits of supply, and may on the same lands manufacture and store coke, asphaltum, pitch, coal tar, ammoniacal liquor, oil, and all such other residual products as aforesaid, and may sell and dispose of the same at their works and elsewhere, and may also deal in and sell lime at their works and elsewhere.

Power to make gas meters, &c.

22. The Undertakers may manufacture, purchase, or hire, and supply gas meters, fittings, gas stoves, and cooking and other apparatus, and may also manufacture, purchase, hire, sell, let, or deal in, and contract for doing work in connection with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating, and also engines and machines for the production of motive power for domestic, agricultural, manufacturing, and other purposes, by means of gas, and all articles and things in any way connected with gasworks, or with the supply, use, or consumption of gas, and may take charges and remuneration in respect thereof.

Power to take licenses for patents.

23. The Undertakers may, subject to the provisions of this Order, but only for the purposes of the Undertaking within the limits of supply, and not so as to acquire any exclusive right therein, contract for, take and use any leave, license or authority to work, use, exercise and put in practice any invention under letters patent, heretofore made or hereafter to be made, granting any right or privilege of working, using or vending any invention in relation to the manufacture, supply and distribution of gas, or the conversion, manufacture or utilisation of any products obtainable in or arising from such manufacture, or from the materials used therein.

Sale of gas in bulk.

24. The Undertakers may supply gas in bulk for re-sale or distribution to any body or person who may be authorised by or in pursuance of any Act of Parliament or Order confirmed by Parliament to supply gas in any adjoining district beyond the limits of supply: Provided that nothing in this section shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipes, or the breaking up of any road or street, or the execution of any works beyond the limits of supply, or as authorising the Undertakers to supply gas in any such district within the meaning of section two of the Burghs Gas Supply (Scotland) Act, 1876, or any similar provision.

For protection of Corporation of Musselburgh.

25. Except as in this Order otherwise expressly provided, nothing in this Order contained shall alter, prejudice, or take away any of the rights, powers, or privileges of the provost, magistrates and town council of the burgh of Musselburgh under the Burghs Gas Supply (Scotland) Act, 1876, or otherwise.

For protection of North British Railway Company.

26. Any mains or pipes to be laid down by the Undertakers, in the exercise of the powers conferred by this Order, on or in any way affecting any railway belonging to the North British Railway Company, or any of the bridges or works thereof, or any lands or property belonging to that Company, shall be laid down under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that Company, and according to plans to be reasonably approved by him, but in all things at the expense of the Undertakers, and so as to cause no injury to any such railway, bridges, works

lands, or property, or interruption to the passage or conduct of traffic over any such railway ; and if, in consequence of the laying of such mains or pipes, any injury be caused to any such railways, bridges, works, lands, or property, or any interruption be caused to such traffic, the Undertakers shall make full compensation to that Company in respect of such injury or interruption.

Quality of Gas.

Quality of gas.

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

Price of Gas.

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

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

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

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

Pressure of Gas.

Pressure of gas.

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.

Testing of Gas.

Testing of gas.

30. The Undertakers shall, within six months after the commencement of this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing gas shall be a Union jet burner capable of consuming five cubic feet of gas per hour under a pressure equal to a column of water five-tenths of an inch in height: 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,

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after giving to the Company reasonable notice in writing, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place, not being the immediate approach to any railway or canal bridge or railway station, vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

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 respect of which it is proved that such insufficiency, defect, or excess was produced by unavoidable cause or accident.

Undertakers to pay interest on deposit.

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

8 & 9 Vict. c. 17. s. 142. incorporated.

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

Saving of existing contracts, &c.

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

Costs of Order.

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

SCHEDULE.

A piece of land now reputed to belong to the Company, situate in the burgh of Musselburgh, in the parish of Inveresk, in the county of Mid-Lothian, at the north-west end of the Links or Common of the said burgh of Musselburgh, and bounded on the north by the sea beach or vacant ground belonging to the trustees under the Musselburgh Estate Act, 1851, on the west by a road leading to the sea beach, on the south partly by a road leading to the sea beach, and partly by vacant or unfeued ground belonging to the said trustees, and on the east by vacant or unfeued ground belonging to the said trustees, and which piece of land contains 1 acre 2 roods and 11 poles or thereabouts.

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PENMAENMAWR GAS.

Order conferring powers for the maintenance and continuance of gasworks and for the manufacture and supply of gas in the local board district of Dwygyfylchi in the county of Carnarvon.

Short title.

1. This Order may be cited as "The Penmaenmawr Gas Order, 1887."

Commencement of Order

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

Incorporation of Acts.

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

Interpretation.

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

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the local board district of Dwygyfylchi in the county of Carnarvon.

Undertakers.

Undertakers.

6. Robert Dempster of Penmaenmawr in the county of Carnarvon gas engineer his executors or administrators shall be the "Undertakers" for the purposes of this Order and are in this Order referred to as "the Undertakers." Provided that if the undertaking is at any time assigned to any other body or person in accordance with the provisions of this Order such body or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned.

Capital.

Capital.

7. The capital of the Undertakers for the purposes of the undertaking authorised by this Order shall consist of the original capital of six thousand five hundred pounds already expended upon the said undertaking (in this Order referred to as the "original capital") and of additional capital not exceeding six thousand pounds (in this Order referred to as the "additional capital") and the total capital of the Undertakers for the purposes of the undertaking shall not exceed twelve thousand five hundred pounds unless any increase thereto be

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hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limits of profits on capital.

8. Except as in this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividend on the original and additional capital than 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 original or additional capital as may be issued as preference capital Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company any moneys actually expended upon or actually used for the purposes of the undertaking on account of the said original or additional capital shall be deemed to be ordinary capital actually paid up of such original or additional capital as the case may be.

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the gas undertaking shall not at any time exceed in the whole the sum of three thousand one hundred and twenty-five pounds, and except with the sanction of the Board of Trade no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers in respect of any moneys borrowed by them and secured as aforesaid after the commencement of this Order.

Undertaking to be personal property.

10. The undertaking and any share thereof shall be personal estate and transmissible as such and shall not be considered to be of the nature of or be treated as real estate.

Lands.

Limiting extent and use of additional lands.

11. The Undertakers shall not at any time hold for the purposes of the undertaking more than three acres of land in addition to the lands described in the Schedule A to this Order annexed and no lands other than the lands described in the said schedule shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except in accordance with the provisions of the Gasworks Clauses Act 1871.

Construction and Maintenance of Gasworks. Manufacture and Sale of Gas.

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

12. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the Schedule A to this Order annexed while they are possessed of the same may maintain and continue and from time to time alter extend enlarge renew and discontinue retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas 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 at the works and elsewhere and they may also construct and maintain and from time to time alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to deal in gas meters gas stoves &c.

13. The Undertakers may purchase sell rent let hire or otherwise deal in gas meters fittings gas stoves and cooking and other apparatus and may also purchase hire sell let or deal in and contract for doing work in connection with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating and also

engines and machines for the production of motive power for domestic agricultural manufacturing and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

14. The Undertakers may subject to the provisions of this Order (but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein) contract for take and use any leave licence 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 and distribution of gas.

Limitation of power to break up streets.

15. Nothing in this Order or in any Act incorporated therewith shall authorise the Undertakers to open or break up or to keep open or broken up the soil or pavement of any street or bridge under the control of the local authority or of any road authority during any of the months of June July August or September in any year for the purpose of extending or of generally repairing or renewing any main or mains without the consent of such local or road authority but this section shall not apply in any case where such soil or pavement is opened or broken up and kept open or broken up for the purpose of repairing any leak or similar defect in any main or upon any other emergency or for the purpose of laying down repairing or renewing any service pipe or making or repairing any connection between any service pipe and any main.

For the protection of the London and North-Western Railway.

16. Notwithstanding anything in this Order contained the Undertakers shall not except with the previous consent of the London and North-Western Railway Company under their common seal lay any mains pipes or other works upon across over or under the railways lands or property now or hereafter belonging to or used or occupied by the said railway company.

Differences with highway board &c.

17. If any difference arise between the Undertakers and any highway board or road authority or company other than the London and North-Western Railway Company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down making erecting repairing altering or enlarging their pipes or the facilities to be afforded for the same the same shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

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

Price of Gas.

Price of gas.

19. The price to be charged by the Undertakers for gas supplied by them shall not exceed six shillings and fourpence per one thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit upon the application of the local authority or of any twenty or more consumers of the gas of the Undertakers within the limits of supply or of the Undertakers by order in writing signed by a secretary or an

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assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of six shillings and fourpence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of any such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

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

Testing of Gas.

Testing of gas.

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

Miscellaneous.

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposit.

23. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of

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

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

24. 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.

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

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

Saving of existing contracts.

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

Costs of Order.

27. All 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.

SCHEDULES.

SCHEDULE A.

GAS LANDS.

A piece or parcel of land situated at Penmaenmawr in the parish of Dwygyfylchi in the county of Carnarvon containing two thousand one hundred square yards or thereabouts bounded on the north by the London and North-Western Railway on the east by land reputed to belong to Robert Dempster on the south by the Bangor turnpike road and on the west by land reputed to belong to Lord Newborough.

SCHEDULE B

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

Sections 30 to 34 of Gasworks Clauses

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the

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Penmaenmawr.

Act 1847 not to continue to be incorporated.

foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act 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 Schedule together with any sum which under the provisions of this Schedule might lawfully be carried to the insurance fund.

Price of gas with sliding scale as to profits.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them shall be the price prescribed by such order of the Board of Trade as aforesaid per one thousand cubic feet and so in proportion for any less quantity supplied Provided that the Undertakers may increase or diminish such standard price subject to a reduction or increase in the rates of profit prescribed by the foregoing Order and hereinafter referred to as "the standard rates of profit" to be calculated as follows :—

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

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

(iii). If the clear profits of the undertaking authorised by the foregoing Order in any year amount to a larger sum than is sufficient to pay the prescribed 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 purposes of the said undertaking be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of such capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a justice due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of excess of profits over prescribed rates.

(iv.) If the clear profits of the undertaking authorised by the foregoing Order in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the said undertaking for the next following year.

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

(v.) Where in any year the amount of the standard rates of profit is by reason of a diminution of the standard price charged by the Undertakers in such year increased then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit and all sums (if any) so set apart by the

Undertakers and any reserve or other fund of the Undertakers of a like character existing at the specified date in relation to the undertaking authorised by the foregoing Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the Reserve Fund" and shall be applicable to the payment of profits in any year in which the clear profits of the Undertakers in respect of the said undertaking are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as in this Schedule otherwise provided no sum shall in respect of the said undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

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

PORTSEA GAS.

Portsea.

Order empowering the Portsea Island Gaslight Company to purchase additional lands to construct and maintain additional works and for other purposes.

Short title.

1. This Order may be cited as "The Portsea Gas Order 1887."

Commencement of Order.

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

Construction of Order.

3. An Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King George the Fourth intituled "An Act for incorporating the Town of Portsea Gaslight Company" the Portsea Island Gas Company Act 1852 the Portsea Island Gas Act 1861 the Portsea Island Gas Order 1872 and the Portsea Gas Order 1882 (in this Order referred to as the Acts of 1821 1852 and 1861 and the Orders of 1872 and 1882) 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 sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall cease to be incorporated with and to form part of the said Acts and Orders and that section 35 of the said Gasworks Clauses Act shall for the purpose of incorporation with the said Acts and Orders 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. So far as the same relate to the powers conferred by this Order 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.

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Portsea.

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

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the limits of supply as defined by the Portsea Gas Order, 1882.

Undertakers.

Undertakers.

6. The Portsea Island Gas Light Company incorporated by the Act of 1821 shall for the purposes of this Order be the Undertakers and are in this Order referred to as "the Undertakers."

Lands.

Power to purchase lands.

7. The Undertakers may by agreement purchase or take on lease and use the lands 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 for the purposes of the additional works authorised by this Order.

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

Construction of gas and other works on lands described in Schedule.

8. Notwithstanding anything in the Portsea Gas Order 1882 contained the Undertakers may on the lands shown on the deposited map and described in the Schedule to this Order construct and maintain and from time to time alter enlarge extend renew and discontinue retorts receivers meters purifiers gasholders apparatus and works for the manufacture and storage of gas and may subject to the provisions of this Order on the said lands make and store gas and supply and sell the same within the limits of supply and manufacture or convert the ammoniacal liquor obtained in the manufacture of gas into sulphate of ammonia and may sell and dispose of the same at the works and elsewhere and the Undertakers may also construct on the said lands dwelling-houses for the use of the workmen and others in their employ. Provided that no works for the manufacture or storage of gas nor for the conversion of ammoniacal liquor into sulphate of ammonia or other substances shall be constructed on any part of the said lands within one hundred and twenty yards of the western end of the roads specified in the said Schedule.

Power to supply fittings, stoves, &c.

9. The Undertakers may supply and fix gas fittings with meters stoves engines and all other pipes and connections necessary for and incidental to the consumption of gas and may sell or let the same on hire. Provided that nothing in this section shall authorise the Undertakers to require the use of any particular fittings or other things or make it compulsory on the public to hire any such fittings or things from the Undertakers.

Reduction of rates.

10. Whereas by the thirty-first section of the Portsea Island Gas Order 1882 the Undertakers were authorised to charge for the gas supplied by them to the Island of Portsea a standard price of three shillings and fourpence per one thousand cubic feet and in the adjoining parishes of Porchester Wymering Widley and Farlington a standard price of four shillings and sixpence per one thousand cubic feet: And whereas doubts have arisen as to whether the Undertakers have power under the said section to reduce the price charged by them in any one or more of the parishes aforesaid without at the same time reducing the price charged in all the other said parishes to the same rate: Be it therefore enacted that the Undertakers may at any time reduce the price charged

by them in any one or more of the said parishes of Porchester Wymering Widley and Farlington or any parts thereof without reducing the price charged in all the other said parishes or parts thereof to the same rate.

Provided that when the price charged in any of the parishes aforesaid or parts thereof has been reduced to the same rate as that charged by the Undertakers in the Island of Portsea it shall ever after be regulated by that rate.

Alteration of testing place.

11. Notwithstanding anything contained in section 33 of the Portsea Gas Order 1882 the mayor aldermen and burgesses of the borough of Portsmouth may at any time after the commencement of this Order provide at the new Town Hall now in course of erection a proper and sufficient testing place with all necessary apparatus and material for testing the illuminating power and purity of the gas supplied by the Undertakers and when the said testing place is completed it shall be the prescribed testing place in lieu of the one now used for that purpose and all future testings shall be made thereat and the said testing place shall at all times be under the sole control and management of the said mayor aldermen and burgesses who shall at all times keep and maintain the same in good repair and working order.

Undertakers not to construct any works on the foreshore without consent of Board of Trade.

12. The Undertakers shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid, and where any such work may have been constructed the Undertakers shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Undertakers and the amount of such costs and charges shall be a debt due from the Undertakers to the Crown and shall be recoverable accordingly with costs.

Saving rights of the Crown in the foreshore.

13. Nothing contained in this Act shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Costs of Order.

14. 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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Portsea.

SCHEDULE.

Gas Lands.

A plot of land bounded on the south by an imaginary straight line drawn from the extreme southern termination of the land on the western side of the timber pond across the said timber pond to the southern side of Wylson Road on the east by certain land laid out for sundry new roads or streets called respectively Walden Road Jarvis Road Strode Road Gruneisen Road Wylson Road on the north partly by Tipner Lane and partly by land belonging to the War Department and on the west by Portsmouth Harbour.

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