CHAPTER lxiv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Buckley Gas, Market Rasen Gas, Melton Mowbray Gas, Romford Gas, and Warminster Gas. [9th July 1889.]

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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: 33 & 34 Vict. c. 70.

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

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

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

Short title.

1. This Act may be cited as the Gas Orders Confirmation Act, 1889.

Confirmation of Orders in schedule.

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

Special provision as to houses of labouring class.

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

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

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

SCHEDULE OF ORDERS.

Buckley Gas.—Order empowering the Buckley Gas Company (Limited) to construct and maintain gasworks, and to make and supply gas, within parts of the parishes of Mold and Hawarden, both in the county of Flint.

Market Rasen Gas.—Order empowering the Market Rasen New Lighting Company (Limited) to maintain and continue gasworks, and to manufacture and supply gas, within the parish of Market Rasen and parts of the parish of Middle Rasen, both in the county of Lincoln.

Melton Mowbray Gas.—Order empowering the Melton Mowbray Gaslight and Coke Company (Limited) to maintain and continue gasworks, and to make and supply gas, within the parishes of Melton Mowbray and Thorpe Arnold, both in the county of Leicester.

Romford Gas.—Order empowering the Romford Gas and Coke Company (Limited) to construct and maintain additional works and to raise additional capital.

Warminster Gas.—Order empowering the Warminster Gas and Coke Company to maintain and continue gasworks, and to manufacture and supply gas, within the parishes of Warminster and Bishopstrow, both in the county of Wilts.

BUCKLEY GAS.

Order empowering the Buckley Gas Company Limited to construct and maintain Gasworks and to make and supply Gas within parts of the Parishes of Mold and Hawarden, both in the County of Flint.

Short title. 1. This Order may be cited as the Buckley Gas Order, 1889.

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.

Interpretation. 4. The several words, terms, and expression 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.

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 so much of the townships or places of Bistre and Argoed, both in the parish of Mold, and of the townships or places of Ewloe Wood, Ewloe Town, Pentrobin and Bannel, all in the parish of Hawarden, as lies within a distance of one mile and a half from the junction of Church Road, in the said township of Bistre, with the Chester and Mold main highway, all in the county of Flint.

Undertakers.

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

Capital.

Capital. 7. The share capital of the Undertakers shall not for the purposes of the gas undertaking exceed five thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of dividend on capital. 8. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the said capital than ten pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital.

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 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

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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.

Lands.

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

10. The Undertakers may, for the purposes of the gas undertaking, while they are possessed of the same, hold and use such of the lands shown on the map deposited for the purposes of this Order, and thereon coloured pink, and described in the schedule to this Order annexed, as may be required for the purposes of the said undertaking, and may, in addition to those lands, purchase or take on lease (by agreement, but not otherwise), and hold any lands which they may from time to time require for the purposes of such undertaking: Provided that they shall not at any time hold for such purposes more than three acres of land in the whole, including the lands described in the said schedule, and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products, or of storing gas except in accordance with the provisions of the Gasworks Clauses Act, 1871.

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

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

11. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, while they are possessed of the same, may construct and maintain, and from time to time alter, extend, enlarge, renew, and discontinue, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas and of coke, and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make and store gas, and supply and sell the same, within the limits of supply, and may manufacture and store coke, asphaltum, pitch, coal-tar, ammoniacal liquor, oil, and all such other residual products as aforesaid, and may convert, utilise, sell, and dispose of the same at their works and elsewhere; and may also deal in and sell lime at their works and elsewhere; and they may also construct and maintain, and from time to time alter, extend, enlarge, and renew or discontinue, houses, offices, buildings, and other works connected with the gas undertaking.

Power to make gas meters, &c.

12. The Undertakers may manufacture, purchase, or hire and supply, sell, or let on hire gas meters, fittings, gas stoves, and cooking and other apparatus; and may also manufacture, purchase, hire, sell, let, or deal in and contract for doing work in connexion with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating, for domestic and other purposes, by means of gas and all articles and things in any way connected with gasworks, or with the supply, user, or consumption of gas, and may take charges and remuneration in respect thereof.

Power to take licences for use of patents.

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

For protection of London and North-western, Wrexham, Mold, and Connah's Quay and Buckley Railway Companies.

14. The following provisions for the protection of the London and North-western Railway Company, the Wrexham, Mold, and Connah's Quay Railway Company, and the Buckley Railway Company, shall be in force and have effect and be binding on the Undertakers:

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

Differences with road authorities or railway or other companies.

15. If any difference arise between the Undertakers and any highway board or road authority, or railway, canal, or other company, except the railway companies mentioned in the last preceding section, 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, enlarging, or removing their mains, pipes, or other works in, over, or upon such lands or works, or the facilities to be afforded for the same, such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

16. 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.

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Price of Gas.

Price of gas.

17. The price to be charged by the Undertakers for gas supplied by them to consumers by meter shall not exceed five shillings and sixpence per one thousand cubic feet and so in proportion for any less quantity supplied.

Pressure of Gas.

Pressure of gas.

18. 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.

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

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

Undertakers to pay interest on deposit.

21. 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.

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

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

Saving of existing contracts.

23. 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.

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

Costs of Order.

SCHEDULE.

Gas Lands.

A piece of land containing by admeasurement half an acre or thereabouts (being part of a field adjoining the Mount Pleasant Colliery), situate wholly in the township of Ewloe, in the parish of Hawarden, in the county of Flint, and bounded on the north by other part of the said field belonging or reputed to belong to John Bates Gregory and Thomas Kenyon, on the south by the road leading from Buckley to Burntwood Pentre, on the east by an occupation road leading to the said colliery, and on the west by the Wrexham, Mold, and Connah's Quay Railway.

MARKET RASEN GAS.

Market Rasen Gas.

Order empowering the Market Rasen New Lighting Company (Limited) to maintain and continue Gasworks, and to manufacture and supply Gas, within the Parish of Market Rasen and parts of the Parish of Middle Rasen, both in the County of Lincoln.

1. This Order may be cited as the Market Rasen Gas Order, 1889.

Short title.

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

Commencement of Order.

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

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this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Limits of 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 Market Rasen and so much of the parish of Middle Rasen as lies within a distance of half-a-mile from the centre of the roadway at the junction of the four streets known as Queen Street Willingham Street Oxford Street and Jameson Bridge Street in the town of Market Rasen all in the county of Lincoln.

Undertakers.

Undertakers.

6. The Market Rasen New Lighting Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed five thousand five hundred pounds consisting of the share capital of the Undertakers already issued (in this Order referred to as the "original capital") amounting to four thousand pounds and of additional share capital (in this Order referred to as the "additional capital") to be issued subject to the provisions of this Order not exceeding one thousand five hundred pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

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

Market Rasen Gas.

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

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

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

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

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

As to notice to be given of sale of shares.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

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

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

Application of premium arising on issue of shares.

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

Limits of dividend on capital.

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

Dividends on different classes of ordinary shares to be paid proportionately

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Market Rasen Gas.

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

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

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers for the time being be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers for the time being which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a justice due care and management could not have prevented and if such fund be at any time below the said limit of one-twentieth part of the paid-up capital for the time being it may thereafter be again made up to the said limit, and so from time to time as often as the occasion may require Provided that when and so often as the said fund reaches one-twentieth part of the paid-up capital for the time being the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any 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 as aforesaid.

Application of excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

19. Where in any year the prescribed rates exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price 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 a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Land.

Power to purchase additional land.

20. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require provided that they shall not at any time hold for such purposes more than three acres of land in the whole including 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 and enlarge their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gas-holders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the works and elsewhere and may also deal in and sell lime at the works and elsewhere and they may also construct and maintain and from time to time alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the Undertaking.

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

22. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic agricultural manufacturing and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply user or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

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

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Difference with railway and other companies.

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

Quality of Gas.

Quality of gas.

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

Price of Gas.

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

26. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings per thousand cubic feet Provided that the Undertakers may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

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

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

Pressure of Gas.

Pressure of gas.

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

Testing Gas.

Testing gas.

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

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

Undertakers to pay interest on deposit.

30. 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 Vict. c. 16. s. 140 incorporated.

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

Saving of existing contracts.

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

Costs of Order.

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

SCHEDULE.

Gas Lands.

A piece of land now reputed to belong to and occupied by the Undertakers situate in the parish of Market Rasen in the county of Lincoln containing by admeasurement one thousand and eighty square yards or thereabouts and bounded on or towards the east by land belonging or reputed to belong to Thomas Fowler on or towards the west by land belonging or reputed to belong to Lucy Dunn Marris on or towards the north by the Kilnwell Road and on or towards the south in part by land belonging or reputed to belong to the said Thomas Fowler and in other part by a street called Nursery Street.

A.D. 1889.

Melton Mowbray Gas.

MELTON MOWBRAY GAS.

Order empowering the Melton Mowbray Gas Light and Coke Company (Limited) to maintain and continue Gasworks and to make and supply Gas within the Parishes of Melton Mowbray and Thorpe Arnold both in the County of Leicester.

Short title.

1. This Order may be cited as the Melton Mowbray Gas Order 1889.

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. In this Order—

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

The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have 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 parishes of Melton Mowbray and Thorpe Arnold both in the county of Leicester.

Undertakers.

Melton Mowbray Gas.

Undertakers.

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

Capital.

Capital.

7. The capital of the Undertakers shall not for the purposes of the undertaking exceed twenty-two thousand pounds consisting of the original share capital already raised or authorised to be raised by the Undertakers and in this Order referred to as "the original capital" amounting to eighteen thousand pounds and of additional share capital in this Order referred to as "the additional capital" to be issued subject to the provisions of this Order not exceeding four thousand pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or 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 or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be paid within three months.

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

As to notice to be given of sale of shares.

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

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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 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 and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

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

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

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premiums which may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

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

Application of excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

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

Purchase of Lands.

Power to purchase land by agreement

20. The Undertakers may for the purpose of the undertaking (by agreement but not otherwise) purchase or take on lease and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than seven acres of land in the whole including the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except in accordance with the provisions of the Gasworks Clauses Act 1871.

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Melton Mowbray. Gas.

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 and enlarge their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gas-holders receivers purifiers meters buildings apparatus and works for the manufacture and storing of gas and of coke asphaltum pitch coal-tar ammoniacal liquor oil and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coke asphaltum pitch coal-tar ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and may also deal in and sell lime at their works and they may also construct and maintain and from time to time alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the Undertaking.

Power to make gas meters &c.

22. The Undertakers may manufacture purchase or hire and supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic 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 use of patents.

23. The Undertakers may subject to the provisions of this Order but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein contract for take and use any leave 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 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.

For protection of main roads and bridges.

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

Melton Mowbray Gas.

For protection of the Great Northern and London and North-western Joint Committee.

25. The following provisions for the protection of the Great Northern and London and North-western Joint Committee (herein-after called the Joint Committee) shall be in force and have effect and be binding upon the Undertakers:—

(1) In laying down altering or improving and in executing or effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the Joint Committee or the bridges approaches viaducts stations or other works or any level crossing of the Joint Committee the same shall be done under the superintendence and to the reasonable satisfaction of the engineers of the Joint Committee and only according to plans submitted to and in such manner as shall previously be reasonably approved by them and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which the Joint Committee is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Undertakers shall make compensation in respect thereof to the Joint Committee the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable;

(2) If and whenever the Joint Committee require to alter or repair any such bridge viaduct approach or other work the Undertakers shall at their own cost in all things and upon being so required by the Joint Committee in writing shore up or support their mains pipes or other works which may be interfered with during such alteration or repairs and in default for the space of forty-eight hours of their so doing the Joint Committee may do so at the cost in all things and risk of the Undertakers Provided that in case of emergency (of which the engineers of the Joint Committee shall be the sole judges) the Joint Committee may without notice to the Undertakers and without being liable to pay them compensation in respect thereof divert support or carry the said mains pipes and works across over or under their lands railways bridges or other works at any other point or otherwise deal therewith in as convenient a manner as circumstances will admit of and doing as little damage as may be;

(3) The Undertakers shall acquire such an easement only in and upon the Joint Committee's railway and in and upon any railway land bridge approaches or other property of the Joint Committee as may be necessary for constructing and maintaining the mains pipes and other works by this Order authorised and the amount to be paid for the acquisition of such easement shall in case of difference be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses

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Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;

(4) If any difference arise between the Undertakers and the Joint Committee with reference to the provisions of this section or any compensation to be paid or anything to be done or not to be done thereunder such difference except where otherwise expressly provided shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Undertakers and the Joint Committee or either of them and the costs of and incident to the arbitration shall be in the discretion of the arbitrator.

For protection of Midland 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 or canal belonging to the Midland Railway Company (in this section referred to as "the Company") or any of the bridges or works thereof or any lands or property belonging to the Company shall be laid down under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the 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 such railway canal bridges works lands or property or interruption to the passage or conduct of traffic over such railway or canal and if in consequence of the laying of such mains or pipes any injury be caused to such railway canal bridges works lands or property or any interruption be caused to such traffic the Undertakers shall make full compensation to the Company in respect of such injury or interruption the amount of such compensation failing agreement to be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement.

Differences with road authorities or railway or other companies.

27. If any difference arise between the Undertakers and any highway board or road authority or railway canal or other company (other than the Great Northern and London and North-western Railway Companies and the Joint Committee) whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

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

Price of Gas.

Fixing maximumprice of gas with sliding scale as to dividend.

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

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

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

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

Pressure of Gas.

Pressure of gas.

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

Testing of Gas.

Testing of gas.

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

Miscellaneous.

No penalty in case of unavoidable cause.

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas

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Melton Mowbray Gas.

supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by unavoidable cause or accident.

Undertakers to pay interest on deposit.

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

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

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

Saving existing contracts &c.

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

Costs of Order.

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

SCHEDULE.

Gas Lands.

Lands now belonging or reputed to belong to and in the occupation of the Undertakers on which their gasworks are situate in the parish of Melton Mowbray in the county of Leicester bounded on or towards the east in part by a strip of land belonging or reputed to belong to the Undertakers and used as a road and known as "Gas Lane" and partly by pasture land and hereditaments belonging or reputed to belong jointly to William Giles and Henry Wood and George Rose on or towards the south by a stream of water known as "Scalford Brook" on or towards the west in part by the said stream and in other part by land and hereditaments belonging or reputed to belong to Joseph Tom Firbank and on or towards the north in part by a garden plantation and hereditaments belonging or reputed to belong to Joseph Tom Firbank and in other part by cottages gardens and hereditaments belonging or reputed to belong to John Jones Fast The said strip of land runs from a public highway known as "Southern Lane" to the gasworks and such strip is bounded on the east by land belonging or reputed to belong to the said William Giles and Henry Wood and George Rose.

ROMFORD GAS.

Order empowering the Romford Gas and Coke Company (Limited) to construct and maintain additional Works and to raise additional Capital.

Short title.

1. This Order may be cited as the Romford Gas Order 1889.

Commencement.

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 Romford Gas Order 1874 (in this Order referred to as "the Order of 1874") 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 Order of 1874 and section 35 of the said Gasworks Clauses Act shall for the purpose of incorporation with the said Order be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order.

Limits of supply.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the limits of supply as defined by the Order of 1874.

Undertakers.

Undertakers.

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

Additional Capital.

Additional share capital.

7. The limitation prescribed by the Order of 1874 with respect to the amount of the share capital of the Undertakers shall not prevent the Undertakers from raising further additional share capital not exceeding thirteen thousand pounds for the purpose of the undertaking authorised by the Order of 1874 and this Order including any premiums that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers shall not for such purpose exceed in the whole the sum of thirty thousand pounds unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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Romford Gas.

New shares to be offered by auction or tender.

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

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

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

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

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

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

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

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.

Limits of dividend on additional 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 dividend on the original and additional capital as defined or authorised by the Order of 1874 and the further additional capital authorised by this Order than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds of the original capital as defined by the Order of 1874 and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital authorised by the Order of 1874 or the said further additional capital as may have been or be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of the said additional or further additional capital as may have been or be issued as preference capital.

Dividends on different classes of shares to be paid proportionately.

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

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of or other charge on their gas undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised under the provisions of the Order of 1874 or of this Order by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order.

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

17. If the clear profits of the undertaking authorised by the Order of 1874 and by this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strikes or other circumstances which in the opinion of a justice due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

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Application of excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

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

Purchase of Land.

Purchase of lands by agreement.

20. The Undertakers may for the purposes of their gas undertaking authorised by the Order of 1874 and this Order from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedules to the Order of 1874 and to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes under the powers granted to them by the said Orders more than three acres of land in the whole in addition to the lands described in the said schedules 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 schedules to the Order of 1874 and to this Order annexed.

Lands for Construction of Additional Gasworks.

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

21. Subject to the proviso herein-after contained the Undertakers on the lands described in the schedule annexed to the Order of 1874 while they are possessed of the same may maintain and continue and from time to time alter and enlarge retorts gas holders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may also on the land shown on the deposited map and described in the first part of the schedule to this Order annexed while they are possessed of the same construct erect and maintain and from time to time alter remove and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order upon the said lands described in the schedule annexed to the Order of 1874 and the said lands described in the first part of the schedule

to this Order annexed make and store gas and supply and sell the same within the limits of supply and may manufacture store and sell coal-tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may also deal in and sell lime at their works and elsewhere and may upon the lands described in the second part of the schedule to this Order annexed store gas and may supply sell and dispose of the same within the limits of supply and they may construct and maintain and from time to time alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the gas undertaking by this Order authorised Provided that the Undertakers shall within four years from the commencement of this Order or within such further period as may be allowed by an Order of the Board of Trade in writing signed by a secretary or an assistant secretary of the said Board cease to make and store gas and to manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and other residual products as aforesaid at the existing works upon the said land described in the schedule annexed to the Order of 1874 and the Undertakers shall thenceforth discontinue the use of the said existing works and may pull down take up and remove and sell the same and they may sell exchange or otherwise dispose of the said land described in the schedule annexed to the Order of 1874 as they think fit.

Power to contract for sale of gas in bulk.

22. The Undertakers on the one hand and any corporation local board sanitary or other public authority company or person either within or beyond the limits of supply on the other hand may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk by the Undertakers to such corporation local board sanitary or public authority company or person at such price and upon and under such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district not subject to the jurisdiction of such corporation local board sanitary or other public authority company or person without the consent of the local and road authorities of such district.

Power to make stoves and gas apparatus.

23. The Undertakers may manufacture purchase or hire and supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connection with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic 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 use of patents.

24. The Undertakers may subject to the provisions of this Order (but only for the purposes of their undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave 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 or distribution of gas or the conversion manufacture or utilization of any products

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obtainable in or arising from such manufacture or from the materials used therein.

Quality of Gas.

Quality of gas.

25. Notwithstanding anything in the Order of 1874 the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

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

26. Notwithstanding anything in the Order of 1874 the standard prices to be charged by the Undertakers for gas supplied by them shall be four shillings and sixpence to consumers within the circle in Section 12 of the said Order described and four shillings and ninepence to consumers beyond such circle:

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

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

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

Miscellaneous.

Saving of existing contracts &c.

27. 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.

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

SCHEDULE.

Gas Lands.

First Part.

Lands upon which Gas &c. may be Manufactured.

A piece of land partly belonging or reputed to belong to the Undertakers and partly belonging or reputed to belong to the Great Eastern Railway Company and partly in the occupation of John and Philip Seabrook and partly in the occupation of the Great Eastern Railway Company situate in the town and parish of Romford in the county of Essex containing three acres or thereabouts bounded on the north by land belonging or reputed to belong to the Great Eastern Railway Company on the east partly by land belonging or reputed to belong to the Misses Surridge and in other part by the nursery footpath and on the west and south by land also belonging or reputed to belong to the said Misses Surridge.

Second Part.

Lands upon which Gas, &c. may be Stored.

A piece of land belonging or reputed to belong to and in the occupation of the Undertakers situate in the parish of Upminster in the county of Essex containing by admeasurement one rood three and a half perches or thereabouts bounded on the north by the London Tilbury and Southend Railway (Barking and Pitsea Line) on the east by land belonging or reputed to belong to John Arthur Capel Bramfill on the west by the Ingrebourne Brook and on the south by the public road leading from Hornchurch to Upminster.

WARMINSTER GAS.

Warminster Gas.

Order empowering the Warminster Gas and Coke Company to maintain and continue Gas Works and to manufacture and supply Gas within the Parishes of Warminster and Bishopstrow both in the County of Wilts.

Short title.

1. This Order may be cited as the Warminster Gas Order 1889.

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

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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. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have 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 parishes of Warminster and Bishopstrow both in the county of Wilts.

Undertakers.

Undertakers.

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

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not

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

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

Purchase money of shares to be paid within three months.

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

Notice to be given as to sale &c. of shares.

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

Shares not sold by auction or by 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 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.

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.

Limits 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 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 so much of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued

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as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

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

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

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

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

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers for the time being be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers for the time being which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a justice due care and management could not have prevented and if such fund be at any time below the said limit of one-twentieth part of the paid-up capital for the time being it may thereafter be again made up to the said limit and so from time to time as often as the occasion may require Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital for the time being as aforesaid.

Application of excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

19. Where in any year the prescribed rates exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit by way of reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a

similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Land.

Power to purchase additional land.

20. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than two acres of land in the whole in addition to the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products and matters producible therefrom or of storing gas except the lands described in the said schedule.

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

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 and enlarge their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gas-holders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the works and elsewhere and may also deal in and sell lime at their works and elsewhere 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 Undertakers to purchase and supply gas appliances and apparatus.

22. The Undertakers may manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating and for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply user or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

23. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to

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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 supply or distribution of gas or the conversion manufacture or utilization of any products obtainable in or arising from such manufacture or production or from the materials used therein.

For protection of the Great Western Railway.

24. (1.) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the Great Western Railway shall so far as they may affect the Great Western Railway be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him and any of such mains from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions.

(2.) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3.) The Undertakers shall at all times keep the Great Western Railway Company indemnified against all damages losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes.

Differences with railway and other companies.

25. If any difference arises 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.

Quality of Gas.

Quality of gas.

26. The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall be in all respects 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.

27. The standard price to be charged by the Undertakers for gas supplied by them to ordinary consumers shall be four shillings per thousand cubic feet: Provided that the Undertakers may increase or reduce the price charged by them for gas supplied to ordinary consumers above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of every penny by which the

price so charged has exceeded the standard price be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

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

Price of gas for public lamps.

28. Subject and without prejudice to any contract subsisting at the commencement of this Order the maximum price chargeable by the Undertakers for gas supplied from time to time by them to or for the public lamps within the parish of Warminster shall be sixpence less per one thousand cubic feet than the lowest price per one thousand cubic feet for the time being charged under the provisions of this Order to any ordinary consumer.

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 Gas.

Testing gas.

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

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

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

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

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

Saving of existing contracts.

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

Costs of Order.

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

SCHEDULE.

GAS LANDS.

1. A piece of land in the parish of Warminster in the county of Wilts (about one acre in extent) belonging or reputed to belong to the Undertakers and on which their existing gasworks are constructed which piece of land is bounded on the north and east by a field belonging or reputed to belong to the trustees of the Heytesbury Almshouses in the county of Wilts and now contracted to be sold to the Undertakers on the south by land belonging or reputed to belong to Thomas Charles Millard and on the west and north-west by Furnax Lane.

2. A piece of land (about one acre and three roods in extent) adjoining the north and east sides of the existing gasworks of the Undertakers forming part of the aforesaid field which said piece of land is bounded on the north by land belonging or reputed to belong to John Sly on the east by the remaining part of the said field and on the south partly by lands belonging or reputed to belong to the said Thomas Charles Millard and partly by the works of the Undertakers on the west by the works of the Undertakers and on the north-west by Furnax Lane

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