CHAPTER clxiv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Bognor Gas Elham Valley Gas Elstree and Boreham Wood Gas Finedon Gas and Godalming Gas. [15th August 1904.]

A.D. 1904.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the 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 said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

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

1. This Act may be cited as the Gas Orders Confirmation (No. 1) Act 1904. Short title.

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

A.D. 1904.

SCHEDULE.

LIST OF ORDERS.

BOGNOR GAS.—Order empowering the Bognor Gas Light and Coke Company Limited to construct further works for the manufacture and storage of gas and to raise additional capital and for other purposes.

ELHAM VALLEY GAS.—Order authorising the construction and maintenance of acetylene gasworks and the supply of acetylene gas within the parishes of Elham and Lyminge in the county of Kent.

ELSTREE AND BOREHAM WOOD GAS.—Order empowering the Elstree and Boreham Wood Gas Company Limited to raise additional capital and for other purposes.

FINEDON GAS.—Order empowering the Finedon Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas in the parish of Finedon in the county of Northampton.

GODALMING GAS.—Order empowering the Godalming Gas and Coke Company Limited to extend their limits of supply and to raise additional capital and for other purposes.

BOGNOR GAS.

A.D. 1904.

Bognor Gas.

Order empowering the Bognor Gas Light and Coke Company Limited to construct further works for the manufacture and storage of Gas and to raise additional Capital and for other purposes.

Short title.

1. This Order may be cited as the Bognor Gas Order 1904.

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."

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) and of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are (except where the same are expressly varied by the Order of 1871 the Order of 1895 or this Order) incorporated with and shall form part of this Order and for the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "Company" shall mean the Undertakers.

Construction of Order.

4. The Bognor Gas Order 1871 (in this Order referred to as "the Order of 1871") the Bognor Gas Order 1878 (in this Order referred to as "the Order of 1878") the Bognor Gas Order 1895 (in this Order referred to as "the Order of 1895") 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.

Interpretation.

5. 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 further works for the manufacture and storage of gas and works connected therewith by this Order authorised to be constructed.

Undertakers.

Undertakers.

6. The Bognor 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.

New capital.

7. Notwithstanding the limitation prescribed by the Order of 1878 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking the Undertakers may for such purposes raise by the issue

A.D. 1904.

Bognor Gas.

of new ordinary shares or stock further capital (in this Order referred to as "the new capital") not exceeding twenty thousand pounds including any premium that may be obtained on the sale of any such shares or stock Provided that the share capital of the Undertakers in respect of their undertaking shall not exceed in the whole thirty-seven thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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

8. The Undertakers shall when any shares or stock forming part of the new capital are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved 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 except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer made by any other person the bidding or offer of such holder shall be accepted in preference.

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

9. It shall be one of the conditions of any sale of shares or stock under this Order that the full price of each share including 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 of shares or stock.

10. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight 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 or stock not sold by auction or by tender to be offered to holders of ordinary shares or stock.

11. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner prescribed by a special resolution passed by the Undertakers Provided that any shares or stock 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 and stock forming part of the new capital and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

Application of premium arising on sale of shares or stock.

12. Any sum of money which may arise from the issue of any shares or stock forming part of the new capital 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 acquiring the additional lands or the gasworks herein-after referred to 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.

13. Except as expressly provided by this Order or by section eleven of the Order of 1895 which section shall apply to the new capital the Undertakers shall not in any year declare or make out of their profits any larger dividend on the new capital as defined by this Order than the standard rate of dividend herein-after mentioned namely seven pounds in respect of every one hundred pounds of such capital.

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

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

Limit of borrowing powers.

15. 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-third part of the amount of the capital of the Undertakers for the purpose of the undertaking actually raised by the issue of shares or stock including any premium 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.

Application of moneys.

16. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Order of 1871 the Order of 1895 and this Order to which capital is properly applicable.

Purchase of Lands.

Purchase of land by agreement.

17. The Undertakers may for the purposes of the undertaking 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 1871 the Order of 1895

A.D. 1904.

Bognor Gas.

and to this Order annexed any lands which they may require Provided they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedules and that they shall not create or permit a nuisance on any such lands 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 schedules.

Construction of additional Gasworks.

Undertakers may construct gasworks on lands described in schedule.

18. The Undertakers may on the lands shown on the deposited plan and described in the schedule to this Order annexed while they are possessed of the same construct erect maintain extend and enlarge gasholders apparatus and works for the manufacture and storing of gas and matters connected therewith and they may subject to the provisions of this Order upon the said lands manufacture and store gas and supply and sell the same within the limits of supply and may sell and dispose of the same at their works and elsewhere and they may construct and maintain and alter enlarge and renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to contract for sale of gas in bulk.

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

For protection of London Brighton and South Coast Railway Company.

20. Notwithstanding anything in this Order the Order of 1871 the Order of 1878 or the Order of 1895 the Undertakers shall not without the consent in writing of the London Brighton and South Coast Railway Company lay any main pipe conduit or other work along across over or under the railways and works of that company except where the said railways and works are crossed by any public road on the level.

Miscellaneous.

No penalty in case of unavoidable cause.

21. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect in 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.

Costs of Order.

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

SCHEDULE.

Gas Lands.

All that piece or parcel of land belonging to and in the possession of the Undertakers situated in the parish of Bersted in the rural district of Westhampnett in the county of Sussex containing by admeasurement 6 acres 25 perches or thereabouts being part of the field or enclosure numbered 144 on the Ordnance Survey map (2nd edition 1898) for the said parish of Bersted bounded on the north-west by the public road known as Shripney Road on the south-west by the Aldingbourne Rife on the south-east by the London Brighton and South Coast Railway and on the north-east by land belonging or reputed to belong to Carolus and Horace Munday.

ELHAM VALLEY GAS.

Order authorising the construction and maintenance of Acetylene Gasworks and the supply of Acetylene Gas within the Parishes of Elham and Lyminge in the County of Kent.

Elham Valley Gas.

1. This Order may be cited as the Elham Valley Gas Order 1904. *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 and of the Gasworks Clauses Act 1871 (except sections 12 28 and 32) are hereby incorporated with this Order except where the same are expressly varied by this Order. *Incorporation of Acts.*

4. The several words terms and expressions to which by any Act wholly or partially 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 mean the works for the manufacture storage and supply of acetylene gas and the works connected therewith by this Order authorised to be constructed and maintained. *Interpretation.*

A.D. 1904.

Elham Valley Gas.

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 and places of Elham and Lyminge all in the county of Kent.

Undertakers.

6. Edward Easton of Skeete Farm Lyminge Kent Lewin Hill C.B. of Kingston-upon Thames in the county of Surrey Sydney Davies Sewell of 29 Grosvenor Road London and the survivors and survivor of them and the executors or administrators of such survivors or survivor their or his assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the said undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Capital.

Capital.

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

Limits of dividend on capital.

8. The Undertakers shall not in any year make out of their profits any larger dividend on the said capital than ten pounds in respect of every one hundred pounds of such capital as is actually paid up Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the construction of this section the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking.

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to purchase additional lands.

10. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands shown on the map deposited for the purposes of this Order and

described in the schedule to this Order annexed any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule.

Construction of Works and Manufacture and Sale of Acetylene Gas.

Undertakers may construct works on lands described in schedule and make and sell acetylene gas &c.

11. The Undertakers on the lands shown on the deposited map and described in the schedule to this Order annexed while they are possessed of the same may construct and maintain alter and enlarge renew and discontinue washers gas holders engines boilers receivers purifiers generators scrubbers meters apparatus and works for the manufacture and storing of acetylene gas and of residual products obtained in the manufacture of such gas and matter producible therefrom and they may subject to the provisions of this Order make and store acetylene gas on such lands and supply and sell the same within the limits of supply and may manufacture all residual and bye-products obtained in the manufacture of acetylene gas and matter producible therefrom and may sell and dispose of the same at the works and elsewhere within the limits of the Order and in bulk by agreement outside such limits to any company local authority or person desiring a supply and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking Provided that the powers hereby conferred upon the Undertakers for the manufacture storage and supply of acetylene gas shall not entitle the Undertakers to be heard on the ground of competition against any Bill or Provisional Order applied for in the future for the supply of coal gas in any parish or place included within the limits of this Order.

Power to supply gas meters &c.

12. The Undertakers may purchase or hire and supply sell or let on hire but shall not manufacture lamps meters and fittings stoves and cooking and other apparatus suitable for being used in connexion with acetylene gas and may also purchase hire sell let or deal in and contract for doing work in connexion with but shall not manufacture fittings tubes meters pipes stoves ranges and apparatus for heating and for domestic and other puposes by means of acetylene gas and all articles and things in any way connected with the manufacture supply use or consumption of acetylene gas and may take charges and remuneration in respect thereof.

Power to use patents.

13. 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 licence or authority to work use exercise or 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 acetylene gas or the

A.D. 1904.

Etham Valley Gas.

conversion manufacture or utilisation of any products obtainable in or arising from such manufacture.

For protection of South Eastern Railway Company and South Eastern and Chatham Railway Companies' Managing Committee.

14. For the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (herein-after respectively referred to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is tc say):—

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Order upon across over under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by such engineer in writing:

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

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

(D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station lands works or property of the railway company the Under-

takers shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided :

(E) If the railway company at any time or times hereafter of which they shall be the sole judges require to construct any additional or other works upon their lands or railways or to alter or repair their railway bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the railway company may on giving to the Undertakers fourteen days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railway bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversions supporting carrying or dealing with such works :

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

For protection of Kent County Council.

15. Any alteration repair or improvement of any of the bridges or roads repairable by the county council of Kent or any alteration of or in the position of the same may be made as if this Order had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Order authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates any support either temporary or permanent to any such works the Undertakers shall after fourteen days notice in writing by the county surveyor on behalf of the said county council forthwith make such alteration or afford such support at their own expense.

Differences with railway and other companies.

16. If any difference arise between the Undertakers and any railway canal or other company (other than the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee) whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for acetylene gas within the limits of supply as to the mode of laying down repairing

A.D. 1904.

Elham Valley Gas.

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.

For protection of district roads.

17. The notice required to be given by section 8 of the Gasworks Clauses Act 1847 and the plan to be approved under section 9 of the same Act before breaking up any streets for the purpose of laying pipes shall with respect to any roads under the control or management of the Elham Rural District Council be given to and approved by the surveyor of the said council 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.

Quality of Gas.

Quality of acetylene gas.

18. The quality of the acetylene gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce in a suitable burner for the time being approved by the Board of Trade consuming half of one cubic foot of acetylene gas per hour a light equal in intensity to the light produced by not less than sixteen sperm candles and shall be efficiently purified by means of a purifier for the time being approved by the Board of Trade.

Supply of gas &c. to be subject to byelaws &c. of Home Office and local authority.

19. The carbide of calcium used in the manufacture of the acetylene gas supplied under this Order shall be so stored and the gas shall be so manufactured as to comply with the conditions of a license granted under the Petroleum Act 1871.

Testing place.

20. The Undertakers shall before commencing to supply acetylene gas provide at the works from which they may be intending to supply gas a testing place with suitable apparatus therein for testing the illuminating power and purity of the gas supplied The apparatus for testing such illuminating power shall be in accordance with the regulations in that behalf contained in Part I of Schedule A of the Gasworks Clauses Act 1871 and the apparatus for testing such purity shall be such as may for the time being be approved by the Board of Trade The apparatus shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers and such testing place and apparatus shall at all times thereafter be maintained by the Undertakers in good repair and working order and any inspector appointed under this Order and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may 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.

21. Any tests taken in pursuance of this Order or any Act incorporated therewith— Mode of testing.

(1) With reference to the illuminating power of the gas supplied shall be taken in accordance with the rules prescribed by Part II. (I.) of Schedule A of the Gasworks Clauses Act 1871 except that the consumption of gas shall be regulated to half of one cubic foot of gas per hour ;

(2) And with reference to the purity of the gas supplied they shall be taken in accordance with rules for the time being prescribed by the Board of Trade.

Price of Acetylene Gas.

22. The price to be charged by the Undertakers for acetylene gas supplied by them to consumers shall not exceed the following rates (that is to say):— Maximum price of acetylene gas.

In any year during which the total amount of gas supplied under the provisions of this Order does not exceed one hundred thousand cubic feet the rate of eight shillings per hundred cubic feet;

In any year during which such total amount exceeds one hundred thousand and does not exceed two hundred thousand cubic feet the rate of seven shillings and six pence per hundred cubic feet ;

In any year during which such total amount exceeds two hundred thousand cubic feet the sum of seven shillings per hundred cubic feet :

Provided always that at any time after the expiration of three years from the commencement of this Order the Board of Trade may by order in writing signed by a secretary or assistant secretary of the Board of Trade alter the said prices and as from the date specified in the said order the prices charged by the Undertakers shall be in accordance with such order.

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

Pressure of Acetylene Gas.

23. All acetylene gas supplied by the Undertakers to any consumer shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than two and a half inches in height and to balance from sunset to midnight a column of water not less than three inches in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer. Pressure of gas.

24. The Board of Trade on the application of the local authority may appoint one or more competent and impartial person or persons to Board of Trade on application of local autho-

A.D. 1904.

Elham Valley Gas.

rities may appoint gas inspectors.

be inspectors for the purpose of inspecting the acetylene gas supplied by the Undertakers and ascertaining whether the mains or pipes permit any leakage or escape of gas and whether such gas is sufficiently odorized to render the escape readily perceived The Undertakers shall give to such person or persons access to the works at all reasonable hours and shall afford all facilities for the proper execution of the provisions of this section and such person or persons may for the purposes aforesaid exercise such powers as are conferred by this Order on any gas examiner appointed for the purposes of this Order in relation to the opening of any street road passage or place.

Every person so appointed as aforesaid shall on the day immediately following that on which he has made any inspection under the powers of this Order make and deliver a report of the result of such inspection to the authority upon whose application he was appointed and to the Undertakers and such report shall be receivable in evidence.

Miscellaneous.

Board of Trade in certain events may modify or suspend powers of Undertakers.

25. The Board of Trade at any time upon sufficient cause shown to their satisfaction by any local authority having jurisdiction within the limits of supply or by twenty or more inhabitant householders within the said limits that the Undertakers have made default in manufacturing or supplying acetylene gas in accordance with the provisions of this Order or with a due regard to the public safety may (after notice to the Undertakers and hearing any objections they may have to make in regard thereto) upon such terms and conditions as the Board of Trade think fit and for any limited or unlimited period suspend or modify any power or obligation of the Undertakers with respect to the supply of acetylene gas under this Order and any such terms and conditions shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order If the Undertakers do not carry out the powers under this Order within three years from the commencement of this Order the Board of Trade may at the expiration of that period revoke the Order but in the event of the Undertakers carrying out such powers within any part of the district the Board of Trade may at any time impose such regulations and restrictions as regards price illuminating power and for the safety of the public and consumers as they think proper.

Power to Undertakers to sell undertaking to local authority.

26. If at any time after the expiration of five years from the commencement of this Order the Elham Rural District Council shall have been duly authorised and empowered to purchase the undertaking and shall give notice in writing to the Undertakers that they require them to sell and transfer their undertaking or any part thereof to the said Elham Rural District Council the Undertakers within six months of the receipt of such notice shall sell their undertaking to the said Elham Rural District Council for such price and upon such terms and conditions as may be agreed upon and

in case any difference shall arise between the parties as to such price terms or conditions such difference shall be determined by an Arbitrator to be appointed by the parties or in case of difference by the Local Government Board From and after such sale of the undertaking to the said Elham Rural District Council as aforesaid all the property real and personal and all rights powers and privileges authorities duties obligations and liabilities of the Undertakers in respect of the undertaking (or the part thereof so sold and transferred) held enjoyed exerciseable or to be performed by the Undertakers at the time of such sale other than and except powers relating to share and loan capital and of general meetings or directors or otherwise relating to the constitution or management of the Undertakers shall subject to all the liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the said Elham Rural District Council as though the same had been acquired by and conferred upon the said Elham Rural District Council instead of the Undertakers.

No penalty in case of unavoidable cause.

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

Recovery of penalties.

28. All penalties under this Order the recovery of which is not otherwise specially provided for may be recovered in a summary manner before any court of competent jurisdiction.

Undertakers to pay interest on deposit.

29. 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.

30. 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.

Costs of Order

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

A.D. 1904.

Elham Valley Gas.

SCHEDULE.

GAS LANDS.

All that piece or parcel of land containing by admeasurement four acres or thereabouts situate in the parish of Elham in the county of Kent bounded on the north by land belonging or reputed to belong to Edward Easton on the south by land belonging to or reputed to belong to John Howard and on the south-east by the stream known as the Little Stour which said piece or parcel of land is numbered 211 on the $\frac{1}{2500}$ Ordnance map of that parish.

ELSTREE AND BOREHAM WOOD GAS.

Elstree and Boreham Wood Gas.

Order empowering the Elstree and Boreham Wood Gas Company Limited to raise additional capital and for other purposes.

Short title.

1. This Order may be cited as the Elstree and Boreham Wood Gas Order 1904.

Commencement of Order.

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

Construction of Order.

3. The Elstree and Boreham Wood Gas Order 1872 (in this Order referred to as "the Order of 1872") and the Elstree and Boreham Wood Gas Order 1899 (in this Order referred to as "the Order of 1899") 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.

Undertakers.

Undertakers.

4. The Elstree and Boreham Wood Gas 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 capital.

5. The limitation prescribed by section 6 of the Order of 1872 and section 7 of the Order of 1899 with respect to the amount of the share capital of the Undertakers for the purposes of the gas undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the new capital") not exceeding ten thousand pounds including any premium that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers in respect of their gas undertaking shall not for such purposes

Elstree and Borcham Wood Gas.

exceed in the whole twenty-six thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Sections of Order of 1899 to apply to new capital.

6. Sections 8 to 13 both inclusive of the Order of 1899 shall with the necessary modifications apply to the new capital as fully and effectually as if the same had been set out and re-enacted in this Order.

Limits of dividend on new capital.

7. Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

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

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

Limiting borrowing powers.

9. The amount of all money 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 capital of the Undertakers actually raised by the issue of shares including any premium which may be obtained on the sale of any shares under the provisions of the Order of 1872 the Order of 1899 and this Order and no higher rate of interest than four pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any money borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Quality of gas.

10. As from the first quarter-day after the commencement of this Order section 17 of the Order of 1899 shall be repealed and the prescribed number of candles shall be not less than fourteen.

For protection of council for county of Hertford.

11. Notwithstanding anything contained in this Order the following provisions for the protection of the county council of the administrative county of Hertford (in this section referred to as "the county council") shall unless otherwise agreed between the Undertakers and the county council have effect:—

(i) The Undertakers shall not permit any trench made by them in any main road street bridge or other highway for the time being maintainable by the county council or to the maintenance of which the county council shall for the time being contribute to be open for more than fifty yards in length at any place where only one cart can pass at the side of such trench or for more than one hundred yards in length where only two carts can pass at the same time:

(ii) Where any pipe conduit or other work of the Undertakers is required to be laid or constructed beneath the surface of any such road street bridge or highway as aforesaid the same shall if possible be

A.D. 1904.

Elstree and Borehamwood Gas.

laid or constructed at such a depth that not less than two feet shall intervene between the surface of such road street bridge or highway and the upper surface of such pipes conduits or work Any difference as to the possibility of so laying or constructing any such pipe conduit or work shall be determined by a court of summary jurisdiction.

Costs of Order.

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

FINEDON GAS.

Finedon Gas.

Order empowering the Finedon Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas in the parish of Finedon in the county of Northampton.

Short title.

1. This Order may be cited as the Finedon Gas Order 1904.

Commencement of Order.

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

Incorporation of Acts.

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

Interpretation.

4. 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 Finedon in the county of Northampton.

Undertakers.

Finedon Gas. Undertakers.

6. The Finedon 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 for the purposes of the undertaking shall not exceed fifteen thousand pounds consisting of the share capital already raised by the Undertakers of seven thousand pounds (in this Order referred to as "the original capital") 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 eight thousand pounds including any premium 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 or stock to be offered by auction or tender.

8. The Undertakers shall when any shares or stock forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock in the capital of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved 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 except that if the bidding or offer by tender made by any holder of shares or stock be the same in amount as the bidding or offer made by any other person for the same lot the bidding or offer of such holder shall be accepted in preference.

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

9. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months of such sale.

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

10. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight 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

A.D. 1904.

Finedon Gas.

consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or by tender to be offered to holders of ordinary shares or stock.

11. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares or stock 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 or stock forming part of the additional capital and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserved price and so on until the whole amount of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

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

Limits of dividend on capital.

13. Except as in this Order otherwise provided 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 the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

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

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

Limit of borrowing powers.

15. 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-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on sale of any shares or stock 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.

Purchase of Land.

Power to purchase additional lands.

16. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order any lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands 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.

17. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in Schedule A to this Order while they are possessed of the same may maintain and continue alter and enlarge renew or discontinue their existing gasworks and works connected therewith for the manufacture and storage of gas and of coal and coke and ammoniacal liquor and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store coal-tar coke pitch and asphaltum and manufacture and store ammoniacal liquor and sulphate of ammonia and may sell and dispose of the same at their works and elsewhere and may also deal in and sell lime at their works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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

18. The Undertakers may at their works or elsewhere purchase hire supply sell or let on hire but shall not manufacture gas meters fittings gas stoves and cooking and other apparatus and may also purchase hire sell let deal in and contract for doing work in connexion with but shall not manufacture 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.

Fittings not to be subject to distress.

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

Power to take licences for use of patents.

20. 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

A.D. 1904.

Finedon Gas.

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 manufacture of ammoniacal liquor and sulphate of ammonia.

Power to contract for sale of gas in bulk.

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

Differences with road authorities or railway or other companies.

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

Quality of Gas.

Quality of gas.

23. 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 not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.

24. The price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and ninepence per thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings and ninepence or by giving a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

25. 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.

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

Exemption from penalty in certain cases.

27. 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.

Notice on discontinuance.

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

Undertakers to pay interest on deposit.

29. 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.

A.D. 1904.

Finedon Gas.

Anti-fluctuators for gas engines.

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

Period of error in defective meters.

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

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

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

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

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.

Costs of Order.

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

SCHEDULES above referred to.

SCHEDULE A.

A piece of land situate in the parish of Finedon in the county of Northampton containing 3025 yards or thereabouts upon which the works of the Undertakers are erected.

SCHEDULE B.

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

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund :

Price of gas with sliding scale as to dividend.

(2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet :

Provided that the Undertakers may increase or reduce the price so 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 any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so on in proportion for any fraction of one hundred pounds ;

And in respect of any year during the whole of 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 been reduced be increased above the standard rate by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so on in proportion for any fraction of one hundred pounds :

A.D. 1904.

Finedon Gas.

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

(3) 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 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 strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens 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 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 as aforesaid :

Application of further excess of profits over prescribed rates.

(4) 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.

(5) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rate 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 excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund :

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

Finedon Gas. Saving of existing contracts.

GODALMING GAS.

Order empowering the Godalming Gas and Coke Company Limited to extend their limits of supply and to raise additional capital and for other purposes.

Godalming Gas.

1. This Order may be cited as the Godalming Gas Order 1904.

Short title.

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

Commencement.

3. The Godalming Gas Order 1878 (in this Order referred to as "the Order of 1878") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

4. The provisions of the Gasworks Clauses Act 1847 (except sections 30 to 34 both inclusive which said sections shall cease to be incorporated with the Order of 1878) and the Gasworks Clauses Act 1871 are (except where the same are expressly varied by the Order of 1878 or this Order) incorporated with and form part of this Order For the purposes of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "Company" shall mean the Undertakers Provided that for the purpose of the incorporation of the Gasworks Clauses Act 1847 with the Order of 1878 and this Order section 35 of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by the Order of 1878 or this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Incorporation of Acts.

5. In this Order the expression "the prescribed rates" means the rates of dividend authorised by the Order of 1878 or this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order 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

Interpretation.

A.D. 1904.

Godalming Gas.

undertaking" shall mean and include the undertaking and the works for the manufacture and storage of gas and works connected therewith authorised by the Order of 1878 and this Order.

Extension of limits of supply.

6. The Undertakers shall have and may exercise subject to the provisions of this Order within the extended district herein-after defined (in this Order called "the extended limits of supply") all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1878 The extended limits of supply shall be as follows:—

The parish of Chiddingfold in the county of Surrey.

Where roads and railways form the boundary the entire width of such roads and railways is included in the limits of supply.

Undertakers.

Undertakers.

7. The Godalming 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 capital.

8. Notwithstanding the limitation prescribed by the Order of 1878 with respect to the amount of share capital of the Undertakers for the purposes of their gas undertaking the Undertakers may for such purposes raise further share capital (in this Order referred to as "the new capital") not exceeding ten thousand pounds including any premium that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers in respect of their gas undertaking shall not exceed in the whole fifty-three thousand three hundred pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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

9. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved 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 except that if the bidding

or offer by tender of any holder of shares be the same in amount as the bidding or offer of any other person the bidding or offer of such holder shall be accepted in preference.

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

10. It shall be one of the conditions of any sale of shares or stock under this Order that the full price of each share including 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 of shares or stock.

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

Shares or stock not sold by auction or by tender to be offered to holders of ordinary shares or stock.

12. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner prescribed by a special resolution passed by the Undertakers Provided that any shares or stock 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 and stock created under the powers of this Order and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

Application of premium arising on sale of shares or stock.

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

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 dividend on the new capital as defined by this Order than the standard rates of dividend herein-after mentioned namely seven pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as preference capital.

A.D. 1904.

Godalming Gas.

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

15. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each such 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 premium that may be obtained on the sale of any shares or stock 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 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 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 strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens 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 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 as aforesaid.

Application of further excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

19. Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rate 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 excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve

or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking 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 shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this section specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

20. Nothing in this section contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given with respect to the gasworks of or the supply of gas by the Undertakers under the Order of 1878.

For protection of London and South Western Railway Company.

21. For the protection of the London and South Western Railway Company (in this section referred to as the "South Western Company") the following provisions shall apply and have effect viz. :—

(A) In laying down repairing or removing any mains or pipes or executing any other works in the exercise of the powers contained in this Order upon over under or in any way affecting the South Western Railway or any bridge over or under such railway or any approaches to any such bridge within the South Western Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South Western Company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto within the South Western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence :

(B) If any injury or damage to the railway works or property of the South Western Company or any interruption of the South Western Company's traffic shall in any way be occasioned by the Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the South Western Company in respect thereof :

A.D. 1904.

Godalming Gas.

(c) All mains pipes and other works of the Undertakers upon across over under or in any way affecting the South Western Railway or any bridge over or under the same or the approaches thereto within the South Western Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the South Western Railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe or other work as aforesaid being in want of repairs the South Western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid as herein-before provided :

(D) The Undertakers shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the South Western Railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary :

(E) Any difference which may arise between the South Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

Differences with road authorities or railway or other companies.

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

A.D. 1904.

Godalming Gas.

Price of gas with sliding scale as to dividend.

23. As from the next quarter after the commencement of this Order section 18 of the Order of 1878 shall be repealed and the standard price to be charged by the Undertakers for gas supplied by them within the limits of supply as defined by the Order of 1878 and the extended limits under this Order to private consumers by meter shall be five shillings per thousand cubic feet:

Provided that the Undertakers may increase or reduce the price so 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 original and additional share capital or stock as follows:—

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

And in respect of any year during the whole of which the price charged by the Undertakers for gas supplied within the limits of supply as defined by the Order of 1878 shall not exceed four shillings and threepence per thousand cubic feet and for gas supplied in the extended limits shall not exceed four shillings and ninepence per thousand cubic feet the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so on in proportion for every fraction of one hundred pounds.

Pressure of Gas.

Pressure of gas.

24. As from the commencement of this Order section 19 of the Order of 1878 shall be repealed and all gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance constantly a column of water not less than one 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.

Provision of additional testing apparatus.

25. In addition to the apparatus required by section 20 of the Order of 1878 or the provisions of the Gasworks Clauses Act 1871 the Undertakers shall provide at the testing place required by the Order of 1878 a Pentane table photometer.

A.D. 1904.

Godalming Gas.

Maintenance and repair of roads in rural district of Hambledon.

26. All works for the maintenance repair or reinstatement of roads within the rural district of Hambledon which under this Order or any Act of Parliament incorporated therewith the Undertakers are required to execute may be executed by the council of the rural district of Hambledon and the Undertakers shall pay to the Hambledon Rural District Council the actual cost the council may incur in so doing and in the event of any difference between the council and the Undertakers as to the amount of such payment the same shall be determined by arbitration in manner provided by the Arbitration Act 1889.

Power to contract for sale of gas in bulk.

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

Miscellaneous.

No penalty in case of unavoidable cause.

28. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect in 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.

Costs of Order.

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

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH: or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.