CHAPTER xviii.

An Act for incorporating and conferring powers on the Kenilworth Gas Company and for other purposes. A.D. 1917.

[10th July 1917.]

WHEREAS by a deed of settlement dated the eighteenth day of January one thousand eight hundred and fifty-three certain persons formed themselves into a company under the name of "The Kenilworth Gas Light and Coke Company" for the purpose of making supplying and conveying inflammable air or gas and therewith lighting the streets houses and other places in the town and neighbourhood of Kenilworth and the said company which is hereinafter referred to as "the Limited Company" was in the year one thousand eight hundred and fifty-six incorporated under the Joint Stock Companies Act 1856 as a company limited by shares:

And whereas under the before-mentioned deed of settlement the capital of the Limited Company was fixed at three thousand pounds divided into three hundred shares of ten pounds each and such further sum or sums of money as might be raised by the sale of new shares or otherwise as provided by the before-mentioned deed of settlement:

And whereas the share capital of the Limited Company has since been increased and at present consists of the sum of fifteen thousand pounds divided into five hundred shares of ten pounds each entitled to a preferential dividend of five pounds per centum per annum and one thousand ordinary shares of ten pounds each and the whole of such capital has been issued and fully paid up:

And whereas the Limited Company have borrowed one thousand pounds on debentures upon their undertaking and property:

[*Price* 2*s.* 9*d.*]

A.D. 1917.

And whereas the Limited Company acquired the lands first and secondly described in the First Schedule to this Act and erected gasworks on the lands first described and are now supplying gas within part of the limits of supply defined by this Act:

And whereas the demand for gas in the district supplied by the Limited Company has increased and is increasing and other parishes and places adjacent thereto are wholly without a supply of gas:

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated with further powers and that the company so incorporated should be authorised to extend and improve their works and to extend their mains and to supply gas within the limits of supply defined by this Act:

And whereas by the Leamington Priors Gas Company's Act 1865 the Leamington Priors Gas Company (in this Act called "the Leamington Company") were authorised to supply gas within certain limits therein defined which included the district within five miles in every direction from the works of that company excluding the borough of Warwick:

And whereas part of the urban district of Kenilworth and a small part of the portion of the parish of Stoneleigh which are included within the limits of supply under this Act are within five miles of the works of the Leamington Company but the Leamington Company are not supplying and never have supplied gas in the said urban district or parish and it is therefore expedient that the said urban district and part of the parish of Stoneleigh should be excluded from the limits of supply of the Leamington Company:

And whereas it is expedient that the Company should be authorised to raise additional capital and that such further powers should be conferred upon the Company and such further provisions enacted as are contained in this Act:

And whereas the objects of this Act cannot be attained without the sanction of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords

Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :— A.D. 1917.

PRELIMINARY.

1. This Act may be cited as the Kenilworth Gas Act 1917. Short title.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) hereby incorporated with and form part of this Act (namely) :— Incorporation of general Acts.

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

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

(3) The Gasworks Clauses Act 1847 Provided that section 13 of that Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided that every "such contract entered into by the Company shall "be alike in terms and amount under like circum- "stances to all consumers" were added at the end of that section :

(4) The Gasworks Clauses Act 1871 except section 1 of Part I. and section 1 of Part II. of Schedule A thereto Provided that the Act shall be read as if—

(*a*) In section 12 the words "quality of the" and the words "with respect to its illuminating "power be such as to produce at the testing "place provided in conformity with this Act a "light equal in intensity to that produced by the "prescribed number of sperm candles of six in "the pound and such gas shall" were omitted ;

(*b*) In sections 28 29 30 and 33 the words "calorific power" were inserted in lieu of the words "illuminating power" ;

(*c*) In section 36 the words "of less illuminating power" were omitted ; and

A.D. 1917.

(*d*) In section 35 the words "thirtieth day of June" and "thirty-first day of March" were inserted in lieu of the words "twenty-fifth day of March" and "thirty-first day of December" respectively:

(5) The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement).

Interpretation.

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

The expression "the Company" means the Kenilworth Gas Company incorporated by this Act;

The expression "the undertaking" means and includes the gasworks and works connected therewith by this Act continued vested in and authorised to be made or maintained by the Company and any improvement and enlargement or extension thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges effects and undertaking of the Company and every part thereof respectively;

The expression "limits of supply" means the limits within which the Company are by this Act authorised to supply gas;

The expression "calorific power" means the total heat value expressed in British thermal units;

The expression "British thermal units" means British thermal units gross per cubic foot of gas.

Re-incorporation.

Re-incorporation of Company.

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that Company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes hereinafter mentioned and shall be and are hereby incorporated

by the name of "The Kenilworth Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and of the undertaking.

General purposes of Company.

5. The Company shall be established for the purpose of manufacturing and supplying gas for lighting heating motive power and other purposes within the limits of supply and generally may carry on the business usually carried on by a gas company.

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

6. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately before the passing of this Act were vested in the Limited Company or to which the Limited Company were in anywise entitled and all mains and pipes plant retorts meters and other apparatus and things which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

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

7. Subject to the provisions of this Act the deed of settlement dated the eighteenth day of January one thousand eight hundred and fifty-three constituting the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the stockholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said deed of settlement incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise

A.D. 1917.

provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

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

Contracts prior to Act to be binding.

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

Actions &c. not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such

affairs were parties immediately before the passing of this Act but such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the stockholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Company to satisfy liabilities of Limited Company.

11. From and after the passing of this Act the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company or their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of gas rents &c.

12. All accounts for gas supplied and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they were due or accruing to the Company.

As to payment of debts owing before passing of Act.

13. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or to accrue due thereon to the Company and all debts and moneys which immediately before the passing of this Act were due or owing by or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would have been liable together with all interest (if any) due or to become due thereon shall be paid by or be recoverable from the Company.

Books &c. continued evidence.

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

Certificates &c. to remain in force.

15. Notwithstanding the avoidance of the said deed of settlement all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or

A.D. 1917.

executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if the said deed of settlement had not been avoided.

Officers to continue until removed.

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

Present register of members to be continued.

17. The books kept by the Limited Company for entering the names and designations of the proprietors thereof with the numbers of their shares shall continue to be kept for the same purpose by the Company and shall until some other register shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

Capital.

18. The capital of the Company shall be fifty thousand pounds being the aggregate of the following sums:—

(1) Capital stock to the amount of twenty thousand pounds being stock created in respect of the existing ordinary capital of ten thousand pounds of the Limited Company which shall be called "A ordinary stock":

(2) Capital stock to the amount of five thousand pounds being stock created in respect of the existing preference capital of five thousand pounds of the Limited Company which shall be called "B preference stock":

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

Allocation of capital.

19. Upon the passing of this Act there shall be created by virtue of this Act sufficient A ordinary stock and B preference

stock to give effect to this section and the Company shall issue and allocate such stock in manner following (that is to say):—

(1) Twenty thousand pounds of A ordinary stock shall be divided among and vested in the several persons who immediately before the passing of this Act were registered as holders of the ordinary shares of the Limited Company in the proportion of twenty pounds of such stock for each ordinary share of ten pounds held by them respectively:

(2) Five thousand pounds of B preference stock shall be divided among and vested in the several persons who immediately before the passing of this Act were registered as holders of the five thousand pounds preference shares of the Limited Company in proportion to the amount of such preference shares held by them respectively:

(3) All stock so created and vested under or by virtue of this Act shall be deemed to be fully paid up and shall be held in the same rights upon the same trusts and subject and liable to the same powers provisions declarations agreements charges liens incumbrances and liabilities as immediately before the passing of this Act affected the share or shares as the case may be in respect of which the stock so created is so vested and shall be dealt with applied and disposed of accordingly and so as to give effect to and not revoke any agreement deed will or other instrument disposing of or affecting the same and trustees executors or administrators and all other holders in any representative or fiduciary capacity of any share or shares may and shall accept any stock allocated to and vested in them pursuant to the provisions of this Act in substitution for the existing share or shares held by them in the capital of the Limited Company and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have held retained disposed of or otherwise dealt with such existing share or shares.

Certificates of shares to be called in and others issued.

20.—(1) The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in exchange for those certificates to the respective proprietors

A.D. 1917.

thereof free of charge certificates of ordinary or preference stock of the respective amounts to which those proprietors are by this Act respectively entitled.

(2) No shareholder of the Limited Company shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require.

(3) Until the issue of such new certificates the existing certificates shall (according to the amounts of A ordinary stock and B preference stock to be substituted by virtue of this Act for the shares in the capital of the Limited Company which they respectively represent) have and confer the same rights and advantages as if they were certificates for the respective amounts of A ordinary or B preference stock created by virtue of this Act.

(4) If any holder of shares in the capital of the Limited Company neglects or omits to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address of such holder appearing in the proprietors' address book of the Limited Company the Company may suspend the payment of any dividend declared or made payable upon or in respect of the ordinary or preference stock substituted under the provisions of this Act for the shares so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and until such guarantee or indemnity is given in respect of such lost or destroyed certificate as the directors may require.

Transfers of shares although by present name to be valid.

21. All transfers or other dispositions of shares in the capital of the Limited Company shall after the substitution therefor of A ordinary stock or B preference stock as the case may be and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of A ordinary or B preference stock which the shares thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same

under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such substitution and the bequest of or any covenant or provision of any deed or agreement relating to any such shares shall be held to apply to the nominal amount of preference or ordinary stock equal to that for which such shares shall have been substituted under the provisions of this Act.

Power to raise additional capital.

22. The Company may from time to time raise additional capital not exceeding in the whole twenty-five thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall be sufficient to produce including the premiums if any which may be obtained on the sale thereof the sum of twenty-five thousand pounds.

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

23.—(1) All shares or stock created as additional capital under the powers of this Act shall be issued in accordance with the provisions of this section.

(2) All such shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

(*a*) Notice of the intended sale shall be given in writing to the clerk of each urban district council and rural district council whose district or any portion of whose district is within the limits of supply and to the secretary 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 shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(*b*) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the

A.D. 1917.

day of auction or last day for the receipt of tenders as the case may be:

(*c*) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(*d*) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(*e*) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be disposed of by the directors at a price not less than the reserve price put upon the same for the purpose of sale by auction or tender or may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and are not sold may be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of each class of shares or stock

sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of shares or stock.

Privileges &c. of holders of additional capital.

24. Except as is otherwise by this Act provided the additional capital created by the Company under this Act shall be part of the general capital of the Company and the new shares or stock therein and the holders thereof respectively shall in proportion to the amount of their shares or stock be entitled to the like rights of voting and any other rights qualifications and privileges and be subject to the like provisions and liabilities as the other holders of shares or stock of the same class or description.

Stock to be transferable in multiples of one pound.

25.—(1) Any ordinary or preference stock of the Company may be issued and be transferable in amounts of one pound or multiples of one pound provided that the holding of any holder of either class of such stock shall not be less than ten pounds of stock of that class.

(2) Notice of this enactment shall be stated in all certificates of such stock.

Issue of redeemable preference shares or stock or debenture stock.

26.—(1) The Company may create and issue all or any of the preference shares or stock or debenture stock authorised to be created and issued under the powers of this Act so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

(*a*) Call in and pay off the shares or stock or any part thereof at any time before the fixed date of redemption; and

(*b*) Redeem the shares or stock or any part thereof either by paying off the shares or stock or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor and may for the purpose of providing money for paying off the shares or stock or of providing substituted shares or stock create and issue (subject as regards preference shares or stock to the provisions of the section of this Act of which the marginal note is "New shares or stock to be sold by auction or tender") new shares

A.D. 1917.

or stock (either redeemable or irredeemable) or re-issue shares or stock originally created and issued under this section Provided that the creation and re-issue for the purpose of any particular class of shares or stock does not make the total nominal amount of such shares or stock exceed the amount of that class of shares or stock which the Company are for the time being authorised to create.

(3) The Company shall not redeem out of revenue any debenture stock or preference shares or stock created under this section.

DIVIDENDS.

Limit of dividends on capital.

27. The Company shall not in any year pay out of their profits any larger dividends on their capital than the following rates (namely) :—

On the A ordinary stock the rate of five pounds in respect of every one hundred pounds of such stock or part thereof actually paid up or deemed to be paid up thereon ;

On the B preference stock the rate of five pounds in respect of every one hundred pounds of such stock or part thereof actually paid up or deemed to be paid up thereon ;

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

unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend.

Interim dividend.

28. The directors may in any year declare and pay an interim half-yearly dividend on any class or classes of shares or stock in the capital of the Company out of the profits of the Company without the sanction or direction of a general meeting but no such half-yearly dividend shall exceed one-half of the amount of the maximum yearly dividend payable on such shares or stock.

Closing of transfer books previous to

29. The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same

of which seven days' notice shall be given by advertisement in some newspaper published or circulating within the limits of supply and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend. declaring interim dividend.

Borrowing Powers and Financial Provisions.

30. The Company may at any time and from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole (inclusive of the sum of one thousand pounds already borrowed by the Limited Company) one-third part of the amount of the capital of the Company (including premiums) which at the time of borrowing has been actually issued or raised under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the stock at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up. Power to borrow.

31. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. Arrears to be enforced by appointment of a receiver.

32. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest on all debenture stock and on all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

A.D. 1917.

Priority of mortgages and debenture stock over other debts.

33. All moneys to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge which may be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Application of moneys.

34. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Limitation on amount of reserve fund.

35. The Company shall not form a reserve fund exceeding a sum equal to one-tenth of the amount of (*a*) the capital stock created under the provisions of this Act and (*b*) the additional capital (including premiums) for the time being actually issued and raised.

Restriction as to raising money during war.

36. Notwithstanding anything in this Act the Company shall not under the powers of this Act raise or borrow any money except for the payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act" during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

MEETINGS.

Ordinary meetings.

37. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings shall be held yearly in the month of May or June in each year at the Company's principal office or at such other place and at such other time as shall be appointed for that purpose by an order of the directors.

Quorum of general meetings.

38. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be seven shareholders or stockholders present in person or by proxy holding in the aggregate shares or stock of the nominal value of two thousand pounds.

Scale of voting.

39.—(1) Every holder of ordinary shares or stock and (subject as hereinafter mentioned) of preference shares or stock of the Company shall be entitled to one vote for every complete ten pounds of such shares or stock held by him.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock forming part of the additional capital to which a preferential dividend shall be assigned.

Joint holders of stock.

40. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any shares or stock stand shall for the purposes of this section be deemed joint holders thereof.

DIRECTORS AND AUDITORS.

Number qualification and disqualification of directors.

41.—(1) The number of directors shall be six but the Company may vary the number provided that the number be not at any time more than six nor less than three.

(2) The qualification of a director shall be the possession in his own right of shares or stock of the Company to the nominal amount of not less than five hundred pounds.

(3) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as

A.D. 1917.

a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

(4) If any director shall be made bankrupt or shall become lunatic or of unsound mind or shall neglect to attend the meetings of directors for six months (unless such neglect to attend be occasioned by illness or by any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

(5) The continuing directors may act notwithstanding any vacancy in the number of directors.

Quorum of directors.

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

First and subsequent directors.

43. Thomas Kemp Thomas Berridge George Henry Church Henry Miles Thomas Seargeant Morris and Ernest Eli Nixon shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the stockholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for re-election and at the ordinary meeting to be held in every year after the first ordinary meeting the stockholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any

such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Notice to be given of any person desirous to be elected as director of Company or of opposition to re-election.

44. From and after the passing of this Act no person not being a retiring director of the Company shall be eligible to be elected at any general meeting a director of the Company unless notice in writing is given to the secretary or left at the principal office of the Company fourteen days at least before the day of election that such person will be proposed for election as a director of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office Any such person must have been the holder of the qualifying amount of shares or stock for at least three months prior to his election In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

As to appointment of managing director.

45.—(1) The directors may appoint any one of their body to be a managing director of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Auditors.

46. The prescribed number of auditors shall be one but the number may be increased to two by a resolution of the proprietors of the Company passed at a general meeting and such auditor or auditors shall be a member or members of the Institute of

A.D. 1917.

Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Board of Trade and need not hold shares or stock of the Company.

WORKS AND LANDS.

Construction and maintenance of gasworks &c.

47.—(1) The Company may in or upon the lands first described in the First Schedule to this Act upon which the existing gasworks of the Limited Company are erected and in or upon the lands secondly described in the said schedule maintain continue alter improve extend and renew the existing gas and other works of the Limited Company and may upon those lands or any part thereof erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them.

(2) The Company may also—

(*a*) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith upon the said lands manufacture other products of the same kind as the Company are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

(*b*) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert upon the said lands the residual products so arising from their own manufacture of gas or purchased as aforesaid:

But the Company shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other gas undertakings is merely subsidiary.

Power to purchase lands by agreement.

48. The Company may for the purposes of the undertaking purchase and take (by agreement but not otherwise) and may hold in addition to the lands described in the First Schedule to

this Act any lands and hereditaments not exceeding in the whole five acres which they may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Power to sell and lease lands.

49. The Company may sell and dispose of or may let on lease for such periods as they think fit any lands acquired by them by agreement and for the time being belonging to them and not at the time required for the purposes of the undertaking and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations and conditions and generally upon such terms and conditions as the Company think fit and notwithstanding anything in the Gasworks Clauses Act 1871 contained the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to the lands sold or disposed of by the Company under the powers of this section.

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

50. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act.

Power to lay pipes &c. for ancillary purposes.

51. The Company may within a radius of three hundred yards from any part of the lands described in the First Schedule to this Act lay down and repair take up alter or relay or renew mains pipes and culverts within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply *mutatis mutandis* to and for the purposes thereof.

As to private streets in Kenilworth.

52. For the purposes of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Kenilworth Urban District

A.D. 1917.

Council shall be deemed in addition to any other persons to be persons having the control or management of any street in the urban district not repairable by the inhabitants at large.

For protection of Warwickshire County Council.

53. The following provisions for the protection of the county council of the administrative county of Warwick (in this section referred to as "the county council") shall unless otherwise agreed between the Company and the county council apply and have effect with respect to the exercise of any powers of the Company in or affecting any main road or county bridge vested in the county council (that is to say):—

(1) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid in or along any such road or in or upon or across any such bridge shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct:

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road or bridge be not less than seven days instead of three days:

(3) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road or over any such bridge or the approaches thereto and the Company shall not break up at any one time a greater consecutive length than one hundred yards of any such road:

(4) Nothing shall interfere with the right of the county council to alter the level of or deviate or improve in any manner they think fit any main road in or along which any mains pipes or works of the Company shall have been laid or to remove alter rebuild widen or repair any county or main road bridge or the approaches thereto or the roadway over the same over or near or attached to which any mains pipes or works of the Company are carried and the Company shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be

determined as hereinafter provided and the county council shall repay to the Company the expense reasonably incurred by the Company in effecting any such alteration of the position of any such mains pipes or works Provided that during the removal alteration rebuilding widening or reparation of such bridge or roadway over the same or the approaches thereto as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such mains and pipes across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes:

(5) If any difference arises at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder such difference shall be referred to two justices sitting as a court of summary jurisdiction who shall hear and determine the matter in dispute in all respects as if the same were a difference between the Company and the county council under the Gasworks Clauses Act 1847.

For protection of London and North Western Railway Company.

54. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed between the Company and the railway company be in force and have effect:—

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works in the exercise of the powers of this Act upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the 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 to be submitted to and in such manner as shall be previously reasonably approved by him Provided that if the said engineer does not express his approval

A.D. 1917.

or disapproval of the said plans within twenty-one days after the same shall 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 after receiving three days' notice in writing from the Company the Company may execute the work without his superintendence:

(2) All such works shall be done by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the railway company the amount of such compensation unless agreed upon to be determined by arbitration in manner hereinafter provided:

(3) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Company or either of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such arbitration.

SUPPLY PRICE AND TESTING OF GAS.

Limits for supply of gas.

55.—(1) The limits within which the Company may supply gas under this Act shall be the urban district of Kenilworth and the parishes of Balsall Berkswell and Stoneleigh except such

portions of the parish of Stoneleigh as lie (*a*) to the north and north-east of an imaginary line drawn from the eastern boundary of the parish along the centre of Finham Brook to Westley Bridge and thence along the centre of the public road from Westley Bridge past Gibbet Hill Kirby Corner and Westwood Heath to the western boundary of the parish and (*b*) to the south of an imaginary line drawn from Cloud Bridge in a north-westerly direction along the centre of the public road to Stoneleigh Bridge thence in a south-westerly direction along the River Sowe to its junction with the River Avon thence along the River Avon to the south-western corner of the enclosure numbered 337 on the $\frac{1}{2500}$ Ordnance map Warwickshire sheet XXVI—11 thence in a north-westerly direction along the south-western boundary of the said enclosure to the boundary of the urban district of Kenilworth all in the county of Warwick.

(2)—(*a*) The said limits of supply are coloured pink on the map signed in triplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and the said maps shall respectively within six months after the passing of this Act be deposited in the Office of the Clerk of the Parliaments House of Lords in the Private Bill Office of the House of Commons and in the principal office of the Company If there be any discrepancy between the description of the limits of supply contained in this section and the maps signed as aforesaid the latter shall prevail.

(*b*) Copies of the said map deposited at the principal office of the Company certified by the secretary of the Company to be true copies shall be received in all courts of justice and proceedings as primâ facie evidence of the contents of such map.

Reduction of additional capital in certain events.

56. If after the expiration of fifteen years from the passing of this Act the Company have not laid down mains for the supply of gas and shall not be in a position to supply gas in the parishes of Balsall and Berkswell or in the portion of the parish of Stoneleigh included within the limits of supply the additional capital shall be reduced by the following sums namely (*a*) the sum of seven thousand five hundred pounds in respect of the parishes of Balsall and Berkswell and (*b*) the sum of one thousand five hundred pounds in respect of the portion of the parish of Stoneleigh.

A.D. 1917.

Repeal of powers of Leamington Company.

57. From and after the passing of this Act all powers rights authorities and privileges of or belonging to the Leamington Company under the provisions of the Leamington Priors Gas Company's Act 1865 or otherwise for or relating to the supply of gas within any part of the limits of supply shall absolutely cease and determine.

Limiting price of gas.

58. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter other than a prepayment meter shall not at any time—

(*a*) Within the urban district of Kenilworth and within a radius of two miles from the north-eastern corner of the lands secondly described in the First Schedule to this Act exceed four shillings and sixpence; and

(*b*) Beyond the said urban district and radius exceed by more than one shilling the price for the time being charged by the Company within the said urban district and radius;

for every thousand cubic feet of gas and so in proportion for every smaller quantity.

Power to vary price according to purpose for which gas is supplied.

59. Notwithstanding anything contained in this or any other Act relating to the Company the price to be charged by the Company for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Company and the person taking such supply Provided that the Company shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

Charge for gas supplied by means of prepayment meters.

60.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such

fittings include a cooking stove or in either of such cases at the rate of ten per centum per annum on the cost of the meter and fittings whichever shall be the higher.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Company in connexion therewith.

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

Minimum charge for gas laid on to premises having a supply of electricity or power gas.

61. Where any person has for the purposes of a stand-by only a supply of gas laid on by the Company to any premises for which he has at the same time a separate supply of electricity or gas for power or other purposes the Company shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided that in fixing the amount of such minimum charge the Company shall have regard to the probable maximum supply of gas which might at any time be required for such premises Provided also that in respect of any premises for which the whole supply of gas afforded by the Company is taken through a meter having a nominal capacity of not more than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

Testing place.

62. For the purposes of the Gasworks Clauses Act 1871 as varied by this Act the prescribed testing place shall be a testing place which shall be provided by the Company within three months after the passing of this Act on any of the lands described in the First Schedule to this Act.

A.D. 1917.

Testing for calorific power.

63.—(1) Within six months from the passing of this Act the Company shall provide and maintain at the prescribed testing place apparatus for testing the calorific power of the gas supplied by them at such testing place similar to the apparatus for the time being prescribed by the Metropolitan gas referees for testing the calorific power of the gas.

(2) The gas supplied by the Company shall be tested in the mode and under the conditions for the time being prescribed by the Metropolitan gas referees and shall be of a calorific power of five hundred British thermal units and that power is in this Act referred to as "the standard calorific power."

Provisions as to testing for calorific power.

64.—(1) Not more than one testing for calorific power shall be made on any one day: Provided that if on any occasion of testing the calorific power is found to be below the standard calorific power a second testing shall be made on the same day after an interval of not less than one hour and the average of the two testings shall be deemed to be the calorific power of the gas on that day.

(2) The gas examiner shall forthwith deliver a report of the result of his testing to the Company and that report shall be receivable in evidence.

Penalties for deficient calorific power.

65. If on any testing the calorific power of the gas supplied by the Company is found to be below the standard calorific power they shall be liable to the following penalties in respect of such deficiency (that is to say):—

If the deficiency does not exceed fourteen British thermal units a sum not exceeding forty shillings;

If the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds;

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds.

Pressure of gas.

66.—(1) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than fifteen-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer:

Provided that all gas supplied by the Company to the London and North Western Railway Company shall be supplied

at such pressure as to balance a column of water not less than twenty-tenths of an inch in height at the inlet of the primary meter or meters registering the supply to such company.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp or on the premises of the London and North Western Railway Company at the inlet of the primary meter or meters registering the supply to such company as and when he thinks fit test the pressure at which the gas is supplied The Company shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

67. No penalty shall be incurred by the Company for insufficiency of pressure defect of calorific power or 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 any circumstance beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

Suitable burners to be provided in lieu of those now in use.

68. The Company if and when required at any time within two years after the passing of this Act by any consumer of gas supplied by the Company shall supply to such consumer and fix free of charge flat flame burners suitable in all respects for consumption of gas of the standard calorific power prescribed by this Act in substitution for any burners (not being incandescent burners) in use by the consumer before the passing of this Act.

Notice of this condition shall be given on each demand note of the Company during the period of two years hereinbefore mentioned.

Power to Board of Trade to vary standard calorific power &c.

69. If after the expiration of five years from the passing of this Act application is made to the Board of Trade by the Company or by any body or person who may appear to the Board of Trade to have a substantial interest in the matter to reduce or increase the standard calorific power or the pressure prescribed by this Act the Board of Trade after hearing the parties and any other persons who appear to the Board to be interested may make such reduction or increase of the standard calorific power or of the prescribed pressure as they think fit.

A.D. 1917.

Power to supply gas fittings &c.

70.—(1) The Company may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings (in this section referred to as "fittings") for lighting motive power heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be and all fittings let for hire as aforesaid notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises shall at all times continue to be the property of and removable by the Company provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

(3) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any fittings are or shall be fixed.

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

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

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

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

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

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

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

(6) Any person to whom the Company refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

As to mode of cutting supplies.

72.—(1) In any case in which the Company are by virtue of any enactment relating to their gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall reconnect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

A.D. 1917.

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Company shall (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exercisable under the said section 22 for the purposes of that section.

Occupier to pay expenses of reconnecting disconnected supply.

73. In any case in which in consequence of any default on the part of the occupier of any premises the Company shall have cut off the supply of gas to such premises (whether under the existing powers of the Company or under the powers conferred by this Act) and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of reconnecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Gas consumers to give notice to Company before removing.

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

Company may refuse to supply gas in certain cases.

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

Power to enter premises and remove fittings.

76. The power to enter premises and to remove pipes meters fittings or apparatus conferred on the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any

premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises.

Period of error in defective meters.

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

Anti-fluctuators for gas engines.

78. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator together with an effective non-return valve and shall at all times at his own expense keep such anti-fluctuator and valve in proper repair and in default of his so using or keeping such anti-fluctuator and valve in proper repair the Company may cease to supply gas to such consumer The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator and valve at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator and valve be found in proper order but otherwise at the expense of such consumer.

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

79. If any person is required by the Company to give to them security in respect of any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company 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.

Notice to discontinue supply of gas.

80. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

A.D. 1917.

Contracts for supplying gas for public purposes.

81. The Company may enter into and fulfil any contract or arrangement with any county urban rural or local authority having powers within any part of the limits of supply for the supply of gas by the Company for public purposes for any period not exceeding under any one such contract or arrangement seven years:

Provided that such supply shall not be given for use beyond the limits of supply except with the consent of any company or person supplying gas under parliamentary authority within the area within which the supply is to be used and nothing in this section shall authorise the Company to lay mains or other pipes beyond the limits of supply.

Company may enter into contracts for supply of gas.

82. The Company may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply 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 may be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond the limits of supply.

Miscellaneous.

Dwelling-houses for Company's employees offices showrooms &c.

83. The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices showrooms and other buildings for the purposes of their undertaking and may erect maintain and let any such buildings upon any lands for the time being belonging or leased to the Company.

Power for directors to determine remuneration of secretary.

84. In addition to the powers which the directors of the Company may exercise under the Companies Clauses Acts 1845 to 1889 or otherwise they may from time to time determine the remuneration of the secretary of the Company.

Power to make superannuation and other allowances.

85. It shall be lawful for the directors of the Company to make superannuation and other allowances and to pay pensions to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company.

A.D. 1917.

Power to directors to subscribe to hospitals &c.

86. The directors of the Company may subscribe or make donations to infirmaries and hospitals and to convalescent homes and to similar institutions or to any exhibition and to the benevolent and sick funds of the employees of the Company and may for that purpose apply the funds and revenues of the Company.

Power to issue stock under co-partnership rules.

87.-- (1) Notwithstanding anything contained in this or any other Act relating to the Company the Company may if and whenever required so to do by the trustees appointed under any co-partnership rules of the Company for the time being in force issue to any person in the employ of the Company such amount of ordinary stock as the trustees may specify without first offering such stock for sale by public auction or tender.

(2) Any ordinary stock issued under the provisions of this section shall be issued at as near as may be the average price at which according to the Company's books sales of stock of the same class or description were effected within the period of six months immediately preceding the date on which such stock is issued or if only one sale were effected within such period at the price on such sale according to the Company's books or if no sales were effected within such period then at the average price of the previous three sales according to the Company's books but in each case there shall be deducted or added such due allowance as shall be necessary having regard to any accrued or accruing dividend at the dates of such sales or of the issue of such stock and the value of such stock shall be certified by the secretary of the Company and his certificate shall be binding.

Persons in employment of Company may nominate others to transfer stock &c. held by such persons.

88. Subject to and in accordance with the regulations set forth in the Second Schedule to this Act any person in the employment of the Company and holding in his own right any shares or stock of the Company or having any money left in the hands of the Company on account of any share in the profits of the Company or having any money deposited with the Company (all of which moneys are in this Act referred to as "deposits") may if he be of the age of sixteen years or upwards nominate any person to transfer the said shares or stock and to receive any such deposits at the death of the person so nominating and in the event of any such person holding shares or stock or having such deposits dying without having made a nomination which shall be in force at his death the directors of the Company may register such shares or stock and pay or distribute such deposits.

A.D. 1917.

Power to establish a benefit fund.

89.—(1) The directors may if they think fit in respect of any half-year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding one halfpenny per one thousand cubic feet of gas supplied by the Company during such half-year to a fund to be called "the benefit fund" Provided that the amount of the sums so appropriated and for the time being standing to the credit of the benefit fund shall not at any time exceed the amount which the directors would have been entitled to appropriate to the benefit fund out of the revenue of the Company at the rate aforesaid during the then preceding five years.

(2) The directors may out of the benefit fund grant a gratuity of any sum or make any pensions or other allowances payments or benefits to any of the weekly servants of the Company who may be disabled or injured in or may be retired from or become incapacitated through age permanent injury or other infirmity from continuing in the service of the Company or to the widow or family or dependents of any such servant and on such terms and conditions as to contributions by such servants or otherwise as the directors may think fit Provided that it shall not be obligatory on any present or future servant of the Company to become a party to any arrangement made under this Act for securing to him or his widow family or dependents any gratuity pension or other allowance payment or benefit.

(3) The benefit fund shall be applicable for the purposes of this Act and for no other purpose whatsoever and if a benefit fund be established under this section no such gratuity pension allowance payment or benefit as is mentioned in this section (other than sick pay) shall be granted or paid to any such weekly servant widow family or dependent otherwise than out of the benefit fund.

(4) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such servant or the widow family or any dependent of any such servant gratuities pensions or other allowances payments or benefits as aforesaid and may make payments out of the benefit fund for the purpose of any such agreement.

(5) The moneys forming the benefit fund or any portion thereof shall be invested in securities in which trustees are by

law authorised to invest or in such other securities as may be authorised by resolution of the Company.

(6) Every gratuity pension or other allowance payment or benefit secured made or granted under this Act shall be payable to or in trust for the servant person widow or dependent to whom the same shall be granted and shall not be assignable or chargeable with the debts or other liabilities of such servant person widow or dependent as the case may be.

(7) If the Company shall under the powers of this Act make any scheme involving contributions by their servants such scheme shall not come into operation until such scheme shall have been registered as the rules of a society under the Friendly Societies Act 1896 and any amendment or variation of such scheme shall not be valid until so registered and the provisions of that Act (except the proviso to subsection (1) of section 8 and section 41) so far as they are applicable and are not inconsistent with the provisions of this Act shall apply (*a*) as if such scheme were the rules of a society to which the said Act of 1896 applies (*b*) as if the Company were the trustees of such society (*c*) as if the benefit fund were the funds of such society and (*d*) as if persons contributing to and participating in the benefit of such fund were the members of such society.

Power to take licences for use of patents.

90. The Company may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production manufacture utilisation or distribution of gas or materials used in or resulting from the manufacture of gas or any residual products thereof but not so as to acquire any exclusive right to the working using exercising or putting in practice of any such invention.

Authentication and service of notices by Company.

91. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary of the Company or other officer of the Company for the time being authorised by the directors thereof being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas or gas fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in writing or in print or by a stamp and any such notice may be

A.D. 1917.

served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Receipt in case of persons not sui juris.

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

Recovery of demands.

93. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of penalties &c.

94. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Several sums in one summons.

95. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Crown rights.

96. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Saving as to general Acts.

97. Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

A.D. 1917.

Copy of Act to be registered.

98. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

Company not to oppose application by Kenilworth Urban District Council to purchase.

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

(2) If the council obtain an Act authorising such purchase they shall give notice of their intention to purchase within three months after the passing of such Act and thereupon the Company shall sell and transfer and the council shall purchase the undertaking of the Company free from all their then existing debentures mortgages and liabilities.

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

A.D. 1917.

council and the expression "lands" shall mean the undertaking of the Company Provided that the arbitrators or umpire shall not in settling such amount have regard to the fact that the Company have obtained this Act.

(4) In addition to the sum to be paid by the council to the Company under the foregoing provisions of this section the council shall pay to the Company the actual costs charges and expenses of obtaining this Act and the costs charges and expenses incurred by them of and incident to the winding up of the Company.

(5) The council shall also pay compensation to the directors (including the managing director) of the Company and to any officers and servants in the regular employment of the Company who shall not be retained by the council in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the Company at the passing of the Act authorising the purchase of the undertaking of the Company in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertaking of the Company to the council the amount of such compensation in default of agreement to be determined by arbitration.

(6) The Company shall not except with the consent of the council raise any capital in pursuance of this Act prior to the twentieth day of November one thousand nine hundred and seventeen and if the council shall give notice of such Bill as aforesaid in October or November one thousand nine hundred and seventeen the Company shall not raise any capital in pursuance of this Act during the promotion of such Bill save what is necessary for completing and carrying on the undertaking and to satisfy existing obligations.

(7) The expression "the undertaking of the Company" includes all the gasworks engines mains pipes and machinery lands and buildings plant fixed and movable and all other the real and personal property and assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking of the Company to the council except cash in hand or with their bankers book debts received or due on credit or revenue account and except any profits then to be divided and except the books and papers relating exclusively to the shareholders in and the constitution of the

Company and also except movable stock-in-trade gas coal and other stores which shall be taken over by valuation at the date of the transfer. A.D. 1917.

100. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue. Costs of Act.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Description of Gas Lands.

First.—All that piece or parcel of land situate on the northern side of Dalehouse Lane in the urban district of Kenilworth in the county of Warwick belonging to the Limited Company and occupied in part by the existing gasworks of the Limited Company and the residence of the works manager containing in the whole by admeasurement 1 acre and 31 perches or thereabouts and which piece or parcel of land comprises the enclosures numbered 482 and 483 on the $\frac{1}{2500}$ Ordnance map Warwickshire sheet xxvi 10 (second edition 1905).

Secondly.—All that piece or parcel of land situate on the southern side of Dalehouse Lane aforesaid in the said urban district of Kenilworth belonging to the Limited Company and containing in the whole by admeasurement 2 acres 1 rood and 35 perches or thereabouts and being the enclosure numbered 481 on the $\frac{1}{2500}$ Ordnance map Warwickshire sheet xxvi 10 (second edition 1905).

SECOND SCHEDULE.

Regulations as to Nominations by Persons in the employment of the Company to transfer Stock &c. and as to payment of Deposits of deceased Depositors.

1. In these regulations "the Company" means the Kenilworth Gas Company "directors" and "secretary" mean the directors and the secretary of the Company "stock" means and includes stock of the Company "appointor" means any person entitled to make a nomination under the provisions of the section of the Kenilworth Gas Act 1917 the marginal note whereof is "Persons in employment of Company may nominate others to transfer stock &c. held by such persons" and "deposits" has the meaning given thereto in the same section.

A.D. 1917.

2. Every such nomination shall be in writing and shall be signed by the appointor in the presence of a witness and shall be sent by post or otherwise to the secretary during the lifetime of the appointor The receipt of every such nomination shall be acknowledged by the secretary.

3. Every such nomination shall be in the form prescribed by the directors which may be obtained from the secretary.

4. Every such nomination shall be registered by the secretary.

5. Any such nomination may be revoked by the appointor by writing under his hand signed in the presence of a witness.

Any such revocation shall be sent by post or otherwise to the secretary during the lifetime of the appointor and shall be registered by the secretary in like manner as in the case of a nomination The receipt of every such revocation shall be acknowledged by the secretary.

6. A nomination may relate to the whole of the stock and deposits standing in the name of an appointor or to part only of such stock and deposits.

7. Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which an appointor is entitled at the time of his decease but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

8. A nomination may be in favour of one person or of several persons and in the latter case may direct that the stock shall be registered in the name of and that the deposits shall be paid to one or more of the persons named in the nomination or that the persons named in such nomination may be registered as owners of the stock and may take the deposits or any of them respectively in specified shares or may give directions to both effects.

9. No person who witnesses the signature of an appointor to a nomination shall take any benefit under such nomination.

10. Where the value of the stock and deposits belonging to an appointor at the time of his decease does not exceed in the whole the sum of one hundred pounds the directors shall subject to the provisions of these regulations as to duty transfer such stock and pay such deposits to the persons named in the nomination made by the appointor and in force at the time of his death according to the directions of such nomination and the receipt of any person so named shall be a good discharge to the directors for the sum so paid notwithstanding such person has not attained the age of twenty-one years if such person has attained the age of sixteen years.

11. If upon the decease of an appointor the value of the stock and deposits belonging to him or to his estate exceed one hundred

pounds the nomination shall take effect subject to the provisions of these regulations as to duty as regards any stock or deposits to which the same relates not exceeding one hundred pounds in like manner as if it were a will of the deceased appointor duly executed but shall not take effect in any other manner and a nomination shall not in such case be deemed void because the appointor was a minor at the time such nomination was made.

In any such case as last aforesaid the directors may subject to the provisions of this regulation transfer any stock and pay any deposits to which a nomination relates not exceeding in the aggregate one hundred pounds according to the directions of such nomination notwithstanding the production of probate of the will of a deceased appointor or letters of administration to his estate.

12. Where any person nominated to receive any stock or deposits on the death of an appointor is an infant under the age of sixteen years and it is proved to the satisfaction of the directors that funds are urgently needed for the maintenance education or benefit of such infant the directors may transfer or pay the stock or deposits mentioned in the nomination or any part thereof to any person who may satisfy the directors that he will apply such money for the maintenance education or benefit of such infant and the receipt of such person shall be a good discharge to the directors for the amount so paid.

13. The directors may require proof to their satisfaction of the decease of an appointor.

14. Where the value of the stock and deposits belonging to an appointor at the time of his decease do not altogether exceed one hundred pounds exclusive of interest and probate of the will of such appointor or letters of administration to his estate and effects is not or are not produced within such time as the directors think reasonable if such appointor has made no nomination and so far as any nomination does not extend the directors may subject to the provisions of these regulations as to duty without requiring probate of the will or letters of administration of the estate and effects of the deceased appointor in their discretion register such stock in the name of and pay or distribute the amount so due as aforesaid to or among any of the persons hereinafter described or indicated (that is to say):—

(1) Any person who has paid the funeral expenses of the appointor:

(2) The widow of the appointor:

(3) The persons entitled to the effects of the appointor according to the statutes of distribution:

(4) Any person undertaking to maintain the children of the appointor:

(5) The solicitor to the Treasury if the appointor being illegitimate dies intestate leaving no widow or issue.

A.D. 1917.

15. If the total property of any deceased appointor exceeds one hundred pounds after deduction of debts and funeral expenses any stock or deposits which may under these regulations be transferred or paid otherwise than to the legal personal representative of the appointor shall notwithstanding such transfer or payment be for the purposes of estate duty treated as passing under the will or intestacy of the deceased appointor.

The directors shall before transferring or paying any stock or deposits standing to the credit of a deceased appointor to anyone but the legal personal representative of such deceased appointor require a declaration by the claimant or one of the claimants or other the person to whom the directors see fit to make such payment or to transfer such stock that the total estate of the deceased appointor including the amount of such moneys or stock does not after deduction of debts and funeral expenses exceed the value of one hundred pounds.

In every such case as aforesaid where the total estate of the deceased appointor including such stock and deposits but after deduction of debts and funeral expenses exceeds one hundred pounds the directors shall before making any transfer or payment as aforesaid to any person other than the legal personal representative of the deceased appointor require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the succession or legacy duty payable in respect of such stock or deposits or of a certificate stating that no succession or legacy duty is payable.

16. The receipt of any of the persons mentioned in these regulations shall be a good discharge to the directors for the sum paid and any such receipt may be signed by any widow or next-of-kin above the age of sixteen years notwithstanding that she or he has not attained the age of twenty-one years.

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