CHAPTER lvii.

An Act for incorporating and conferring powers upon the Mid-Kent Gaslight and Coke Company. A.D. 1899

[13th July 1899.]

WHEREAS the construction of gasworks and the affording of a proper and sufficient supply of gas to certain parishes in the county of Kent as by this Act provided would be of public and local advantage:

And whereas the persons in that behalf in this Act named with others are willing to construct such gasworks and to provide such supply of gas on being incorporated into a company and on the necessary powers being conferred upon them for that purpose and it is expedient that they be incorporated accordingly and that the powers in this Act contained be conferred upon them:

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

And whereas plans of the lands required or which may be taken for the purposes or under the powers of this Act and a book of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Kent and are in this Act respectively referred to as the deposited plans and book of reference:

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

Short title.

1. This Act may be cited as the Mid-Kent Gaslight and Coke Act 1899.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) Part I. (Cancellation and surrender of shares) and Part III.

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(Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Gasworks Clauses Act 1847 except sections 30 to 34 and the Gasworks Clauses Act 1871 are subject to the provisions of this Act incorporated with and form part of this Act Provided that section 35 of the Gasworks Clauses Act 1847 shall be read and construed as if the words from "in case the whole" down to "have been paid" were omitted therefrom and as though the expression "the prescribed rate" included the rate of dividend authorised by this Act or such rate as reduced or increased in accordance with the provisions of this Act together with any sum which under the provisions of this Act may be carried to the insurance fund.

Interpretation.

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

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

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

Limits of Act.

4. The limits of this Act shall be the parishes of Snodland Birling Leybourne West Malling East Malling Wateringbury Ightham East Peckham West Peckham Wouldham Ryarsh Offham Ditton Stanstead Trottescliffe and Addington all within the Malling Rural District Halling Cuxton Meopham and Luddesdown all within the Strood Rural District Yalding Marden Staplehurst Nettlestead and Teston all within the Maidstone Rural District Headcorn within the Hollingbourne Rural District Kemsing within the Sevenoaks Rural District Wrotham within the Wrotham Urban District Horsmonden within the Tonbridge Rural District and so much of the parishes of Capel Pembury Brenchley and Lamberhurst also within the said Tonbridge Rural District as are not situate within the limits of supply of the Tunbridge Wells Gas Company as defined by the Tunbridge Wells Gas Act 1875 all the said parishes and parts of parishes being situate in the county of Kent Provided always that the Company shall not exercise any of the powers by this Act conferred upon them within the parishes of

Snodland Halling and Birling unless and until the Company shall have acquired the gasworks undertaking of Messrs. C. Townsend Hook and Company Limited.

For protection of Malling Rural District Council.

5. If at any time after the expiration of six years from the commencement of this Act the Company are not furnishing a sufficient supply of gas in accordance with the provisions of this Act in any parish or part of a parish comprised within the district of the Malling Rural District Council the powers by this Act granted to the Company for supplying gas therein shall cease except as to such parishes or parts of parishes within that rural district as are then supplied by the Company.

Company incorporated.

6. Benjamin Thomas Lindsay Thomson Edward Easton Frederick Leonard Ball 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 herein-after mentioned and shall be and are hereby incorporated by the name of "The Mid-Kent Gaslight and Coke Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of Company.

7. The Company shall be established for the purpose of manufacturing storing and supplying gas for lighting heating motive power and other purposes within the limits of this Act and may produce purchase store sell dispose of and deal in gas coke tar pitch asphaltum ammoniacal oil and all other products refuse or residuum arising remaining produced by or resulting or obtained from the manufacture of gas or the materials used therein and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid or any of them and may acquire or take and use any leave licence or authority to work use exercise or put in practice any invention or inventions under any 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 utilisation and distribution of gas the production of coke tar pitch asphaltum ammoniacal liquor and other products from coal and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto (but not so as to acquire any exclusive right to the working use exercising or putting in practice of any such invention or inventions) and generally may carry on any business usually carried on by gas companies or which is or may become incidental thereto and may carry the powers of this Act into execution.

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Capital.

8. The capital of the Company shall be one hundred and forty thousand pounds in fourteen thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

9. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Standard rate of dividend.

11. Except as by this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the rate (in this Act referred to as "the standard rate of dividend") of ten pounds in respect of every one hundred pounds actually paid up of the capital in the undertaking.

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

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

Application of excess of profits over authorised rate of dividend.

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

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

14. Where in any year the dividend of the Company on the ordinary capital of the Company shall exceed the standard rate by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rate on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow.

15. The Company may borrow on mortgage of the undertaking when and as soon as the works authorised by this Act have been completed any sum not exceeding in the whole thirty-five thousand pounds in the manner following (that is to say) When and so soon as thirty-five thousand pounds part of the capital of one hundred and forty thousand pounds shall have been issued and accepted and one half thereof paid up they may borrow on mortgage any sum not exceeding eight thousand seven hundred and fifty pounds and when the further sum of thirty-five thousand pounds part of the said capital of one hundred and forty thousand pounds shall have been issued and accepted and one half thereof paid up they may in like manner borrow any further sum not exceeding eight thousand seven hundred and fifty pounds and when the further sum of thirty-five thousand pounds part of the said capital of one hundred and forty thousand pounds shall have been issued and accepted and one half thereof paid up they may in like manner borrow any further sum not exceeding eight thousand seven hundred and fifty pounds and when the further sum of thirty-five thousand pounds being the remainder of the said capital of one hundred and forty thousand pounds shall have been issued and accepted and one half

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thereof paid up they may in like manner borrow any further sum not exceeding eight thousand seven hundred and fifty pounds but no part of the said sums of eight thousand seven hundred and fifty pounds respectively shall be borrowed until the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

16. 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 five hundred pounds in the whole.

Debenture stock.

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

Priority of mortgages and debenture stock over other debts.

18. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or

engagements entered into by them Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

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

Ordinary meetings.

20. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held once in every year at such time as shall be appointed for that purpose by an order of a general meeting.

Number of directors.

21. 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 or less than three.

Qualification of directors.

22. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum.

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

First directors.

24. Benjamin Thomas Lindsay Thomson Edward Easton Frederick Leonard Ball and three other persons to be nominated by them or the majority of them and consenting to such nomination 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 shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid 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 or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing 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

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persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors need not hold shares.

25. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Receipt in case of persons not sui juris.

26. If any money is payable to a shareholder 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.

Interim dividend.

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

Closing of transfer books previous to declaring interim dividend.

28. 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 in the district within which the Company's principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

Books to be balanced to 31st December.

29. The period to which the books of the Company shall be balanced shall be the thirty-first day of December in each year.

Power to acquire lands.

30. Subject to the provisions and for the purposes of this Act the Company may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and described in the Schedule A hereto.

For protection of South-Eastern and London Chatham and Dover Railway Companies.

31. For the protection of the South Eastern Railway Company and the London Chatham and Dover Railway Company (in this section respectively referred to as "the railway company") the following provisions shall apply and have effect (that is to say):—

(*a*) Before laying down or executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used by the railway company and before entering upon the said railways lands and property the

Company shall (except in case of emergency) give at least one month's notice in writing to the railway company of their intention so to do and shall before such entry on the said railways lands and property for the purposes aforesaid or any of them obtain the written consent of the railway company under the hand of their principal engineer for the time being and where any such work is done in a case of emergency notice shall be given by the Company forthwith to the railway company :

(*b*) In laying down altering improving enlarging extending or renewing or in executing or effecting the repairs of any such works as aforesaid upon across over under or in any way affecting the railways lands and property 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 said railways respectively the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the railway company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in the event of such engineer failing to signify his approval or disapproval or to give other directions within twenty-eight days after the submission of such plans as aforesaid in such manner as shall unless otherwise agreed be determined by arbitration :Provided that nothing herein contained shall authorise the Company to occupy or use permanently with their works the surface of any land or property of the railway company :

(*c*) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the railway company's engineer the roads over any 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 :

(*d*) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon :

(*e*) If any injury to such railways bridges level crossings approaches viaducts stations works lands or property of the railway company or interruption to the passage or conduct of

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traffic shall arise from or in any way be owing to any of the works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes or works in under or near to any bridges or level crossings of the railway company the Company shall make compensation to the railway company in respect thereof the amount of such compensation to be determined by arbitration in the manner herein-after provided:

(*f*) The Company shall acquire such an easement across or under any of the railways works or property of the railway company as may be necessary for constructing and maintaining any of their works and shall pay to the railway company for any such easement to be so acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands:

(*g*) 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 any works to be carried out in pursuance thereof shall save as otherwise in this section provided be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the railway company.

For protection of Conservators of River Medway.

32. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the bed soil banks or foreshore of the River Medway or any arms creeks streams or indraughts of the said river without the previous licence of the Conservators of the River Medway neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights interests privileges liberties powers or authorities vested in or enjoyed or exercisable by the said Conservators under the Medway Conservancy Act 1881 or otherwise.

For protection of Kent County Council.

33. Any alteration repair or improvement of any of the bridges or roads repairable by the county council of Kent or any alteration of or in the position of the same may be made as if this Act had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Act authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates any support either temporary or permanent to any such works the Company shall after fourteen days notice in

writing by the county surveyor on behalf of the said county council forthwith make such alteration or afford such support at their own expense.

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

34. If any omission misstatement or wrong description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Company may apply to two justices for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction.

If it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or wrong description and such certificate shall be deposited with the clerk of the peace for the county of Kent.

The certificate shall be kept by the clerk of the peace with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Company may enter on take hold and use those lands accordingly.

Period for compulsory purchase of lands.

35. The powers of the Company for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers as to construction and maintenance of gasworks &c.

36. Subject to the provisions of this Act the Company may on the lands described in the schedule to this Act erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers manufactories condensers scrubbers exhausters purifiers gasholders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly.

Acquisition of undertakings of other companies.

37. The Company may by agreement purchase or acquire the existing works and mains of any person or body of persons now supplying gas within the limits of this Act without being possessed of statutory powers together with all or any gasworks gasometers retorts receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences belonging to any such person or persons and any lands buildings estates rights privileges or easements whatsoever

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relating to or affecting such gasworks at such price and upon and subject to such terms and conditions as may be agreed and from and after such purchase or acquisition the provisions of this Act shall apply to the lands works and mains herein authorised to be purchased or acquired but the Company shall not exercise upon such lands the powers conferred upon them by the section of this Act whereof the marginal note is "Powers as to construction and maintenance of gasworks &c."

Power to purchase lands by agreement.

Gas not to be manufactured except on lands scheduled.

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

Prescribed period for sale of lands.

39. The prescribed period for the sale of superfluous lands within the meaning of section 127 of the Lands Clauses Consolidation Act 1845 shall be ten years from the passing of this Act.

Power to supply gas apparatus &c. for heating motive and other purposes.

40. The Company may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Company as may be agreed upon between the Company and the person to or for whom the same are sold supplied let fixed set up altered or removed The meters fittings engines stoves ranges pipes and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be used nor to be taken in execution under any process of a court of law or

equity or any proceedings in bankruptcy against the persons in whose possession the same may be:

Provided that such engines stoves ranges pipes fittings apparatus appliances articles and things have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Dividend dependent on price charged.

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

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

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

Pressure of gas.

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

Quality of gas.

43. The prescribed number of candles shall be fifteen.

Testing place.

44. Within twelve months from the passing of this Act a testing place shall be provided at some convenient part of the gasworks of the Company.

Burner.

45. The prescribed burner shall be Sugg's London Argand burner number one with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

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

46. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of four per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

No penalty in case of unavoidable cause.

47. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was caused by an unavoidable cause or accident Provided that the want of sufficient funds shall not be held to be an unavoidable cause or accident.

Company may contract with local authority and others for supply in bulk.

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

Power to apply for a Provisional Order to supply electricity.

49. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 or any other Act for the time being in force with respect to the supply of electricity make application for a Provisional Order or licence to produce and supply electricity for public and private purposes and may apply their funds for the purpose of such application and for the purpose of carrying into effect the provisions of any such Provisional Order or licence granted to the Company.

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

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

Gas consumers to give notice to Company before removing.

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

Notice of discontinuance.

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

Period of error in defective meters.

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

Dwelling-houses for persons in Company's employ.

54. The Company may maintain and erect dwelling-houses for persons in their employ upon the lands for the time being belonging to or leased by the Company.

Power to inspect gas *fittings* in new buildings.

55. Every person intending to lay down or fix any pipes or other fittings for the distribution or supply of gas by the Company in any new building within the limits of this Act and which are intended to be covered over shall before such pipes or fittings be covered over give to the Company twenty-four hours notice in writing specifying the situation of such building and any officer of the Company duly appointed for that purpose may before the expiration of such notice enter such building between the hours of ten in the forenoon and four in the afternoon and inspect such pipes and fittings and may by order in writing prohibit any such as by reason of improper arrangement inferior workmanship or insufficiency in size or material will in the opinion of such officer be dangerous by allowing the escape of gas or be insufficient to ensure a satisfactory supply of gas to such building and if any person shall fail to give such notice as aforesaid or shall refuse entry to such officer into such building within the time and for the

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purpose aforesaid or shall prevent him from making such inspection or shall not to the reasonable satisfaction of such officer make such alteration in the pipes and fittings as he may reasonably require the Company shall not be bound to furnish to such person a supply of gas for such house building or premises Provided that any person deeming himself aggrieved by any order made under this section may appeal to two justices sitting in petty sessions within seven days after the date of the said order Notice of the provisions of this section shall be given by advertisement published three times in one and the same newspaper circulating within the limits of this Act.

Confirming agreement with C. Townsend Hook and Company Limited.

56. The agreement made between C. Townsend Hook and Company Limited of the one part and Benjamin Thomas Lindsay Thomson and Frederick Leonard Ball of the other part a copy of which is set forth in the Schedule B to this Act is hereby confirmed and made binding according to the terms and conditions thereof upon the parties thereto and full effect shall be given thereto as if the Company were parties instead of the parties thereto of the second part and as if the same was under the seal of the Company :

Provided always that any purchase which may be carried out in pursuance of the said scheduled agreement shall be evidenced by a deed of conveyance duly stamped and such deed shall within three months from the date of purchase be produced to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of sale to the date of payment shall be recoverable from the Company.

Restriction on taking houses of labouring class.

57. The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses under the powers of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

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

Application of penalties.

58. Every penalty imposed by this Act or by any regulation made under this Act shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Costs of Act.

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

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

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

The lands referred to are situate in the parish of Snodland in the county of Kent and are as follow :—

A field containing 3·013 acres or thereabouts numbered 162 on the 1-2500 scale Ordnance map (second edition 1897) of the said parish belonging or reputed to belong to Agnes Darlington Hook and Maud Midsummer Hook now in the occupation of William Haymen bounded on the north by two fields numbered 161 and 164 respectively on the said Ordnance map belonging or reputed to belong to William Henry Roberts on the west by the North Kent Branch of the South Eastern Railway on the east by a portion of the foreshore of the River Medway numbered 163 on the said Ordnance map and the River Medway and on the south by a field numbered 141 on the said Ordnance map and belonging or reputed to belong to the said Agnes Darlington Hook and Maud Midsummer Hook and in the occupation of Thomas Wooden.

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All that portion of the foreshore of the River Medway herein-before described containing 0·292 acres or thereabouts and numbered 163 on the said Ordnance map bounded on the west by the field herein-before described numbered 162 on the said Ordnance map and on the east by the River Medway.

A field containing 2·543 acres or thereabouts numbered 141 on the said Ordnance map belonging or reputed to belong to the said Agnes Darlington Hook and Maud Midsummer Hook now in the occupation of Thomas Wooden bounded on the north by the field firstly herein-before described on the east by the River Medway on the west by the road or lane or path leading from Holborough to Snodland and on the south by certain land belonging or reputed to belong to the said Agnes Darlington Hook and Maud Midsummer Hook and in the occupation of the said Thomas Wooden.

SCHEDULE B.

AN AGREEMENT made the fourteenth day of March one thousand eight hundred and ninety-nine between C. Townsend Hook and Company Limited paper and gas manufacturers whose registered offices are at Snodland Kent (herein-after called "the vendors") of the one part and Benjamin Thomas Lindsay Thomson of 117 North Side Clapham Common engineer and Frederick Leonard Ball of Malling Kent secretary to a public company for and on behalf of the proposed company herein-after mentioned (herein-after called "the purchasers") of the other part.

WHEREAS the purchasers are promoting in the present session of Parliament a Bill entitled the Mid-Kent Gas Bill and are proposing to include the parishes of Snodland Halling and Birling within the limits of supply and to erect new gasworks on the lands in Snodland scheduled And whereas the vendors are by virtue of their Provisional Order dated the twenty-fourth day of July one thousand eight hundred and eighty-eight the undertakers for the supply of gas to the said parishes:

(1) Now the vendors agree with the purchasers (in consideration of their agreement herein contained and subject to the provisos herein-after contained) that they the vendors shall sell and the purchasers shall purchase within six calendar months after the Bill entitled the Mid-Kent Gas Bill proposed to be introduced into Parliament in the session of 1899 (herein-after called "the Bill") shall have received the Royal Assent and subject and provided that within the said period of six months not less than forty thousand pounds of the capital of the Mid-Kent Gas Company shall have been applied for and duly paid up all that the gas undertaking of the vendors at and in the parish of Snodland and adjoining parishes

in the county of Kent with the mains plant machinery meters and other assets connected therewith including all books connected with the said undertaking and the benefit of all agreements between the vendors and their customers together with the right for the purchasers and their assigns to use rent free the holders retorts purifiers and other plant of the vendors' gasworks until the purchasers or their assigns erect new works for such purpose and then to remove such holders retorts purifiers and plant (provided such new works are erected within a reasonable period) and with meantime uninterrupted right of way for horses and carriages to the vendors' gasworks to and from the highway adjoining And also all rights and benefits under all Acts of Parliament (if any) and Provisional Orders relating to the said undertaking of the vendors at or for the sum of twenty-five thousand pounds on the terms herein-after appearing And the vendors agree with the purchasers that on the completion of the purchase within the time limited as aforesaid the vendors will transfer the whole of their gas plant and machinery to the purchasers or their assigns and will not establish other gasworks in the parish of Snodland aforesaid nor any adjoining parish thereafter.

(2) And the purchasers hereby agree with the vendors (in consideration of their agreement herein-before contained) that they the purchasers will (subject as aforesaid and to the provisos hereafter contained) purchase the whole gas undertaking of the vendors excepting land and buildings and will pay the vendors the said sum of twenty-five thousand pounds in cash within six months from the date of the Royal Assent being given to the Bill.

(3) Provided always and this agreement is made and entered into on the express condition that a clause shall be (subject to the approval of Parliament) inserted in the Bill and become part of the Act thereby sought to be obtained whereby any of the powers thereby conferred on its promoters shall not be operative in the parishes of Snodland Halling and Birling in the county of Kent unless and until the promoters have acquired and paid for all the said rights of the vendors.

(4) Provided always and this agreement is made on the express understanding and condition that if the said Bill shall not receive the Royal Assent or if the said forty thousand pounds capital of the Mid-Kent Gas Company shall not be applied for and paid up within six months of the Bill receiving the Royal Assent this agreement shall determine and no claim for specific performance thereof or for damages for breach thereof shall be made by the vendors against the purchasers or their assigns or by the latter against the former.

(5) The purchasers shall use their best endeavours to procure this agreement to be confirmed by Parliament in the said Bill now being promoted by them as before mentioned Upon the said Bill receiving the Royal Assent any personal liability which this agreement or any clause herein would otherwise throw on the purchasers or either of them shall wholly cease and determine.

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(6) Provided always that this agreement is made subject to such alterations as Parliament may think fit to make herein but if the Committee on the Bill make any material alteration herein it shall be competent to any party hereto to withdraw the same In witness whereof the said parties to these presents have hereunto set their hands and seals and the Company has hereunto caused its common seal to be affixed the day and year first above written.

The common seal of the above-named Company was hereunto affixed in the presence of

HENRY PACKHAM
T. M. DUNSTER } Directors.

L.S.

A. W. WOODBURN Secretary.

C. T. HOOK & CO. LTD.
Snodland Kent.
B. T. L. THOMSON.
F. L. BALL.

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