



### CHAPTER lxxviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Brownhills and District Gas Builth Wells Gas Chertsey Gas Cranleigh Gas and Llanidloes Gas. A.D. 1910.  
[3rd August 1910.]

**W**HEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.  
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas the limits of supply as defined by the Brownhills and District Gas Order 1910 by this Act confirmed include the parish of Shireoak within which the Lichfield Gas Company is by the Lichfield Gas Act 1878 authorised to supply gas but the Lichfield Gas Company have not in fact supplied gas within the said parish and it has been agreed between the Lichfield Gas Company and the Undertakers for the purposes of the said Order that the said Undertakers shall be authorised by the said Order to supply gas therein and that so much of the Act aforesaid as authorises the Lichfield Gas Company to supply gas therein shall be repealed:

And whereas it is expedient that provision should be made with regard thereto in manner herein-after appearing:

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

[Ch. lxxviii.] *Gas Orders Confirmation (No. 1) Act, 1910.* [10 EDW. 7 & 1 GEO. 5.]

A.D. 1910.

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

Short title.

1. This Act may be cited as the Gas Orders Confirmation (No. 1) Act 1910.

Confirmation of Orders in schedule.

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

Amendment of Lichfield Gas Act 1878 41 & 42 Vict. c. cxxxv.

3. So much of the Lichfield Gas Act, 1878 as authorises the Lichfield Gas Company to supply gas in the parish of Shireoak is hereby repealed and from and after the passing of this Act all the powers duties and obligations of the said Company with reference to the supply of gas in the said parish of Shireoak shall absolutely cease and determine and the Act aforesaid shall be read and construed accordingly and the Brownhills and District Gas Order 1910 shall have as full validity and effect as if the said parish had never been included within the limits within which the said Company were by the Act aforesaid authorised to supply gas.

SCHEDULE.

---

A.D. 1910.

LIST OF ORDERS.

---

**BROWNHILLS AND DISTRICT GAS.**—Order empowering the Ogley Hay and Brownhills Gas Company Limited to maintain and continue their existing gasworks at Walsall Wood and to construct and maintain further works and to manufacture store and supply gas to and within the urban district of Brownhills and certain parishes and places all in the county of Stafford.

**BUILTH WELLS GAS.**—Order empowering the Builth Gas and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the urban district of Builth Wells and the parishes of Llanddewir Cwm and Rhosferig in the county of Brecknock and the parish of Llanelwedd in the county of Radnor and for other purposes.

**CHERTSEY GAS.**—Order empowering the Chertsey Gas Consumers' Company (Limited) to raise additional capital and for other purposes.

**CRANLEIGH GAS.**—Order empowering the Cranleigh Gas and Coke Company (Limited) to construct and maintain further works for the manufacture and storage of gas and to raise additional capital and for other purposes.

**LLANIDLOES GAS.**—Order empowering the Llanidloes Gas Coal and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the borough of Llanidloes in the county of Montgomery.

A.D. 1910.

BROWNHILLS AND DISTRICT GAS.

*Brownhills  
and District.*

*Order empowering the Ogley Hay and Brownhills Gas Company Limited to maintain and continue their existing gasworks at Walsall Wood and to construct and maintain further works and to manufacture store and supply gas to and within the urban district of Brownhills and certain parishes and places all in the county of Stafford.*

Short title.

1. This Order may be cited as the Brownhills and District Gas Order 1910.

Commence-  
ment of  
Order.

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

Incorpora-  
tion of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order. Provided that section thirteen of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company" shall be alike in terms and amount under like circumstances to all "consumers" were added at the end of that section. And the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Interpreta-  
tion.

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

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Norton-under-Cannock (except that part of the parish of Norton-under-Cannock coloured red on a plan identified by the signatures of Walter Mellor Bell on behalf of the Undertakers and Henry Gibbon Pritchard on behalf of the Cannock Gas Company Limited a copy of which plan has been deposited in the Parliament Office House of Lords and one copy has been retained by the Undertakers and the Cannock Gas Company respectively) Ogley Hay Shireoak and Walsall Wood (except that part of the parish of Walsall Wood known as Shelfield which is shown and coloured red on a plan identified by the signatures of Thomas Berridge on behalf of the Undertakers and John Richmond Cooper on behalf of the mayor aldermen and burgesses of the borough of Walsall and deposited at the Private Bill Office of the House of Commons) all within the urban district of Brownhills in the county of Stafford.

A.D. 1910.  
—  
*Brownhills  
and District.*  
Limits of  
Order.

*Undertakers.*

6. The Ogley Hay and Brownhills Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

*Capital.*

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

Capital.

8.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

Additional  
capital to be  
sold by auc-  
tion or  
tender.

(2) All 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 Undertakers shall determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply and to the committee of the London Stock Exchange at

A.D. 1910.

*Brownhills  
and District.*

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 by the directors of the Undertakers and notice thereof shall be sent by the Undertakers 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 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 Undertakers 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 offered at the reserve price to the holders of ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided that in case of an offer to holders of shares or stock 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 the foregoing provisions of this section and are not sold shall 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount

obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

A.D. 1910.

*Brownhills  
and District.*

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application  
of money.

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

Limits of  
dividend on  
capital.

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

Dividends on  
different  
classes of or-  
dinary shares  
to be paid  
proportion-  
ately.

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

Limit of  
borrowing  
powers.

#### *Purchase of Lands.*

13. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require Provided that they shall

Power to  
purchase  
additional  
land by  
agreement.

A.D. 1910. not at any time hold for such purposes more than five acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

*Brownhills and District.*

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

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

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

Power to supply gas fittings  
Fittings not to be subject to distress.

15.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges for 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 any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Power to take licences for use of patents.

16. The Undertakers may subject to the provisions of this Order but only for the purposes of the undertaking within the limits of



supply and not so as to acquire any exclusive right therein contract for take and use any leave licence or authority to work use exercise or put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

A.D. 1910.  
*Brownhills  
and District.*

17. The Undertakers may contract with any local authority company or persons supplying 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 shall be agreed upon but nothing in this section shall authorise the Undertakers to lay any main or interfere with any street beyond the limits of supply.

Power to con-  
tract for sale  
of gas in bulk.

18. The notice required to be given by section 8 of the Gasworks Clauses Act 1847 and the plan to be approved under section 9 of the same Act before breaking up any streets for the purpose of laying pipes shall with respect to any roads under the control or management of the Brownhills Urban District Council be given to and approved by the surveyor of the said council and the work referred to in such notice and plan shall be executed to the reasonable satisfaction of such surveyor whose proper expenses in connexion therewith shall be paid by the Undertakers.

For protec-  
tion of dis-  
trict roads.

19. The following provisions for the protection of the county council of the administrative county of Stafford (in this section referred to as "the county council") shall have effect as regards all new works carried out by the Undertakers under the powers of this Order and as far as applicable as regards the alteration improvement enlargement extension renewal or reconstruction of existing works unless otherwise agreed between the Undertakers and the county council (that is to say):—

For pro-  
tection of  
Staffordshire  
County  
Council.

(1) All mains pipes and works to be laid in or along any main road or in or upon or across any county or main road 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 main road or any county or main road bridge be not less than fourteen clear days instead of three clear days:

[Ch. lxxviii.] *Gas Orders Confirmation (No. 1)* [10 EDW. 7 &  
Act, 1910. I GEO. 5.]

A.D. 1910.

*Brownhills  
and District.*

- (3) The plan required by section 9 of the last-mentioned Act shall as regards any county or main road bridge be on a scale of not less than four feet to an inch and in respect of any main road or bridge approach on a scale of not less than  $\frac{1}{2500}$  and such plans shall be accompanied by sections to suitable scales to clearly show the proposed works and shall be delivered to the county council or their surveyor by the Undertakers not less than in the case of a bridge fourteen days and in all other cases seven days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or other property of the county council for the purpose of executing the works :
- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the county council. Such consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :
- (5) Nothing in this Order shall interfere with the right of the county council to alter the level of or deviate drain widen reconstruct or improve in any manner they think fit any main road in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall with all convenient speed 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 by arbitration in the manner herein-after prescribed and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation improvement or other work of the county council. Provided that during the alteration deviation draining widening reconstruction or improvement of such main road the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes or works along the main road so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes :
- (6) Nothing in this Order shall interfere with the right of the county council at any time or times to remove alter widen raise or rebuild any county or main road bridge or the

approaches thereto over near or attached to which any mains pipes or works of the Undertakers are carried in the same manner as they might have removed altered widened raised or rebuilt such bridge or the approaches thereto if this Order had not been passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement and in the event of any such bridge or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered widened raised or rebuilt as aforesaid the Undertakers shall at their own cost in all things alter the position of any works by which such mains pipes or works are carried over or near or attached to such bridge or the approaches thereto as aforesaid. Provided that during the removal alteration widening raising or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:

A.D. 1910.  
*Brownhills  
and District.*

- (7) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto and the Undertakers shall not break up at any one time a greater length than one hundred yards of any main road:
- (8) The Undertakers shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main road or of the road over any county or main road bridge or the approaches thereto in which the mains pipes or other works of the Undertakers are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration and renewal or repair of the said mains pipes or other works:
- (9) Where any mains pipes or other works of the Undertakers are to be laid or constructed beneath the surface of any main road or county or main road bridge the same shall if possible be laid or constructed at such a depth that not less than two feet six inches shall intervene between the

A.D. 1910.

*Brownhills  
and District.*

surface of such road or bridge and the upper surface of such mains pipes or works Any difference as to the possibility of so laying or constructing any such mains pipes or works shall be determined by arbitration as hereinafter in this section provided:

(10) If the Undertakers in the execution of any works in or affecting any such road or bridge as aforesaid shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the county council after fourteen days' notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works reasonably necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence:

(11) The county council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works belonging to the Undertakers through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance:

(12) If any difference arises at any time between the county council and the Undertakers touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by the arbitration of an engineer to be agreed upon between the county council and the Undertakers and failing agreement to be appointed by the Board of Trade on the application of either party and the Arbitration Act 1889 shall apply to the arbitration.

20. In executing the works by this Order authorised where the same will cross over or under or otherwise affect any railway or any part of the works or property of the Midland Railway Company (hereinafter called "the Midland Company") the Undertakers shall (except so far as it may be otherwise agreed between the Midland Company and the Undertakers) be subject to the following conditions:—

(1) All works to be executed by the Undertakers in the exercise of the powers conferred by this Order shall be executed

For protection of  
Midland  
Railway  
Company.

under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference to and by an arbitrator appointed in pursuance of this section. Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Undertakers of his objections thereto he shall be deemed to have approved thereof:

A.D. 1910.  
*Brownhills  
and District.*

- (2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Undertakers notice that they desire themselves to construct so much of the works as will affect cross over or under any railway or work belonging to them the Midland Company may themselves execute such works and recover the reasonable costs thereof from the Undertakers:
- (3) All works which the Undertakers may execute under this section shall be so constructed as to cause no avoidable injury to the railways works and property of the Midland Company or avoidable interruption to the passage or conduct of traffic over the same and if in consequence of the execution of such works any injury be caused to the said railways works and property or any interruption be caused to the said traffic the Undertakers shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration:
- (4) The Undertakers shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that company during the execution of any work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Undertakers and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Undertakers or their contractors:
- (5) Any dispute or difference which may arise between the Midland Company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the

A.D. 1910.

*Brownhills  
and District.*

For pro-  
tection of  
Brownhills  
Urban Dis-  
trict Council.

Board of Trade on the application of the Midland Company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

21. For the protection of the Brownhills Urban District Council (in this section called "the council") the provisions contained in the section of this Order the marginal note whereof is "For protection of Staffordshire County Council" shall extend and apply as though the council were expressly referred to in the said section and as if the council were substituted for the county council and the surveyor of the council for the county surveyor and as if roads or streets and bridges vested in and repairable by the council were respectively substituted for main roads and county bridges.

For pro-  
tection of  
London and  
North West-  
ern Railway  
Company.

22. The following provisions for the protection of the London and North Western Railway Company (herein-after referred to as "the railway company") shall be in force and have effect:—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by 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 plans submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which 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 Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of 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 of such mains pipes or works under or near to any bridge or level crossing the Undertakers shall make compensation in respect thereof to the railway company the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

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

A.D. 1910.  
*Brownhills  
and District.*

23. For the protection of the Company of Proprietors of the Birmingham Canal Navigation (in this section called "the canal company") the following provisions shall apply:—

For protec-  
tion of Com-  
pany of Pro-  
prietors of  
Birmingham  
Canal  
Navigation.

(1) In the exercise of any of the powers of this Order and the Acts incorporated therewith or any of them relating to the execution of works the Undertakers shall not in any way injure or interfere with any canal reservoir lock aqueduct bridge culvert feeder towing-path embankment work or property of the canal company and shall not in any way impede the navigation of any canal of that company or the traffic to from or along the same or any towing path adjoining thereto without in either case the previous written consent of that company:

(2) If and whenever the Undertakers shall require to place or alter any pipe or pipes or other work over under through across by the side of or upon any bridge or works belonging to the canal company such work shall be executed to the reasonable satisfaction of the engineer of the canal company and at the expense in all things of the Undertakers who shall also at the like expense and to the like satisfaction make good and repair so much of the roadway or pavement over such bridge or the approaches thereto as may be interfered with by the Undertakers and except by accident or sudden emergency the work shall be executed according to plans previously submitted to and reasonably approved by the engineer of the canal company:

(3) If and so often as at any time hereafter the canal company shall have occasion to repair raise rebuild or alter any existing bridge aqueduct culvert or work belonging to them upon over under through across or by the side of which any pipe or pipes may be carried or laid by the Undertakers any alteration of such pipe or pipes that may in the opinion of the engineer for the time being of the canal company be necessary for repairing raising rebuilding or altering of any existing bridge aqueduct culvert or work shall be made and the pipe or pipes shall be replaced

A.D. 1910.

*Brownhills  
and District.*

by and at the expense of the Undertakers but no such repairing raising rebuilding or altering shall be commenced except in cases of emergency until one month after notice of the intention of the canal company in that behalf shall have been given by the canal company to the Undertakers and if the Undertakers fail or neglect to alter such pipe or pipes the engineer for the time being of the canal company may make such alterations thereof as he may consider necessary and the canal company may recover from the Undertakers all expenses of and consequent upon such alteration as or by way of ascertained damages together with costs of suit and the canal company shall not be liable to make compensation for any damage loss or injury occasioned by any alteration of such pipe or pipes:

- (4) Except as is herein expressly provided nothing in this Order contained shall prejudice diminish alter or take away any of the rights privileges powers or authorities of or belonging to or vested in the canal company:
- (5) Any dispute or difference which may arise between the canal company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the canal company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection  
of Shropshire  
Worcestershire  
and Stafford-  
shire Electric  
Power Com-  
pany.

24. Nothing in this Order shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

For protec-  
tion of cor-  
poration of  
Walsall.

25. For the protection of the mayor aldermen and burgesses of the borough of Walsall (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

- (1) Where the exercise of the powers of the Undertakers under this Order will involve the placing of any works in or under any street or part of a street in which any of the tramways for the time being belonging to or under the control of the corporation are situate the following provisions



shall have effect unless otherwise agreed between the parties interested:—

A.D. 1910.

*Brownhills  
and District.*

(A) Twenty-one days before commencing the execution of the works the Undertakers shall serve a notice upon the corporation describing the proposed works together with a plan of the works showing the mode and position in which the works are intended to be executed and placed and shall upon being required to do so by the corporation give them any such further information in relation thereto as they desire;

(B) Every such notice shall contain a reference to this section and direct the attention of the corporation to the provisions thereof;

(C) Within fourteen days after the service of any such notice and plan upon the corporation the corporation may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to the works or to any compensation which may be payable in respect thereof and any other question arising upon the notice or plan shall be settled by arbitration and thereupon that question unless settled by agreement shall be determined by arbitration accordingly;

(D) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the corporation may be under in respect of the tramways and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with the tramways traffic so far as may be possible;

(E) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend them (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been

A.D. 1910.

*Brownhills  
and District.*

determined by arbitration as herein-before mentioned or as may be agreed upon between the parties;

(F) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the corporation and the corporation shall have the right by their officers to be present during the execution of the works;

(G) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any of the tramways under which those works have been placed the Undertakers shall unless it is otherwise agreed between the parties or in cases of emergency give to the corporation not less than twenty-four hours' notice before commencing to effect the repair renewal or amendment and the corporation shall be entitled by their officer to superintend the works and the Undertakers shall conform to such reasonable requirements as may be made by the corporation or that officer;

(H) At any time before the Undertakers are entitled to execute the works or to repair renew or amend existing works which will involve alteration of the tramways the corporation may serve notice upon the Undertakers stating that the corporation desire to execute such alterations themselves and thereupon the corporation may execute the alterations at the expense of the Undertakers and such expense shall include any additional cost to which the corporation may be put in consequence of the exercise by the Undertakers of their powers under this Order;

(I) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall make full compensation to the corporation for any loss or damage which they may incur by reason thereof and in addition thereto the Undertakers shall be liable for each default to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds Provided that the Undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances:

Any difference which may arise between the corporation and the Undertakers with reference to the provisions of this

section or in any way arising thereout shall be settled by arbitration by an engineer to be appointed in default of agreement by the Board of Trade upon the application of the corporation and the Undertakers or either of them and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

A.D. 1910.

*Brownhills  
and District.*

(2) Nothing contained in this Order shall lessen or control any right or power now vested in the corporation to supply gas in any place or district in the neighbourhood of the said borough by agreement under or by virtue of section 46 (Power for corporation to supply gas in the neighbourhood of borough by agreement) of the Walsall Gas Purchase and Borough Extension Act 1876 :

(3) Nothing in this Order contained shall be deemed to authorise the Undertakers to lessen the support or render more difficult or costly the access to any tramways or any electric lines wires apparatus drains or other works connected therewith (all of which tramways and works are herein-after referred to as "the tramways") for the time being belonging to or under the control of the corporation.

26. Nothing in this Order or in any Act incorporated therewith shall operate to confer upon the Undertakers any other or greater right to support for any lands works mains or pipes now belonging to or hereafter to be acquired erected constructed or laid by them from any subjacent or adjacent coal or other minerals than they would have been entitled to if this Order had not been made Provided that such coal or other minerals shall not be worked in an unusual or improper manner and in the event of any such works mains or pipes being at any time injured by reason of the working of any such coal or other minerals in an unusual or improper manner the person or persons company or companies responsible for such working shall repay to the Undertakers all costs and expenses that may from time to time be incurred by the Undertakers in repairing renewing reconstructing or relaying such works mains or pipes through or in consequence of such injury and the Undertakers may recover the amount of such costs and expenses by proceedings in any court of competent jurisdiction.

For pro-  
tection of  
owners of  
minerals.

27. If any difference shall arise between the Undertakers and any road authority or railway or other company whose lands or works the Undertakers have power to cross or otherwise interfere with under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such

Differences  
with road  
authority or  
railway or  
other com-  
pany.

A.D. 1910. difference shall unless otherwise provided by this Order be settled by  
*Brownhills* an engineer or other fit person to be appointed by the Board of Trade  
*and District.* at the request of either party.

*Quality of Gas.*

Quality of  
gas.

28.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

*Pressure of Gas.*

Pressure of  
gas.

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

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

*Testing Gas.*

Testing  
place.

30. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place provided by the

Undertakers at their works within six months of the commencement of this Order. A.D. 1910.

*Brownhills  
and District.*

*Price of Gas.*

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

*Miscellaneous.*

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Undertakers. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers. No penalty in case of unavoidable cause.

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

34. 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 Period of error in defective meters.

A.D. 1910. *Brownhills and District.*  
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 Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Undertakers.

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

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

Gas consumers to give notice to Undertakers before removing.

36. At least twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur. Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas rent payable to the Undertakers.

Anti-fluctuators for gas engines.

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

Notice of discontinuance.

38. A notice to the Undertakers 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 for the time being of the Undertakers.

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

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

40. Notwithstanding anything contained in section 35 of the Gasworks Clauses Act 1871 the annual statement of accounts of the Undertakers shall be made up to the first day of April in each year and forwarded to the local authority within the limits of supply on or before the first day of July next following and the said section shall for the purposes of this Order be read and construed as though in lieu of the thirty-first day of December and the twenty-fifth day of March being named therein the first day of April and the first day of July had been so named.

A.D. 1910.  
*Brownhills and District.*  
Time for making up and forwarding accounts to local authorities.

41. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits of supply of the Undertakers abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter relay and renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

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

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

Costs of Order.

---

## SCHEDULES.

---

### SCHEDULE A.

---

#### GAS LANDS.

A piece or parcel of land situate at Walsall Wood in the urban district of Brownhills in the county of Stafford owned by the Undertakers and upon which their existing gasworks are constructed containing by admeasurement 1 acre and 10 perches or thereabouts bounded on the north-west by land belonging to or reputed to belong to Thomas Woodhouse on the south-east by land belonging to or reputed to belong to William Woodhouse and John Edwards on the north-east by land belonging to or reputed to belong to John Caulton and on the south-west by the Wyrley and Essington branch of the Birmingham Canal Navigation.

A.D. 1910.

SCHEDULE B.

*Brownhills  
and District.*

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

Sections 30  
to 34 of Gas-  
works Clauses  
Act 1847 to  
cease to be  
incorporated.

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

Price of gas  
with sliding  
scale as to  
dividend.

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

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

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

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be



increased above the standard rates of dividend by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

A.D. 1910.  
*Brownhills  
and District.*

(3)—(i) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund";

Power to  
create a spe-  
cial purposes  
fund.

(ii) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

(A) expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(B) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works;

(iii) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums;

(iv) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other;

(v) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section:

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Application  
of excess of  
profits over  
authorised  
rates of  
dividend.

A.D. 1910.

*Brownhills  
and District.*

Power to  
create a re-  
serve fund  
and applica-  
tion thereof.

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate:

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

Saving of  
existing  
contracts.

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

---

### BUILTH WELLS GAS.

*Builth Wells. Order empowering the Builth Gas and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the Urban District of Builth Wells and the parishes of Llanddewir Cwm and Rhosferig in the county of Brecknock and the parish of Llanelwedd in the county of Radnor and for other purposes.*

Short title.

1. This Order may be cited as the Builth Wells Gas Order 1910.

Commence-  
ment of  
Order.

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

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order or are inconsistent with this Order) Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

A.D. 1910.  
*Builth Wells.*  
Incorporation of Acts.

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

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the urban district of Builth Wells and the parishes of Llanddewir Cwm and Rhosferig in the county of Brecknock and the parish of Llanelwedd in the county of Radnor.

Limits of supply.

#### *Undertakers.*

6. The Builth Gas and Coke Company Limited and their lessees as herein-after specified shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers":

Undertakers.

Provided always that the Undertakers may with the consent of the Board of Trade by lease demise the undertaking to Samuel George Tulk of the Gas Works Builth in the county of Brecknock for such term of years and subject to such covenants conditions stipulations restrictions and provisions as the Board of Trade may require Provided also that

A.D. 1910. (except for the purposes of the powers conferred by sections 7 to 12  
*Builth Wells.* inclusive and section 32 of this Order as to which the Builth Gas and  
Coke Company Limited shall be the Undertakers) from the date of  
such lease and during the currency thereof the lessee shall be the  
Undertakers for the purposes of this Order in lieu of the Builth Gas  
and Coke Company Limited but no such lease shall have any validity  
or effect until after the approval thereof by the Board of Trade shall  
have been signified in writing by a secretary or assistant secretary of  
the said Board.

*Capital.*

Capital.

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

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

8.—(1) All shares or stock forming part of the additional capital  
shall be issued in accordance with the provisions of this section.

(2) All 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 Undertakers shall by special resolution  
determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the  
clerk of every local authority 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 directors of the Undertakers 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 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:

A.D. 1910.

*Builth Wells.*

(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 Undertakers 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 offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers 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 in accordance with the foregoing provisions of this section and are not sold shall 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application  
of money.

10. Except as by this Order expressly provided the Undertakers shall not in any year declare out of their profits any larger dividends on their capital than at the following rates (which are in this Order

Limits of  
dividend  
on capital.

A.D. 1910. referred to as "the standard rates of dividend") namely ten pounds in  
*Builth Wells.* respect of every one hundred pounds of the original capital and seven  
pounds in respect of every one hundred pounds actually paid up of so  
much of the additional capital as may be issued as ordinary capital  
and five pounds in respect of every one hundred pounds actually paid  
up of so much of the additional capital as may be issued as preference  
capital unless a larger dividend be at any time necessary to make up  
the deficiency of any previous dividend upon the ordinary capital which  
shall have fallen short of the said yearly rate.

Limit of  
borrowing  
powers.

11. So long as the share capital of the Undertakers actually raised  
by the issue of shares or stock including premiums does not exceed  
three thousand pounds the amount of all moneys borrowed by the  
Undertakers and secured by mortgage of the undertaking shall not  
be increased. In the event of the share capital being increased to an  
amount exceeding three thousand pounds as aforesaid the amount of  
all moneys borrowed by the Undertakers and secured by mortgage of  
the undertaking shall not at any time exceed in the whole one-third  
of the amount of the capital of the Undertakers for the purposes of  
the undertaking actually raised by the issue of shares or stock including  
any premium that may be obtained on the sale of any shares or stock  
under the provisions of this Order and no higher rate of interest than  
five pounds per centum per annum shall be paid by the Undertakers  
without the consent of the Board of Trade in respect of any moneys  
borrowed by the Undertakers after the commencement of this Order  
and secured as aforesaid.

*Lands and Works.*

Power to pur-  
chase addi-  
tional lands.

12. The Undertakers may for the purposes of the undertaking  
purchase take on lease or acquire (by agreement but not otherwise) and  
hold in addition to the lands described in Schedule A to this Order  
annexed any lands which they may require. Provided that they shall  
not at any time hold for such purposes more than three acres of land  
in the whole in addition to the lands described in the said schedule  
and that they shall not create or permit a nuisance on any such lands  
and that no lands shall be used by the Undertakers for the purposes  
of manufacturing gas or residual products or of storing gas except  
the lands described in the said schedule.

Power to  
maintain and  
continue gas-  
works.

13. The Undertakers may upon the lands described in Schedule A  
to this Order maintain and continue alter enlarge extend improve renew  
or discontinue their existing gasworks and works connected therewith  
for the manufacture distribution storage conversion and sale of gas and  
of residual products arising in or resulting or producible from or used  
in the manufacture of gas and matters producible therefrom and they  
may subject to the provisions of this Order manufacture and store gas  
on such lands or some part or parts thereof and supply and sell the

same within the limits of supply and may on the same lands make  
convert and store residual products as aforesaid and may sell and  
dispose of the same at the works and elsewhere and they may also  
construct and maintain alter enlarge renew or discontinue houses offices  
buildings and other works connected with the undertaking.

A.D. 1910.  
Builth Wells.

14. The following provisions for the protection of the London and  
North Western Railway Company (herein-after referred to as "the  
railway company") shall be in force and have effect:—

For pro-  
tection of  
London and  
North West-  
ern Railway  
Company.

In laying down or executing or in effecting the repairs and  
renewals of any mains pipes or other works upon across over  
under or in any way affecting the railways lands or property  
now or hereafter belonging to or used or occupied by 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 super-  
intendence and to the reasonable satisfaction of the principal  
engineer of the railway company and only according to plans to  
be submitted to and in such manner as shall be previously  
reasonably approved by him and in all things by and at the  
expense of the Undertakers who also shall restore and make  
good the roads over any such bridges level crossings and  
approaches which 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 Undertakers and all such works  
matters and things shall be constructed executed and done so  
as not to cause any injury to such railways bridges level  
crossings approaches viaducts stations works lands or property  
or interruption to the passage or conduct of 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 under or  
near to any bridge or level crossing the Undertakers shall make  
compensation in respect thereof to the said railway company  
the amount of such compensation unless agreed upon to be  
determined by arbitration in the manner herein-after provided:

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

A.D. 1910.

*Builth Wells.*  
Differences  
with road  
authority or  
railway or  
other com-  
pany.

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

Testing  
place.

16. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

*Pressure of Gas.*

Pressure of  
gas.

17.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-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.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

*Quality of Gas.*

Quality of  
gas.

18.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.



(3) The Undertakers shall within six months of the commencement of this Order provide at their works a testing place and all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

A.D. 1910.  
*Builth Wells.*

*Price of Gas.*

19.—(1) The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and sixpence per thousand cubic feet and so in proportion for any less quantity supplied.

Price of gas.

(2) Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and sixpence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly.

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

*Miscellaneous.*

20. The Undertakers may but only with the consent in writing of the owner of the soil of such street or road 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 such premises with gas and may lay down take up alter or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

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

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

Undertakers to pay interest on deposit.

22.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and

Power to supply gas fittings

A.D. 1910.  
*Builth Wells.*  
Fittings not  
to be subject  
to distress.

other fittings (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such 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 any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Gas engines  
&c. of Under-  
takers let on  
hire though  
fixed to pre-  
mises to re-  
main pro-  
perty of  
Undertakers.

23.—(1) All gas engines apparatus fittings and appliances let by the Undertakers on hire shall notwithstanding that they be fixed or fastened to any part of any such premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers. Provided that such gas engines apparatus fittings and appliances have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other marks conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas engines apparatus fittings and appliances are or shall be fixed.

Anti-fluctua-  
tors for gas  
engines.

24.—(1) Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas.

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Power to take  
licences for  
patents &c.

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

exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

A.D. 1910.  
*Builth Wells.*

26.—(1) At least twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur.

Gas consumers to give notice to Undertakers before removing.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

27. A notice to the Undertakers 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 for the time being of the Undertakers.

Notice of discontinuance.

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

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

29.—(1) 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.

Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Undertakers.

30. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating 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 caused by circumstances beyond the control of the Undertakers Provided that the want of

No penalty in case of unavoidable cause.

A.D. 1910. sufficient funds shall not be held to be a circumstance beyond the  
*Builth Wells.* Undertakers' control.

Undertakers may contract with local authority and others for supply in bulk. 31. The Undertakers may enter into and carry into effect contracts with any local authority company or persons supplying 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 Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Power to erect &c. cottages for officers and servants. 32. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16. s. 140 incorporated. 33. Section 140 (Proofs of debts in bankruptcy) of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

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

---

## SCHEDULES.

### SCHEDULE A.

#### GAS LANDS.

A piece of land situate partly in the urban district of Builth Wells and partly in the parish of Llanddewir Cwm in the county of Brecknock in the occupation of the Undertakers containing by admeasurement one thousand five hundred and fifty-four superficial square yards or thereabouts bounded on the north by land belonging or reputed to belong to the Honourable Joseph Russell Baron Glanusk and in the occupation of the executors of Thomas Powell deceased on the east by Oaklands Road on the south by Castle Road and on the west by lands belonging or reputed to belong to Marmaduke George Howell and Samuel George Tulk and in the occupation of William Henry Weatherley and Thomas Percival Morris respectively.

SCHEDULE B.

A.D. 1910.

*Builth Wells.*

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

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

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

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

Price of gas with sliding scale as to dividend.

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

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

A.D. 1910.  
*Builth Wells.*

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

Power to  
create a spe-  
cial purposes  
fund.

- (3) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund";

The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

- (A) expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or  
(B) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works;

The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums;

The moneys forming the special purposes fund or any portion thereof may be invested in securities in which the trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other;

Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section: A.D. 1910.  
*Builth Wells.*

- (4) If the clear profits of the undertaking of the Undertakers 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 Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year: Application of excess of profits over authorised rates of dividend.

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate:

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

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

A.D. 1910.

CHERTSEY GAS.

*Chertsey.*

*Order empowering the Chertsey Gas Consumers' Company (Limited) to raise additional capital and for other purposes.*

Short and collective titles.

1. This Order may be cited as the Chertsey Gas Order 1910 and the Chertsey Gas Consumers' Company (Limited) Act 1864 the Chertsey Gas Order 1886 (in this Order referred to as "the Order of 1886") and this Order may be cited together as the Chertsey Gas Act and Orders 1864 to 1910.

Commencement of Order.

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

Incorporation of Acts.

3. The provisions of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are hereby (except where the same are expressly varied by the Chertsey Gas Act and Orders 1864 to 1910) incorporated with and form part of this Order. Provided that for the purposes of its incorporation with the Chertsey Gas Act and Orders 1864 to 1910 section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

Interpretation.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings unless there be something in the subject or context repugnant to such construction and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" means the undertaking authorised by the Chertsey Gas Act and Orders 1864 to 1910.

*Undertakers.*

Undertakers.

5. The Chertsey Gas Consumers' Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

*New Capital.*

New capital.

6. The limitation prescribed by the Order of 1886 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the



A.D. 1910.

Chertsey.

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

7.—(1) All shares or stock forming part of the new capital shall be issued in accordance with the provisions of this section.

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

(2) All 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 Undertakers shall by special resolution determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of the urban district council of Chertsey 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 directors of the Undertakers 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 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 Undertakers 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 offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in such manner as may be prescribed in a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the

A.D. 1910.

*Chertsey.*

consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers 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 the foregoing provisions of this Order and are not sold shall 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

Application of premium arising on sale of shares or stock.

8. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on new capital.

9. Except as by section 21 of the Order of 1886 expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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

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

Limit of borrowing powers.

11. Notwithstanding anything contained in section 15 (Borrowing powers) of the Order of 1886 the Undertakers may borrow on mort-

gage of their undertaking in addition to the sum they are already empowered to borrow any sum of money not exceeding one third of the amount of the new capital at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

A.D. 1910.

Chertsey.

12.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund."

Power to create a special purposes fund.

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

(A) expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(B) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other.

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

(6) The money or securities standing to the credit of the insurance fund of the Undertakers at the commencement of this Order shall be credited to the special purposes fund and sections 16 and 17 of the Order of 1886 are hereby repealed.

13. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividends at the authorised rates on

Application of excess of profits.

A.D. 1910. the ordinary capital of the Undertakers the excess shall be carried to  
*Chertsey.* the credit of the divisible profits of the undertaking for the next  
following year:

Provided that the sum standing to the credit of such divisible  
profits shall not at any time exceed the amount required to pay one  
year's dividend at the authorised rate on the preference and ordinary  
capital of the Undertakers.

*Testing and Pressure.*

Testing for  
quality.

14.—(1) As from the first quarter-day after the commencement of  
this Order sections 22 and 23 of the Order of 1886 shall be repealed  
and in lieu thereof the following provisions shall be in force and have  
effect (that is to say):—

(A) For testing the illuminating power of the gas the burner to  
be used shall be that known as the Metropolitan Argand  
No. 2 the photometer shall be the bar photometer the  
standard light shall be that supplied by Harcourt's ten-  
candle pentane lamp and in making the test the burner  
shall be so used as to obtain from the gas when burned  
at the rate aforesaid the greatest amount of light Provided  
that the Board of Trade may on the application of the  
Undertakers or the local authority approve the use of any  
other burner photometer or standard light which may  
appear to the Board to be equally or more suitable for  
the testing:

(B) The Undertakers shall before the first quarter-day after the  
commencement of this Order provide all the apparatus  
required by this Order for the testing of gas and shall at  
all times keep the same in proper order and repair.

Pressure.

(2)—(A) All gas supplied by the Undertakers to any consumer of  
gas shall be supplied at such pressure as to balance a column of  
water not less than eight-tenths of one inch in height at the main or  
as near as may be to the junction therewith of the service pipe  
supplying the consumer.

(B) Any gas examiner appointed under the Gasworks Clauses Act  
1871 may for the purposes of this Order subject to the terms of his  
appointment at the testing place or at any public lamp as and when  
he thinks fit test the pressure at which the gas is supplied The  
Undertakers shall afford to the examiner all reasonable facilities for  
making the test.

Testing  
place.

(3) For the purposes of the Gasworks Clauses Act 1871 the  
prescribed testing place shall be the testing place which shall be  
provided and maintained by the Undertakers at their works.

Miscellaneous.

A.D. 1910.

15. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Undertakers' 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 Undertakers to lay any mains or interfere with any street beyond their limits of supply.

*Chertsey.*  
Undertakers may contract with local authority and others for supply in bulk.

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

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

- (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:
- (2) The Undertakers 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 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 Undertakers:
- (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 Undertakers' 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 Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers 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 Undertakers' specification

A.D. 1910.

*Chertsey.*

or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:

- (6) Any person to whom the Undertakers 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 Undertakers' 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.

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

17. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and take up alter re-lay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply.

Power to supply gas fittings Fittings not to be subject to distress.

18.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used 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. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Anti-fluctuators for gas engines.

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

inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

A.D. 1910.

*Chertsey.*

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

Power to take  
licences for  
patents &c.

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

Gas con-  
sumers to  
give notice  
to Under-  
takers before  
removing.

22. A notice to the Undertakers 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 for the time being of the Undertakers.

Notice to  
discontinue  
supply of gas.

23. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Undertakers 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 Undertakers shall not require to take a supply of gas from the Undertakers or to hire from the Undertakers all or any of the pipes meters fittings or apparatus belonging to the Undertakers and let by them on hire to any former occupier of such premises.

Power to  
enter pre-  
mises and  
remove  
fittings.

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

Power to  
refuse to  
supply per-  
sons in debt  
for other  
property.

A.D. 1910.

*Chertsey.*  
Period of error in defective meters.

25. 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 Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Undertakers.

Dwelling-houses for workmen.

26. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Costs of Order.

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

---

### CRANLEIGH GAS.

*Cranleigh. Order empowering the Cranleigh Gas and Coke Company (Limited) to construct and maintain further works for the manufacture and storage of gas and to raise additional capital and for other purposes.*

Short and collective titles.

1. This Order may be cited as the Cranleigh Gas Order 1910 and the Cranleigh Gas Order 1877 (in this Order referred to as "the Order of 1877") and this Order may be cited together as the Cranleigh Gas Orders 1877 and 1910.

Commencement of Order.

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

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are hereby (except where the same are expressly varied by the Order of 1877 or this Order) incorporated with this Order. Provided that for the purposes of its incorporation with the Order of 1877 and this Order section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such



“ contract entered into by the Undertakers shall be alike in terms  
“ and amount under like circumstances to all consumers ” were added  
at the end of that section. A.D. 1910.  
Cranleigh.

4. In this Order the expression “ authorised rates ” means the Interpreta-  
tion.  
rates of dividend authorised by the Order of 1877 and this Order on  
the capital of the Undertakers or such rates as reduced or increased  
in accordance with the provisions of this Order. The several words  
terms and expressions to which by any Act in whole or in part  
incorporated with this Order and by the Gas and Water Works  
Facilities Act 1870 meanings are assigned have the same respective  
meanings unless there be something in the subject or context repug-  
nant to such construction and in the construction of this Order or  
of any such Act for the purposes of this Order the expression “ the  
undertaking ” shall include the further works for the manufacture and  
storage of gas and works connected therewith by this Order authorised  
to be constructed and the expression “ the limits of supply ” shall have  
the same meaning as in the Order of 1877.

#### *Undertakers.*

5. The Cranleigh Gas and Coke Company (Limited) shall be the Undertakers.  
Undertakers for the purposes of this Order and are in this Order  
referred to as “ the Undertakers. ”

#### *New Capital.*

6. The limitation prescribed by the Order of 1877 with respect to New capital.  
the amount of the share capital of the Undertakers for the purposes  
of the undertaking shall not prevent the Undertakers from raising for  
such purposes further share capital (in this Order referred to as “ the  
new capital ”) not exceeding twelve thousand pounds including any  
premium that may be obtained on the sale of any shares under the  
provisions of this Order. Provided that the share capital of the Under-  
takers for the purposes of their undertaking shall not exceed in the  
whole twenty thousand pounds unless the Undertakers are hereafter  
authorised to raise further share capital by Provisional Order under  
the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

7.—(1) All shares or stock forming part of the new capital shall New shares  
or stock to  
be sold by  
auction or  
tender.  
be issued in accordance with the provisions of this section.

(2) All 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 Undertakers shall by special resolution  
determine. Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the  
clerk of the rural district council of Hambledon and to the  
secretary of the London Stock Exchange at least twenty-

A.D. 1910.  
*Cranleigh.*

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 directors of the Undertakers 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 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 Undertakers 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 offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in manner prescribed in a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers 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 the foregoing provisions of this Order and are not sold shall 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount

obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be. A.D. 1910.

*Cranleigh.*

8. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. Application of premium arising on sale of shares or stock.

9. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital. Limits of dividend on new capital.

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

11. The borrowing of the sum of four thousand pounds already borrowed by the Undertakers is hereby confirmed and subject thereto the amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole (inclusive of the said sum of four thousand pounds) one-third of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid. Limit of borrowing powers.

#### *Purchase of Lands.*

12. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedule to the Order of 1877 and Schedule A to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than four acres of land in the whole in addition to the lands described in the said schedules and that they shall not create or permit a nuisance Purchase of land by agreement.

A.D. 1910. on any such lands and that no lands shall be used by the Undertakers  
*Cranleigh.* for the purpose of manufacturing gas or residual products or of storing  
gas except the lands described in the said schedules.

*Lands for Construction of additional Gasworks.*

Undertakers  
may con-  
struct gas-  
works on  
lands de-  
scribed in  
schedule.

13. The Undertakers may on the lands shown on the deposited map and described in Schedule A to this Order annexed while they are possessed of the same construct erect maintain extend and enlarge gasholders apparatus and works for the manufacture and storing of gas and matters producible therefrom and they may subject to the provisions of this Order upon the said lands manufacture and store gas and supply and sell the same within the limits of supply and may manufacture sell provide supply and deal in coke tar and all other residual products or refuse of any materials employed in or resulting from the manufacture of gas and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking.

Undertakers  
may con-  
tract with  
local au-  
thority and  
others for  
supply in  
bulk.

14. The Undertakers 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 Undertakers to lay any mains or interfere with any street beyond the limits of supply.

*Testing and Pressure.*

Testing for  
quality.

15.—(1) As from the first quarter-day after the commencement of this Order sections 16 18 and 19 of the Order of 1877 shall be repealed and in lieu thereof the following provisions shall be in force and have effect (that is to say):—

(A) The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871:

(B) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard

light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light. Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing:

A.D. 1910.  
*Cranleigh.*

(c) The Undertakers shall before the first quarter-day after the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

(2)—(A) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

Pressure.

(B) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Undertakers shall afford to the examiner all reasonable facilities for making the test.

(3) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place provided by the Undertakers at their works in pursuance of the Order of 1877.

Testing place.

16. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating 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 Undertakers. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

Saving as to penalties.

#### *Price of Gas.*

17.—(1) As from the first quarter-day after the commencement of this Order section 17 (Price of gas) of the Order of 1877 shall be repealed and in lieu thereof the following provisions shall be in force and have effect.

Price of gas.

(2) The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and sixpence per thousand

A.D. 1910.  
*Cranleigh.*

cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and sixpence or by giving a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order. Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Charge for  
gas supplied  
by means of  
prepayment  
meters.

18.—(1) The Undertakers 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 Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged 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:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connexion with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) 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.

*Miscellaneous.*

A.D. 1910.

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

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

- (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:
- (2) The Undertakers 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 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 Undertakers:
- (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 Undertakers' 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 Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers 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 Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Undertakers 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 Undertakers' specification make such

A.D. 1910.

*Cranleigh.*

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.

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

20. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply.

Power to supply gas fittings Fittings not to be subject to distress.

21.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used 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. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Anti-fluctuators for gas engines.

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

Power to take licences for patents &c.

23. The Undertakers may subject to the provisions of this Order (but only for the purposes of the Undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take acquire and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of



working using or vending any invention in relation to the manufacture storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

A.D. 1910.

*Cranleigh.*

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

Gas consumers to give notice to Undertakers before removing.

25. A notice to the Undertakers 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 for the time being of the Undertakers.

Notice to discontinue supply of gas.

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

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

27. 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 Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Undertakers.

Period of error in defective meters.

28. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Dwelling-houses for workmen.

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

Costs of Order.

A.D. 1910.

*Cranleigh.*

SCHEDULES.

SCHEDULE A.

GAS LANDS.

(1) A piece of land now belonging or reputed to belong to and occupied by the Undertakers situate in the parish of Cranleigh in the rural district of Hambledon in the county of Surrey containing one rood six perches or thereabouts and bounded on the west by the existing gasworks of the Undertakers situate on the lands described in the schedule to the Order of 1877 on the north by Cranleigh Common on the south by the London Brighton and South Coast Railway and on the east by the road leading from Cranleigh Common to the level crossing over that railway.

(2) A piece of land now belonging or reputed to belong to the Undertakers situate in the same parish and district containing one rood thirteen perches or thereabouts lying to the north of and adjoining the London Brighton and South Coast Railway and extending along that railway in an easterly direction for a distance of seventy-nine yards from the said last-mentioned road and bounded on the north and east by property now in the occupation of James Sutherton.

SCHEDULE B.

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

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

Sections 30  
to 34 of Gas-  
works Clauses  
Act 1847 to  
cease to be  
incorporated.

(2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet: A.D. 1910.  
Cranleigh.  
Price of gas with sliding scale as to dividend.

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

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

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

(3)—(i) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund"; Power to create a special purposes fund.

(ii) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated

A.D. 1910.

*Cranleigh.*

accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

(A) expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(B) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works;

(iii) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums;

(iv) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other;

(v) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section:

Application of excess of profits over authorised rates of dividend.

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate on the preference and ordinary capital of the Company:

Power to create a reserve fund and application thereof.

(5) When in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rate by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or

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

A.D. 1910.

*Cranleigh.*

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

Saving of existing contracts.

### LLANIDLOES GAS.

*Order empowering the Llanidloes Gas Coal and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the borough of Llanidloes in the county of Montgomery.*

Llanidloes.

1. This Order may be cited as the Llanidloes Gas Order 1910.

Short title.

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

Commencement of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order or are inconsistent with this Order) Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were

Incorporation of Acts.

A.D. 1910. added at the end of that section and the said provisions of the said  
*Llanidloes.* Gasworks Clauses Acts shall apply as well to the mains pipes and  
works of the Undertakers laid down or constructed before the com-  
mencement of this Order and situate within the limits of supply as  
defined by this Order as to any mains pipes or works which may be  
laid down or constructed under the authority of this Order.

Interpreta-  
tion.

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

Limits of  
supply.

5. The limits within which the provisions of this Order shall be in  
force and have effect (in this Order referred to as "the limits of supply")  
shall be the borough of Llanidloes in the county of Montgomery.

#### *Undertakers.*

Undertakers.

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

#### *Capital.*

Capital.

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

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

8.—(1) All shares or stock forming part of the additional capital  
shall be issued in accordance with the provisions of this section.

(2) All 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 Undertakers shall by special resolution determine Provided as follows:—

A.D. 1910.  
—  
*Llanidloes.*

- (A) Notice of the intended sale shall be given in writing to the clerk of every local authority 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 directors of the Undertakers 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 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 Undertakers 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 offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers 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 in accordance with the foregoing provisions of this Order and are not sold shall be again offered for sale by public auction or by tender in accordance

A.D. 1910.  
*Llanidloes.*

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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

Application  
of premium  
arising on  
sale of shares  
or stock.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of  
dividend on  
capital.

10. Except as by this Order expressly provided the Undertakers shall not in any year declare out of their profits any larger dividends on their capital than at the following rates (which are in this Order referred to as "the standard rates of dividend") namely ten pounds in respect of every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend upon the ordinary capital which shall have fallen short of the said yearly rate.

Limit of  
borrowing  
powers.

11. So long as the share capital of the Undertakers actually raised by the issue of shares or stock including premiums does not exceed three thousand pounds the amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not be increased. In the event of the share capital being increased to an amount exceeding three thousand pounds as aforesaid the amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers for the purposes of the undertaking actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.



*Lands and Works.*

A.D. 1910.

12. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purposes of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

*Llanidloes.*  
Power to purchase additional lands.

13. The Undertakers may upon the lands described in Schedule A to this Order annexed maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas on such lands or some part or parts thereof and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to maintain and continue gas-works.

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

Differences with road authority or railway or other company.

15. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

Testing place.

*Pressure of Gas.*

16.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of

Pressure of gas.

A.D. 1910. water not less than eight-tenths of an inch in height at the main or as  
*Llanidloes.* near as may be to the junction therewith of the service pipe supplying  
the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Undertakers shall afford to the examiner all reasonable facilities for making the test.

*Quality of Gas.*

Quality of  
gas.

17.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light. Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide at their works a testing place and all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

*Price of Gas.*

Price of gas.

18.—(1) The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and fivepence per thousand cubic feet and so in proportion for any less quantity supplied.

(2) Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and fivepence or by fixing a standard price with sliding scale as to profits

and as from the date specified in such order (herein-after referred to as "the specified date") the provisions set forth in Schedule B to this Order shall be in force and have effect and this Order shall be read and construed accordingly.

A.D. 1910.

*Llanidloes.*

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

*Miscellaneous.*

19. The Undertakers may but only with the consent in writing of the owner of the soil of such street or road 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 such premises with gas and may lay down take up alter or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

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

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

Undertakers to pay interest on deposit.

21.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges and make such terms and conditions as may be agreed upon.

Power to supply gas fittings Fittings not to be subject to distress.

(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 any proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

22.—(1) All gas engines apparatus fittings and appliances let by the Undertakers on hire shall notwithstanding that they be fixed or fastened to any part of any such premises in which they may be situate

Gas engines &c. of Undertakers let on hire though

A.D. 1910. or to the soil under any such premises at all times continue to be  
*Llanidloes:* the property of and removable by the Undertakers Provided that  
fixed to pre- such gas engines apparatus fittings and appliances have upon them  
mises to re- respectively a distinguishing metal plate affixed to a conspicuous part  
main pro- thereof or a distinguishing brand or other marks conspicuously  
perty of impressed or made thereon sufficiently indicating the Undertakers as  
Undertakers. the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas engines apparatus fittings and appliances are or shall be fixed.

*Anti-fluctua-* 23.—(1) Every consumer of gas supplied by the Undertakers who  
*tors for gas* uses a gas engine shall if required to do so by the Undertakers use  
*engines.* an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas.

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

*Power to take* 24. The Undertakers may subject to the provisions of this Order  
*licences for* (but only for the purposes of the undertaking within the limits of  
*patents &c.* supply and not so as to acquire any exclusive right therein) contract for take acquire and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

*Gas con-* 25.—(1) At least twenty-four hours' notice in writing shall be  
*sumers to* given to the Undertakers by every gas consumer before he shall quit  
*give notice to* any premises supplied with gas by meter by the Undertakers and in  
*Undertakers* default of such notice the consumer so quitting shall be liable to pay  
*before* to the Undertakers the money accruing due in respect of such supply  
*removing.* up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

26. A notice to the Undertakers 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 for the time being of the Undertakers.

A.D. 1910.  
*Llanidloes.*  
Notice of discontinuance.

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

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

28.—(1) 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.

Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Undertakers.

29. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating 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 caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

No penalty in case of unavoidable cause.

30. The Undertakers may enter into and carry into effect contracts with any local authority company or persons supplying 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 Undertakers to lay any mains or interfere with any street beyond the limits of supply.

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

31. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Power to erect &c. cottages for officers and servants.

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

8 Vict. c. 16 s. 140 incorporated.

A.D. 1910.

*Llanidloes.*  
Costs of  
Order.

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

---

## SCHEDULES.

---

### SCHEDULE A.

---

#### GAS LANDS.

A piece of land situate on the Lower Green in the parish and borough of Llanidloes in the county of Montgomery in the occupation of the Undertakers containing by admeasurement thirty-four perches or thereabouts bounded on the north by the River Severn on the east by messuages and land belonging or reputed to belong to John Davies and in the occupation of Robert Jenkins and others on the south by the main road leading from Llanidloes to Newtown and on the west by messuages and land belonging or reputed to belong to Charles Edwin Price and in the occupation of Sarah Richards and others.

---

### SCHEDULE B.

---

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

Sections 30  
to 34 of Gas-  
works Clauses  
Act 1847 to  
cease to be  
incorporated.

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

Price of gas  
with sliding  
scale as to  
dividend.

(2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for

gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet:

A.D. 1910.  
—  
*Llanidloes.*

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

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

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

- (3) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund";

Power to  
create a  
special  
purposes  
fund.

The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

A.D. 1910.  
*Elanidloes*

(A) expenses incurred by reason of accidents strikes or  
circumstances which due care and management could not  
have prevented; or

(B) expenses incurred in the replacement or removal  
of plant or works other than expenses requisite for  
maintenance and renewal of plant and works:

The maximum amount standing to the credit of the  
special purposes fund shall not at any time exceed an  
amount equal to one-tenth part of the paid-up capital of  
the Undertakers including premiums;

The moneys forming the special purposes fund or any  
portion thereof may be invested in securities in which the  
trustees are authorised by law to invest or may be applied  
for the general purposes of the Undertakers to which capital  
is properly applicable or may be used partly in the one way  
or partly in the other;

Resort may from time to time be had to the special  
purposes fund notwithstanding that the sum standing to  
the credit of the fund is for the time being less than the  
maximum allowed by this section:

Application  
of excess of  
profits over  
authorised  
rates of  
dividend.

(4) If the clear profits of the undertaking of the Undertakers 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 Undertakers the excess shall be carried to the credit  
of the divisible profits of such undertaking for the next  
following year:

Provided that the sum so carried forward shall not in any  
case exceed the amount required to pay one year's dividend  
at the authorised rate:

Power to  
create a  
reserve fund  
and applica-  
tion thereof.

(5) When in any year the dividends on the ordinary share capital  
or stock of the Undertakers exceed the standard rate by  
reason of the price charged by the Undertakers for gas in  
such year being below the standard price then out of the  
amount of the divisible profits of the Undertakers applicable  
to the payment of such excess of dividends the Undertakers  
may in such year set apart such sum as they think fit by  
way of a reserve fund and all sums (if any) so set apart  
by the Undertakers and any reserve or other fund of a  
similar character of the Undertakers existing at the specified  
date in relation to the undertaking may be invested in  
Government or other securities and the dividends and  
interest arising from such securities may also be invested in  
the same or the like securities in order that the same may



accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on the ordinary capital of the Undertakers and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund:

A.D. 1910.  
*Llanidloes.*

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

Saving of  
existing  
contracts.

---

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

ROWLAND BAILEY, Esq., M.V.O., the King's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or  
OLIVER AND BOYD, TWEEDEDALE COURT, EDINBURGH; or  
B. PONSONBY, LTD., 116, GRAFTON STREET DUBLIN.

