

**CHAPTER cxlii.**

An Act for incorporating and conferring powers on the
Edenbridge and District Gas Company. A.D. 1914.

[7th August 1914.]

WHEREAS the Edenbridge Gas Light Coke and Coal Company Limited (hereinafter called "the Limited Company") were incorporated under the Companies Act 1862 in the year one thousand eight hundred and sixty-seven with a nominal capital of two thousand pounds divided into two hundred shares of ten pounds each for the purpose of purchasing the gasworks and appurtenances situate at Edenbridge in the county of Kent and of carrying on all the usual business of a gaslight coke and coal company:

And whereas by special resolution of the Limited Company the nominal capital was reduced to one hundred and seventy-seven pounds divided into one hundred and seventy-seven shares of one pound each:

And whereas the capital of the Limited Company has from time to time been increased and it now stands at five thousand pounds divided into five thousand shares of one pound each:

And whereas the Limited Company have borrowed and now owe on mortgage the sum of one thousand five hundred pounds:

And whereas the Limited Company have from time to time expended out of revenue various sums of money amounting in the aggregate to eight hundred and fifty-eight pounds upon the improvement and extension of their works and mains and other appliances for the manufacture storage and distribution of gas and other matters the expenditure on which is properly

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A.D. 1914. chargeable against capital but such sums have not been so charged:

And whereas it is reasonable that stock representing the said sum of eight hundred and fifty-eight pounds should be created and should be distributed rateably among the present shareholders of the Limited Company in the manner and under the conditions in this Act provided:

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

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

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

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

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

PRELIMINARY.

Short title.

1. This Act may be cited as the Edenbridge and District Gas Act 1914.

Incorporation of general Acts.

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

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

Part II. (relating to additional capital) and Part III. A.D. 1914'
(relating to debenture stock) of the Companies Clauses
Act 1863 as amended by subsequent Acts;

The Gasworks Clauses Acts 1847 and 1871 Provided that
section 13 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 circum-
" stances to all consumers" were added at the end of
that section;

Provided further that the Gasworks Clauses Act 1871 shall
be read and construed as if the words or portions of sections
hereinafter mentioned were omitted from that Act (viz.):—

- (a) In section 12 the words "with respect to its illumi-
" nating power be such as to produce at the testing
" place provided in conformity with this Act a light
" equal in intensity to that produced by the prescribed
" number of sperm candles of six in the pound and
" such gas shall";
- (b) In section 28 the words "for testing the illuminating
power of the gas supplied" and the words "illumi-
nating power and";
- (c) In section 36 the words "of less illuminating power"
and as if the words "calorific power" were inserted
in section 33 after the words "illuminating power";
and

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

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

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

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—

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

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

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

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

RE-INCORPORATION.

Re-incorporation of Company.

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have already subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and shall be and are hereby re-incorporated by the name of "The Edenbridge and District Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and of the undertaking.

General purposes of Company.

5. The Company shall be established for the purpose of manufacturing and supplying gas for lighting heating motive power and other purposes within the limits of supply and may purchase for purposes of manufacture and may convert manufacture and sell all residual products resulting from the manufacture of gas and generally may carry on the business usually carried on by a gas company.

Present property of limited company vested in Company.

6. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately before the passing of this Act were vested in the Limited

Company or any person in trust for them or to which the Limited Company were in anywise entitled and all plant mains pipes retorts meters gas stoves and fires gas-fittings lamp-columns and brackets syphons apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of supply or which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall as from the passing of this Act be and the same are hereby transferred to and vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

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7. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the stockholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such. But nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Memo-
randum and
articles of
association
of Limited
Company to
be void.

8. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members

Saving of
existing
rights and
liabilities.

A.D. 1914. — thereof as such shall be as valid as if the Company had not been incorporated and the memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its stockholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other provisions of this Act.

Contracts
prior to Act
to be binding.

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

Actions &c.
not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this

Act had not been passed the Company and the stockholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively. A.D. 1914.

11. Every person who (being authorised so to do) before the passing of this Act entered into any bond covenant contract or engagement on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement. Indemnity.

12. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf. Company to satisfy liabilities of Limited Company.

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

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

15. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any Certificates &c. to remain in force.

A.D. 1914. shares in the Limited Company shall remain in full force and continue and be available in all respects as if such memorandum and articles had not been avoided.

Books &c.
continued
evidence.

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

Officers to
continue un-
til removed.

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

CAPITAL.

Capital.

18. Subject to the provisions of this Act the capital of the Company shall be fifteen thousand pounds being the aggregate of the following amounts:—

- (1) Seven thousand one hundred and forty-two pounds seven per cent. stock :
- (2) Eight hundred and fifty-eight pounds seven per cent. stock representing the amount expended by the Limited Company out of revenue upon extensions and improvements :

The above amounts of capital are to be issued in substitution for the existing capital of the Limited Company of five thousand shares of one pound each and are in this Act called "the original capital" and shall be deemed to be fully paid up:

- (3) Seven thousand pounds of new seven per cent. stock which is in this Act called "the additional capital."

Vesting of
original
capital in
present
shareholders.

19. The stock in the original capital shall be divided among and vested in the several persons and corporations who immediately before the passing of this Act were the registered members of the Limited Company in the proportion of one

pound twelve shillings of such stock for each existing share in the Limited Company Provided that the Company shall not be bound to issue any such stock for a less sum than five pounds. A.D. 1914.

20. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but no holder of any such shares shall be entitled to any certificate of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the existing certificate of proprietorship of shares in the Limited Company issued to him before the passing of this Act or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof but if any holder of any existing shares in the Limited Company neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address of such holder appearing in the shareholders' address book of the Limited Company the Company may retain any dividend declared or made payable upon or in respect of the stock substituted under the provisions of this Act for the shares so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the Company to have been lost or destroyed and an indemnity is given against any claim in respect of such lost or destroyed certificate or certificates to the satisfaction of the directors of the Company. Exchange of certificates.

21. In every case where under the foregoing provisions of this Act a holder of shares in the Limited Company would be entitled to be registered as the holder of any fractional part of five pounds of any substituted stock of the Company the Company in lieu of registering such holder and issuing to him a certificate as holder of any fractional part of five pounds of any such stock shall pay to such holder such a sum in cash as shall be equal to the value of such fractional part and shall register such holder and issue to him a certificate of the amount of such substituted stock to which he shall be entitled as aforesaid excluding such fractional part and the receipt of such holder for the sum in cash so paid as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part. As to fractional parts of five pounds of stock.

A.D. 1914.

Power to
raise addi-
tional capital.

22. The Company may from time to time raise additional capital not exceeding in the whole seven thousand pounds by the creation and issue of further amounts of seven per cent. stock but such stock shall not vest in the person accepting the same unless and until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of seven thousand pounds:

Provided further that if at the expiration of three years from the passing of this Act the Company have not laid down a six-inch main along each of the routes A to B and E to F respectively and a four-inch main along each of the routes C to D G to H and I to J respectively shown on the signed plan referred to in the section of this Act whereof the marginal note is "Limits for supply of gas" then the amount of additional capital which the Company may raise shall be reduced by six hundred and sixty pounds for each mile of six-inch main and four hundred and forty pounds for each mile of four-inch main and so in proportion for any less length of the before-mentioned mains which the Company shall not have laid.

New stock
to be sold by
auction or
tender.

23.—(1) All stock created under the powers of the section of this Act of which the marginal note is "Power to raise additional capital" shall be issued in accordance with the provisions of this section.

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

(a) Notice of the intended sale shall be given in writing to the clerk of each rural district council whose district or any portion of whose district is within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limit of supply:

(b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

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

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

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

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of stock that if the aggregate amount of 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 stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is 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 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.

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(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the stock.

Privileges
&c. of holders
of additional
capital.

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

LIMITATION OF PROFITS.

Profits of
Company
limited.

25. Except as is by this Act provided the profits of the Company to be divided among the stockholders of the Company in any year shall not exceed the rate (in this Act referred to as "the standard rate of dividend") of seven pounds per centum per annum in respect of every one hundred pounds of such stock.

RESERVE AND SPECIAL PURPOSES FUNDS &C.

Power to
create re-
serve fund.

26. Where in any year the dividends which may be paid by the Company shall exceed the standard rate of dividend by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Limited Company existing at the passing of this Act shall be invested in any 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 dividends in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividends at the

authorised rate on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund. A.D. 1914.

27.—(1) The directors of the Company may if they think fit in any year appropriate out of the revenue of the Company 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 Company including premiums to a fund to be called “the special purposes fund.” Power to create a special purpose fund.

(2) The special purposes fund shall be applicable only to meet such charges as an accountant 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 Company 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 Company 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.

28. If the clear profits of the undertaking in any year (after appropriating and setting apart such sum or sums (if any) as may be determined upon under the powers of this Act to any fund or funds thereby authorised) amount to a larger sum than is sufficient to pay the dividend at the authorised rate on the ordinary capital of the Company the excess shall be Application of excess of profits.

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A.D. 1914. carried to the credit of the profit and loss (net revenue) account
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.

BORROWING POWERS.

Power to borrow.

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

Priority of existing mortgages.

30. All mortgages bonds and debentures granted by the Limited Company before and subsisting at the passing of this Act shall during the continuance of such mortgages bonds and debentures and subject to the terms thereof have priority over all mortgages and debenture stock granted or created and issued by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Arrears to be enforced by appointment of a receiver.

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

Debenture stock.

32. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any

time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. A.D. 1914.

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

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

MEETINGS.

35. The first ordinary meeting of the Company shall be held within six months of the passing of this Act at the Company's offices or at such other place as the directors shall appoint and all subsequent ordinary meetings of the Company shall be held yearly in the months of February or March at the Company's principal office or at such other place and at such other time as shall be appointed for that purpose by an order of the directors. Ordinary meetings.

36. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be seven shareholders Quorum of general meetings.

A.D. 1914. present in person or by proxy holding in the aggregate not less than one-twentieth of the paid-up capital of the Company.

Scale of voting.

37. The prescribed scale of voting shall be one vote for every five pounds of stock in the Company up to and including ten pounds and above ten pounds one vote for every additional ten pounds.

DIRECTORS AND AUDITORS.

Number of directors.

38. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than seven or less than three.

Qualification of directors.

39.—(1) The qualification of a director shall be the possession in his own right of stock in the ordinary capital of the Company to the value of not less than two hundred pounds.

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

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

Quorum of directors.

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

First directors.

41. Herbert Searle Whitmore Sydney Freeman William Goodwin and Dudley Searle Freeman shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

42. At the first ordinary meeting held after the passing of this Act the stockholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year (other than the first ordinary meeting held after the passing of this Act) the stockholders present in person or by

proxy shall (subject to the provisions hereinbefore contained for varying the number of directors) elect persons to supply the places of directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1914.

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

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

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

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

44. The prescribed number of auditors shall be one but the number may be increased to two by a resolution of the stockholders of the Company passed at a general meeting and such auditor or auditors shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Board of Trade and need not hold stock in the Company. Auditors.

WORKS AND LANDS.

45. The Company may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any Power to purchase lands by agreement.

A.D. 1914. lands and hereditaments not exceeding in the whole five acres which they may require for the purposes of their works and the undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Power to
sell and lease
lands.

46. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 sell or let on lease for such periods as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of the undertaking and may retain and hold sell and dispose of any interest in or reversion to any lands so let and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

Construction
and main-
tenance of
gasworks &c.

47. Subject to the provisions of this Act the Company may upon the lands described in Part I. of the schedule to this Act maintain alter improve enlarge extend renew or discontinue the existing gas and other works of the Limited Company and may upon those lands or any part thereof and upon the lands described in Part II. of the said schedule when such last-mentioned lands shall have been acquired by the Company erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas and may on the said lands convert and manufacture residual products resulting from the manufacture of gas.

Power to lay
pipes in pri-
vate streets.

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

For protec-
tion of South
Eastern
Railway
Company

49. For the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee and the London Brighton and South Coast Railway Company (hereinafter respectively referred

to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is to say):—

A.D. 1914.
 South East-
 ern and
 Chatham
 Railway
 Companies'
 Managing
 Committee
 and London
 Brighton
 and South
 Coast Rail
 way Com-
 pany.

(a) In laying down or in executing or effecting the repairs or renewals of any mains pipes or other works laid or constructed under the powers of this Act or of any Act incorporated therewith upon across over under or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and according to plans to be submitted to and approved by such engineer in writing and in all things at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the railway company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that if the railway company shall think it necessary that any works affecting their railways works or property shall be carried out by the railway company and shall notify their desire to carry out such works to the Company they may themselves carry out the same at the costs charges and expenses of the Company:

(b) All works and operations affecting the railways works or property of the railway company and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to the railways bridges level crossings approaches viaducts stations works lands or property of the railway company or any interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

A.D. 1914.
—

- (c) If any injury or interruption shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any mains pipes or works of the Company in under or near to any railway bridge level crossing embankment cutting approach viaduct station lands works or property of the railway company the Company shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :
- (d) The Company shall pay to the railway company all costs of the superintendence by the engineer of the railway company of any works or operations affecting the railways works and property of the railway company when such works or operations are carried out by the Company and all proper costs of watching lighting and protection of the railways and works of the railway company during the carrying out of such works or operations but such superintendence by the railway company shall not relieve the Company from liability for any accident which may be occasioned by or through the said works or operations or by their contractors agents and workmen :
- (e) The Company shall from time to time pay to the railway company any additional expense which the railway company may incur in effecting any repair renewal widening alteration or extension of the railways and works of the railway company in the exercise of powers enjoyed by them at the time of the passing of this Act by reason of the existence of any mains pipes apparatus or works of the Company in over upon across or under the railways and works of the railway company :
- (f) The railway company may at any time or times hereafter upon giving to the Company not less than seven days' notice thereof in writing signed by the engineer of the railway company call upon the Company to divert or alter the level of any main pipe apparatus or other work of the Company

in over upon across or under or in any way affecting the railways works or property of the railway company except where such main pipe apparatus or other work of the Company is laid in a public highway which crosses under such railways works or property of the railway company so as to admit of any repairs renewals widenings alterations or extensions of the railways and works of the railway company (being works within the limit of their existing powers) which they may think necessary without being liable to pay the costs of such diversion or alteration or to pay any compensation in respect thereof:

A.D. 1914.

- (g) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Company and the railway company or failing agreement by an engineer to be appointed by the Board of Trade on the application of the railway company and the Company or either of them.

50. In executing the works and exercising the powers authorised by this Act so far as they affect any existing main road (hereinafter in this section referred to as "any main road") or any county or main road bridge (which expression shall in this section include the road over such bridge and the approaches thereto and any culvert) in the county of Kent the following provisions for the county council of the administrative county of Kent (in this section referred to as "the county council") shall unless otherwise agreed in writing apply and have effect (that is to say):—

For protec-
tion of Kent
County
Council.

- (1) All mains pipes and works of the Company 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 and at such depth not exceeding two feet six inches as the county council in writing under the hand of their surveyor (hereinafter in this section referred to as "the county surveyor") may reasonably direct Such

A.D. 1914.
—

- direction shall be given within seven days from the date of the notice given by the Company to lay such main pipes and shall apply to main pipes only and in default of such direction within the said seven days the council's authority in this particular shall lapse :
- (2) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 8 of that Act shall be seven days instead of three days for main pipes and three days for laying or connecting consumers' services except in cases of emergency arising from defects in any of the pipes or other works :
- (3) Except in cases of emergency and except when the works consist of service pipes the plan required by section 9 of the said Act shall be accompanied by a section and description of the proposed works and shall be delivered to the county council or the county surveyor by the Company not less than fourteen days before the Company commence to interfere with any county or main road bridge or open or break up any main road for the purpose of executing the works and any difference as to any such plan description or section or as to the temporary or other works referred to in the said section 9 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 9 :
- (4) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes and works of the Company shall not be placed on the metalled portion of any main road or in or upon any county or main road bridge without the written consent of the county surveyor and subject to such conditions and directions as he may reasonably require or give :
- (5) All surplus paving metalling or materials removed during the laying of the mains pipes or works on any main road or in upon or across any county or main road bridge and not required by the Company

for the purpose of reinstating and making good the said road or bridge may be used by the county council for the maintenance and repair of any main or other road in the county:

- (6) If the Company in the execution of any works in or affecting any main road or county or main road bridge shall cause any damage injury or disturbance thereto and shall neglect or refuse to make good all such damage injury or disturbance to the reasonable satisfaction of the county council then it shall be lawful for the county council after reasonable notice to the Company of the alleged neglect or refusal and of the works they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company 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:
- (7) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the county council or the county surveyor which consent shall not be unreasonably withheld:
- (8) Nothing in this Act contained shall prejudice or affect the right of the county council at any time or times to divert widen alter the levels of or otherwise alter and improve any main road and to remove alter rebuild widen or repair any county or main road bridge in under over or attached to which any mains pipes or works of the Company are carried in the same manner as the county council might have diverted improved or removed altered rebuilt widened or repaired any such main road or county or main road bridge if this Act had not been passed and such mains pipes and works had not been constructed or laid in under over or attached to such main road or bridge respectively and the county council shall not make any compensation to the Company for any expense or loss to which the Company may be put by reason or in consequence of any such diversion

A.D. 1914.

improvement removal alteration rebuilding widening or reparation And in the event of any such main road or bridge in, under over or attached to which any such mains pipes or other works are laid being diverted improved removed altered rebuilt widened or repaired as aforesaid in such manner as to require the removal or alteration of any such mains pipes or works the Company shall at their own cost in all things as and when requested by the county surveyor remove or alter the position of the said mains pipes and works and the works by which the same are carried in under over or attached to any such main road or bridge as aforesaid and replace the same to the satisfaction of the county council Provided that during any such diversion improvement removal alteration rebuilding widening or reparation of such main road or bridge as aforesaid the county council shall afford to the Company all reasonable facilities for temporarily carrying such mains pipes and works along the main road or across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains and pipes and the Company may carry such mains and pipes accordingly and shall reimburse the county council all reasonable expenses incurred by the county council in affording such facilities:

- (9) All works of the Company so far as they affect any main roads or county or main road bridges shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge:
- (10) The Company 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 bridge in which the mains pipes or other works of the Company are or may be laid as may be damaged by reason of the traffic being concentrated thereon

during the laying alteration renewal or repair of the said mains pipes and other works: A.D. 1914.

- (11) If any difference at any time arises between the county council and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid.

51. The provisions of the section of this Act whereof the marginal note is "For protection of Kent County Council" shall mutatis mutandis extend and apply to and enure for the benefit and protection of the Sevenoaks Rural District Council in relation to any street road bridge or approach within the district of the said council and for the time being vested in or maintainable by them. For protection of Sevenoaks Rural District Council.

52. For the protection of Arthur Hepburn Hastie and Arthur Hepburn Hastie and Edna Corbett as trustees (hereinafter respectively referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the Company and the owners apply and have effect (that is to say) :— For protection of Arthur Hepburn Hastie and others.

In the event of any footpath on the Cowden Estates of the owners or the Smithers Farm in the parish of Cowden and the Hole Farm in the parish of Edenbridge belonging to the said Arthur Hepburn Hastie not repairable by the inhabitants at large in which any mains or pipes of the Company are laid being lawfully diverted the Company may and shall if reasonably required so to do by the owners remove such mains or pipes from the lands of the owners and shall to the reasonable satisfaction of the owners make good any damage caused to such lands by or consequent upon the removal of the mains and pipes. In the event of any difference arising as to the reasonableness of the requirement of the owners or otherwise under this section such difference shall be determined by arbitration under the Arbitration Act 1889.

A.D. 1914.

SUPPLY PRICE AND TESTING OF GAS.

Limits for
supply of
gas.

53. The limits within which the Company may supply gas under this Act shall comprise the following area:—

- (1) The district enclosed by an imaginary line commencing at the point where the boundaries of the counties of Kent Sussex and Surrey meet and proceeding in a northerly direction along the Kent and Surrey boundary to the point where the said boundary crosses the public road leading from Crockham Hill to Limpsfield at Kent Hatch thence along the northern side of the said road in an easterly direction to the junction of the public road leading to Westerham thence along the footpath leading from this point to its junction with the public road leading from Crockham Hill to Hosey Common thence along the western side of the said road for about two hundred yards in a northerly direction to the bye-road leading easterly in the direction of Chartwell thence along the northern side of the said bye-road to its junction with the road leading from Hosey Common to Four Elms thence in a southerly direction along the eastern side of the said road to its junction with the road leading to Toys Hill thence along the northern side of the said road to a point where the parish boundary of Brasted crosses the road thence along the parish boundary of Brasted in first a southerly and then an easterly direction thence along the southern boundaries of the parishes of Sundridge and Chevening thence in a southerly direction along the eastern boundary of the parish of Chiddingstone past Penshurst Railway Station to the point where the boundary touches the River Eden thence along the western bank of the river in a southerly direction to the point where the parish boundary of Chiddingstone joins the river near Doubleton's Farm thence following the parish boundary of Chiddingstone to the point at which it joins the county boundary between Kent and Sussex thence along such county boundary in a westerly direction joining up with and terminating at the point of commencement hereinbefore described:

- (2) The said area includes the whole of the parishes of Edenbridge Chiddingstone Cowden and Hever and parts of the parishes of Westerham Penshurst and Brasted detached all in the county of Kent and is coloured pink on the map signed in triplicate by the Most Honourable Henry William Montagu Paulet Marquess of Winchester the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and the said maps shall respectively within six months after the passing of this Act be deposited in the Office of the Clerk of the Parliaments House of Lords in the Private Bill Office of the House of Commons and in the principal office of the Company: A.D. 1914.
- (3) If there be any discrepancy between the description of the limits of supply contained in this section and the maps signed as aforesaid the latter shall prevail:
- (4) Copies of the map deposited in the principal office of the Company in pursuance of this section and certified by the secretary of the Company to be true copies shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the limits of supply.

54. If at any time after the expiration of three years from the passing of this Act the Company have not laid down the necessary mains for supplying gas or are not furnishing a reasonably sufficient supply of gas in any of the parishes of Chiddingstone Penshurst Cowden and Hever nothing in this Act shall prevent any local authority company or person supplying gas in all or any of the said parishes in which the Company are not furnishing such supply of gas and the Company shall not oppose any application by any local authority company or person for an Act of Parliament or Provisional Order to authorise such local authority company or person to afford a supply of gas to all or any of the said parishes or any part of the same respectively and to repeal any power of the Company in respect of any such parish or part thereof which such local authority company or person may be authorised to supply with gas If any difference shall arise between the Company and the Sevenoaks Rural District Council as to

As to supply to parishes of Chiddingstone Penshurst Cowden and Hever.

A.D. 1914. whether any supply furnished by the Company in any such parish is a reasonably sufficient supply such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

Dividend
dependent
on price
charged.

55. The prices to be charged by the Company for gas supplied by them within the limits of supply shall be four shillings and sixpence per one thousand cubic feet for gas supplied within a radius of two miles from the existing gas-works of the Limited Company and five shillings per one thousand cubic feet supplied by them beyond such radius and such prices are in this Act referred to as "the standard prices":

Provided that the Company may increase or reduce the price charged by them for gas in the said portions of the limits of supply respectively above or below the standard prices subject to a reduction or increase in the dividends payable by the Company on the ordinary capital as follows:—

In respect of any year during any part of which the prices charged by the Company for any gas supplied by them shall have been one penny or part of a penny above the standard prices respectively the dividends payable by the Company shall in respect of each penny or part of a penny by which the standard prices shall have been increased be reduced below the standard rate of dividend by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds but such reduction shall be calculated only upon whichever of the said prices shall have been increased to the greater extent:

And in respect of any year during the whole of which the prices charged by the Company for gas supplied by them shall have been one penny or more below the standard prices the dividends payable by the Company may in respect of each penny by which the standard prices shall have been reduced be increased above the standard rate of dividend by three shillings and sixpence upon every one hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds

but such increase shall be calculated only upon whichever of the said prices shall have been reduced to the less extent. A.D. 1914.

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

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence 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.

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

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

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

57. For the purposes of the Gasworks Clauses Act 1871 as varied by this Act the prescribed testing place shall be provided by the Company at the works of the Company. Testing place.

58. From and after the passing of this Act the Company shall provide and maintain at the prescribed testing place apparatus for testing the calorific power of the gas supplied by them and such apparatus shall consist of a calorimeter to be Company to provide apparatus for testing calorific power.

A.D. 1914. agreed upon between the Company and the local authority or failing agreement to be approved by the Board of Trade which calorimeter (hereinafter called "the calorimeter") shall be the most suitable for ascertaining the total heat value of such gas expressed in British thermal units.

Standard
calorific
power.

59. The calorific power of the gas supplied by the Company shall when tested and corrected in accordance with the provisions of the section of this Act of which the marginal note is "Provisions as to testing for calorific power" be five hundred and forty British thermal units and that power is hereinafter referred to as "the standard calorific power."

Provisions
as to testing
for calorific
power.

60. The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Company:—

- (1) The gas examiner may by means of the calorimeter test at the prescribed testing place the calorific power of the gas supplied by the Company but not more than one testing for calorific power shall be made at the testing place on any day except in the event mentioned in subsection (7) of this section:
- (2) The Company may if they think fit on each occasion of the testing of gas under the provisions of this section be represented by some officer who shall not interfere in the testing:
- (3) The calorimeter shall be so used as to yield the total heat value of the gas which shall be developed by the complete combustion in moist (saturated) air of moist (saturated) gas and the products of combustion shall be cooled down to the temperature of the air:
- (4) Subject to the provisions of the immediately preceding subsection the testing shall be made in the mode and under the conditions for the time being prescribed by the metropolitan gas referees for testing the total heat value of gas so far as such mode and conditions are applicable:
- (5) The result obtained by means of such testing shall be expressed in terms of British thermal units and shall be corrected to a temperature of sixty degrees Fahrenheit and a pressure balanced by a column of

thirty inches of mercury at the same temperature A.D. 1914.
The corrected result shall be deemed to be the
calorific power of the gas ascertained by the testing:

- (6) The gas examiner shall forthwith give notice in writing to the Company at their office of any defect of calorific power ascertained by him on any testing made under this section:
- (7) In the event of the calorific power being on any testing at the prescribed testing place ascertained to be below the standard calorific power by more than five per centum a second testing shall be made on the same day at the testing place but at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific power of the gas at such testing place on that day:
- (8) The gas examiner shall on the day immediately following that on which any testing has been made under this section make and deliver a report of the results of his testing to the local authority or the justices by whom he was appointed and to the Company and such report shall be receivable in evidence.

61. If on any day the calorific power of the gas supplied by the Company at the prescribed testing place is below the standard calorific power by more than seven and a half per centum they shall be liable to the following penalties in respect of any deficiency beyond such last-mentioned margin (that is to say):—

Penalties for deficient calorific power.

If the deficiency does not exceed fourteen British thermal units two pounds;

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

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

62.—(1) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than twelve tenths of one inch in height at

Pressure of gas.

A.D. 1914. 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 Act 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 Company shall afford to the
examiner all reasonable facilities for making the test.

Saving as to
penalties.

63. No penalty shall be incurred by the Company for
insufficiency of pressure defect of calorific power or excess of
impurity in the gas supplied by them in any case in respect of
which it is proved that such insufficiency defect or excess was
produced by any circumstance beyond the control of the Com-
pany. Provided that the want of sufficient funds shall not be
held to be a circumstance beyond the control of the Company.

Power to
supply gas
fittings &c.

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

(2) Any fittings let for hire under the provisions of this
section shall not be subject to distress or to the landlord's
remedy for rent or be liable to be taken in execution under
process of any court or proceedings in bankruptcy against the
person in whose possession the same may be provided that such
fittings are marked or impressed with a sufficient mark or
brand indicating the Company as the owners thereof.

Engines &c.
of Company
let on hire
though fixed
to premises
to remain
property of
Company.

65.—(1) All gas engines apparatus fittings and appliances
let by the Company on hire under the provisions of this Act
shall notwithstanding that they be fixed or fastened to any
part of any 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 Company. 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 mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof. A.D. 1914.

(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.

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

Gas consumers to give notice to Company before removing.

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

Power to take licences for use of patents.

68. If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company shall pay interest after the rate of four 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.

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

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

Company may refuse to supply gas in certain cases.

A.D. 1914.

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

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

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

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

- (1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as such pipes and fittings are intended to be covered over:
- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper (once in each of two newspapers) circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in

connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:

A.D. 1914.

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

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

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

Power to
require use
of anti-
fluctuators
for gas
engines &c.

A.D. 1914. — expense of the Company if the anti-fluctuator and valve be found in proper order but otherwise at the expense of the consumer.

Power to enter premises and remove fittings.

73. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises.

Period of error in defective meters.

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

Company may enter into contracts for supply of gas.

75. The Company may enter into any contract with any local authority company or person for a supply of gas for different purposes to any premises within the limits of supply and such supply may be given for such purposes and subject to such terms and conditions as to price varying according to the purposes for which the gas is to be supplied and otherwise as may be agreed upon between the Company and the authority company or person taking such supply. Provided that the Company shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for similar purposes from the Company under similar conditions and circumstances.

Company may enter into contracts for supply of gas in bulk.

76. The Company may contract with any local authority company or person authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed

upon but nothing in this section shall authorise the Company to lay any mains or service pipes or to interfere with any street beyond the limits of supply. A.D. 1914.

MISCELLANEOUS.

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

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

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

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

A.D. 1914.

Costs of
Act.

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

The SCHEDULE referred to in the foregoing Act.

DESCRIPTION OF GAS LANDS.

PART I.

(a) All that piece or parcel of land with the gasworks and buildings now standing and being thereon and containing by admeasurement two roods twelve perches or thereabouts situate in the parish of Edenbridge in the county of Kent and bounded on the south by land belonging or reputed to belong to Herbert Searle Whitmore on the north by the public road leading from Hever to Edenbridge on the east by a public footpath leading from the said last-mentioned road to the main road leading from Edenbridge to Hartfield and on the west by land belonging or reputed to belong to Harry Elliott.

PART II.

(b) All that piece of land containing two roods thirty-three perches or thereabouts situate and being in the parish of Edenbridge in the county of Kent and being part of the enclosures numbered 704 and 705 on the $25\frac{1}{10}$ Ordnance map for the said parish (1908 edition) and belonging or reputed to belong to Herbert Searle Whitmore adjoining the existing gasworks of the Limited Company and which said piece of land is coloured pink on the plan signed in triplicate by the Right Honourable John Henry Whitley the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred which plans have been deposited in the Private Bill Office of the House of Commons in the Office of the Clerk of the Parliaments House of Lords and in the principal office of the Company respectively.

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