



CHAPTER ccvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Alton (Hants) Gas, Hoylake and West Kirby Gas, Sheffield Gas, Tonbridge Gas, and York Town and Blackwater Gas. [14th August 1890.] A.D. 1890.

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

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

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

1. This Act may be cited as the Gas Orders Confirmation (No. 1) Act, 1890. Short title.

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

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act, or of the said Orders, without the Special pro-
vision as to
houses of

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labouring
class.

consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

SCHEDULE OF ORDERS.

ALTON (HANTS) GAS.—Order empowering the Alton Gas and Coke Company to maintain and continue gasworks and to make and supply gas in the town and parish of Alton in the county of Southampton.

HOYLAKE AND WEST KIRBY GAS.—Order empowering the Hoylake and West Kirby Gas and Water Company (Limited) to raise additional capital for the purposes of their gas undertaking.

SHEFFIELD GAS.—Order empowering the Sheffield United Gaslight Company to construct additional works and for other purposes.

TONBRIDGE GAS.—Order empowering the Tonbridge Gas Company to raise additional capital to construct and maintain additional works and for other purposes.

YORK TOWN AND BLACKWATER GAS.—Order empowering the York Town and Blackwater Gas and Coke Company (Limited) to maintain and continue gasworks, and to manufacture and supply gas within part of the parish of Fimley, in the county of Surrey, and parts of the parishes of Hawley and Yately, in the county of Southampton.

ALTON (HANTS) GAS.

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Order empowering the Alton Gas and Coke Company to maintain and continue Gasworks and to make and supply Gas in the Town and Parish of Alton in the county of Southampton.

*Alton
(Hants)
Gas.*

1. This Order may be cited as the Alton (Hants) Gas Order 1890. 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." Commence-
ment 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 (except sections thirty to thirty-four both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order. Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund. Incorporation
of Acts.
4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued. 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 town and parish of Alton in the county of Southampton. Limits of
Order.

Undertakers.

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

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Capital.

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Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed eight thousand pounds consisting of the original share capital of two thousand five hundred pounds already expended on the undertaking (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 the provisions of this Order not exceeding five thousand five hundred pounds 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 capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

Where proprietor tenders same amount as any other person proprietor to be declared the purchaser.

9. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares sold by auction to be paid within three months.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

As to notice to be given of sale of shares.

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

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender

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to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

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13. 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 profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

14. 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 ten pounds in respect of every one hundred pounds actually paid up of such original capital 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 or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Limit of dividend on capital.

15. 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 prescribed 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 ordinary shares to be paid proportionately.

16. 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 fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a justice due care and management could not have prevented and if such fund be at any time

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

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reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens. Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital as aforesaid.

Application of further excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

19. When in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates 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 increase the Undertakers may in such year set apart such sum as they think fit by way of 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 commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Lands.

Power to purchase additional land by agreement.

20. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedule 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 purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

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

Undertakers may maintain and continue gasworks on lands described in schedule

21. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same may maintain and continue and from time to time alter enlarge renew and discontinue their existing gasworks and works connected

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therewith and may construct erect make and maintain and from time to time 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 on such lands 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 and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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and may make
 and sell gas
 &c.

22. The Undertakers may at the works or elsewhere manufacture purchase or hire and supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connexion with fittings tubes meters pipes stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to make
 gas meters &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 and use any leave license 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.

Power to take
 licenses for
 use of patents.

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

For protection
 of London and
 South-western
 Railway Com-
 pany.

(A) In laying down repairing or removing any mains pipes or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the South-western Railway or any bridge over or under such railway or any approaches to any such bridge within the South-western Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South-western Company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto within the South-western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if

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the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence :

- (B) If any injury or damage to or any interruption of the South-western Company's traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the South-western Company in respect thereof :
- (C) All mains pipes and other works of the Undertakers upon across over under or in any way affecting the South-western Railway or any bridge over or under the same or the approaches thereto within the South-western Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South-western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South-western Company may without any further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the South-western Railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe or other work as aforesaid being in want of repairs the South-western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid as herein-before provided :
- (D) The Undertakers shall bear and on demand pay to the South-western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the South-western Railway with reference to and during such construction and repair so far as such costs may be in case of difference determined by the arbitrator to have been necessary :
- (E) Any difference which may arise between the South-western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

Differences
with road
authority or
company.

25. If any difference arise between the Undertakers and any highway board or road authority or company other than the London and South-western Railway Company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall

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be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. A.D. 1890.

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Quality of Gas.

26. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871. Quality of gas.

Price of Gas.

27. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be four shillings and sixpence per thousand cubic feet: Fixing 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 which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the price so charged has exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

And in respect of any year during which the price so charged 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 exceeded the price so charged be increased above the standard rates by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

28. After the expiration of any contract for the time being existing for the supply of gas to any public lamps within the limits of supply the Undertakers shall unless otherwise agreed between the local authority and the Undertakers afford such supply from any main or pipe belonging to the Undertakers laid in a public thoroughfare situate within thirty yards of any such lamp at a price not exceeding the lowest price charged for the time being by the Undertakers to any private consumer by meter. Supply of gas to public lamps.

Pressure of Gas.

29. All gas supplied by Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer. Pressure of gas.

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Testing of Gas.

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Testing of gas.

30. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used: Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposit.

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

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

33. Section one hundred and forty 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.

Time for making up and forwarding accounts to local authorities.

34. Notwithstanding anything contained in section thirty-five of the Gasworks Clauses Act 1871 the annual statement of accounts of the Undertakers shall be made up to the first day of June in each year and forwarded to the local authority within the limits of supply on or before the first day of September 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 June and the first day of September had been so named.

Costs of Order.

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

SCHEDULE.

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Gas Lands.

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Lands belonging or reputed to belong to and in the occupation of the Undertakers on which their gasworks are situate in the parish of Alton in the county of Southampton containing by admeasurement one rood twenty-one perches or thereabouts and bounded on or towards the north and west by land belonging or reputed to belong to Mrs. Adelaide Middleton Fox and in the occupation of George Woodroffe Gunner on or towards the south by the main road leading from Alton to Chawton and on or towards the east partly by land belonging or reputed to belong to the trustees of Edwin Arnell Williams deceased and now in the occupation of Edwin Lot or his undertenants and partly by a house and land belonging or reputed to belong to William James Speakman and now in the occupation of Messrs. Crowley and Company or their undertenants.

HOYLAKE AND WEST KIRBY GAS.

*Hoylake
and
West Kirby
Gas.*

Order empowering the Hoylake and West Kirby Gas and Water Company (Limited) to raise additional Capital for the purposes of their Gas Undertaking.

1. This Order may be cited as the Hoylake and West Kirby Gas Order 1890. 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 Hoylake and West Kirby Gas and Water Order 1878 (in this Order referred to as "the Order of 1878") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Provided that from and after the commencement of this Order sections thirty to thirty-four both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Order of 1878 and section thirty-five of the said Gasworks Clauses Act shall for the purpose of incorporation with the said Order be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund. Construction of Order.
4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order the expression "the gas capital" means the share capital of the Undertakers for the purposes of their gas undertaking by the Order of 1878 and this Order authorised to be raised and the several words terms and expressions to which Interpretation.

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and
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by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by the Order of 1878 authorised to be erected and maintained.

Undertakers.

5. The Hoylake and West Kirby Gas and Water Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

6. The limitation prescribed by the Order of 1878 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising further additional share capital not exceeding seven thousand pounds for the purposes of the said undertaking authorised by the Order of 1878 and this Order including any premiums that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers shall not for such purposes exceed in the whole the sum of seventeen thousand pounds unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

7. The Undertakers shall when any shares forming part of the additional capital authorised by this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

8. Where the amount bidden or tendered by the proprietor of any share or stock in the gas capital of the Undertakers for any such lot of shares so offered for sale under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor of such shares or stock then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares sold by auction to be paid within three months.

9. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

As to notice to be given as to sale &c. of shares.

10. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk

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of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

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*Hoylake
 and
 West Kirby
 Gas.*

11. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock in the gas capital of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the said additional capital.

Shares not sold by auction or by tender to be offered to shareholders.

12. 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 profits of the Undertakers but shall be expended in extending or improving the undertaking or in paying off money borrowed for the purposes of the undertaking or owing on mortgage thereof by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

13. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the gas capital than the standard rates of dividend herein-after mentioned namely on so much of such capital as was authorised to be raised by the Order of 1878 the rate of ten pounds in respect of every one hundred pounds and on so much of such capital as is additional capital under this Order the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or six 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 capital.

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

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

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

Limit of borrowing powers.

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*Hoylake
and
West Kirby
Gas.*

If profits
exceed the
amount limited
excess may be
invested and
form an in-
surance fund.

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

Application of
excess of
profits over
prescribed
rates.

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

Power to
create a reserve
fund and appli-
cation thereof.

18. When in any year the prescribed rates exceed the standard rates 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 applicable to the payment of such increase 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 commencement of this Order 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 gas reserve fund" and shall be applicable to the payment of dividends on the gas capital in any year in which the clear profits of the Undertakers arising from the undertaking are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any gas reserve fund.

Quality of Gas.

Quality of gas.

19. Notwithstanding anything in the Order of 1878 the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

[53 & 54 Vict.] *Gas Orders Confirmation (No. 1)* [Ch. ccvi.]
Act, 1890.

Price of Gas.

20. Notwithstanding anything in the Order of 1878 the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be five shillings per thousand cubic feet.

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

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged has exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds :

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

Miscellaneous.

21. The Undertakers may manufacture purchase or hire and supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

22. The Undertakers may subject to the provisions of this Order but only for the purposes of their Undertaking within the limits of supply and not so as to acquire any exclusive right therein contract for take and use any leave license 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 or distribution of gas or the conversion manufacture or utilization of any products obtainable in or arising from such manufacture or from the materials used therein.

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

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—
*Hoylake
and
West Kirby
Gas.*

Fixing price of
gas with sliding
scale as to
dividend.

Power to make
stoves and gas
apparatus.

Power to take
licenses for use
of patents.

Time for
making up
and forwarding
accounts to
local autho-
rities.

[Ch. ccvi.] *Gas Orders Confirmation (No. 1)* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

—
*Hoyleake
and
West Kirby
Gas.*
Costs of Order.

24. 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.

*Sheffield
Gas.*

SHEFFIELD GAS.

*Order empowering the Sheffield United Gaslight Company to
construct additional works and for other purposes.*

Short title.

1. This Order may be cited as the Sheffield Gas Order 1890.

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."

Construction
of Order.

3. The Sheffield Gas Act 1855 (in this Order referred to as "the Act of 1855") and the Sheffield Gas Act 1866 (in this Order referred to as "the Act of 1866") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Undertakers.

4. The Sheffield United Gaslight Company incorporated by the Act of 1855 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" and in this Order the expression "the directors" means the directors of the said company.

Power to
construct
additional
works.

5. Notwithstanding anything in the Act of 1855 or the Act of 1866 contained the Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same construct erect and maintain and from time to time alter remove and enlarge works for the storage of gas and residual products obtained in the manufacture of gas and matters producible therefrom and may on the same lands store gas and all such residual products as aforesaid and supply and sell the same and so far as regards such lands the proviso in section eighteen of the Act of 1866 shall be and the same is hereby repealed.

Amendment of
section 52 of
the Act of
1855.

6. From and after the 1st day of January 1891 section fifty-two of the Act of 1855 shall be read and take effect as if the words "February or March and August or September" were inserted therein instead of the words "April and October."

Repeal of
sections 66 and
67 of the Act
of 1855.

7. Sections sixty-six and sixty-seven of the Act of 1855 shall be and the same are hereby repealed and from the commencement of this Order no nominee director shall be entitled to or receive any remuneration and no elected director other than a managing director shall be entitled to any remuneration so long as the Undertakers charge for any gas supplied by them (other than under a special contract made or to be made under the Act of 1855) shall be more than after the rate of three shillings and sixpence for one thousand cubic feet of gas. Provided that the maximum allowance in any one year to the elected directors shall not exclusive of the allowance if any paid for such year to any managing director under the Act of 1855 exceed the sum of two thousand pounds.

8. From and after the 1st day of January 1891 section ninety-three of the Act of 1855 shall be read and take effect as if the words "one hundred thousand cubic feet" were substituted therein for the words "five hundred thousand cubic feet."

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

A.D. 1890.

Sheffield Gas.
 Amendment of section 93 of Act of 1855.
 Costs of Order.

SCHEDULE.

GAS LANDS.

All that plot of land at Neepsend in the township of Brightside Bierlow in the parish of Sheffield in the West Riding of the county of York containing 25,004 superficial square yards or thereabouts bounded on or towards the south in part by lands belonging or reputed to belong to Bernard Wake and the representatives of the late Marcus Smith and in other part by lands belonging or reputed to belong to the Undertakers and being in breadth there 488 feet or thereabouts bounded on or towards the east and north-east by a road called Parkwood Road and being in length there 672 feet or thereabouts and bounded on or towards the west by lands now or late belonging or reputed to belong to John Thompson William Grattan and Joseph Smith and being in length on that side 699 feet or thereabouts.

TONBRIDGE GAS.

Tonbridge Gas.

Order empowering the Tonbridge Gas Company to raise additional Capital to construct and maintain additional Works and for other purposes.

1. This Order may be cited as "the Tonbridge Gas Order, 1890."

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 Tonbridge Gas Act 1872 (in this Order referred to as "the Act of 1872") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order Provided that from and after the commencement of this Order sections thirty to thirty-four both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Act of 1872 and section thirty-five of the said Gasworks Clauses Act shall for the purpose of incorporation with the said Act be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Construction of Order.

[Ch. ccvi.] *Gas Orders Confirmation (No. 1)* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

*Tonbridge
Gas.*
Incorporation
of Acts.

4. So far as the same relate to the powers conferred by this Order, the provisions of the Companies Clauses Consolidation Acts, 1845, 1888, and 1889 with respect to the several matters following (that is to say) :—

The distribution of the capital of the company into shares.

The transfer or transmission of shares.

The payment of subscriptions, and the means of enforcing the payment of calls.

The forfeiture of shares for non-payment of calls.

The remedies of creditors of the company against the shareholders.

The borrowing of money by the company on mortgage or bond.

The conversion of the borrowed money into capital.

The consolidation of the shares into stock.

The general meetings of the company, and the exercise of the right of voting by the shareholders.

The making of dividends.

The giving of notices : and

The provision to be made for affording access to the special Act by the parties interested.

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, and the provisions of the Lands Clauses Consolidation Acts (except with respect to the purchase of and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking) are (except where expressly varied by this Order) incorporated with and form part of this Order.

Interpretation.

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

Limits of
supply.

6. 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 limits of supply as defined by the Act of 1872.

Undertakers.

Undertakers.

7. The Tonbridge Gas Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

New capital.

8. In addition to the original and additional capital of the Undertakers as defined or authorised by the Act of 1872 (in this Order referred to as "the original capital") they may from time to time—

1. Raise any further sums not exceeding in the whole twelve thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this

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Order referred to as "the new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof as herein-after provided has been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twelve thousand pounds; and

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*Tonbridge
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2. Borrow on mortgage in respect of the new capital of twelve thousand pounds by this Order authorised to be raised by the issue of ordinary or preference shares or stock any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of such new capital at the time actually issued including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until shares or stock for so much of the new capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up, and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premiums (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

9. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

10. If any money be payable to a shareholder being a minor idiot or lunatic the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Receipt clause in case of person not sui juris.

11. The capital in new shares or stock raised under the powers of this Order shall form part of the capital of the Undertakers, and so much thereof as shall be raised by the creation and issue of new ordinary shares or stock shall be called the "D capital" the original stock of eight thousand pounds being part of the original capital authorised by the Act of 1872 being herein-after and in future called the "A capital" the further additional capital authorised by the said Act being herein-after and in future called the "B capital" and the capitalised stock of two thousand pounds being the remainder of the original capital authorised by the said Act being herein-after and in future called the "C capital" and for this purpose the Undertakers may call in and cancel the existing stock or share certificates and issue new certificates in lieu thereof as and in manner authorised by section twenty-two of the said Act.

New shares or stock to form part of capital.

12. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares

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

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or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as other person proprietor to be declared the purchaser.

13. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

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

14. It shall be one of the conditions of any sale of shares or stock under this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

As to notice to be given as to sale &c. of shares and stock.

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

Shares or stock not sold by auction or by tender to be offered to shareholders.

16. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863: Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

Application of premium arising on sale of shares or stock.

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

Limits of dividend on capital.

18. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the A B

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and C capital authorised by the Act of 1872 and the D capital as defined by this Order than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds of the A capital of eight thousand pounds five pounds in respect of every one hundred pounds of the C capital of two thousand pounds and seven pounds in respect of every one hundred pounds of the B capital of eight thousand pounds or the D capital as may have been or be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much of the D capital as may be issued as preference capital.

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 ———
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Gas.

19. 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.

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

20. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act or Order previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or Order or under this Order or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament Orders 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.

Power to create debenture stock.

21. All mortgages granted by the Undertakers under the authority of the Act of 1872 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act have priority over all mortgages granted under the authority of this Order 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 Undertakers and notwithstanding anything in the said Act contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or this Order shall rank *pari passu*.

Existing mortgages to have priority.

22. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Limit of interest on moneys borrowed.

23. Section thirty-five (scale of voting) of the Act of 1872 is hereby repealed and from and after the commencement of this Order the scale on which every holder of shares or stock whether fully paid up or not under this Order may vote shall be as follows:—

Scale of voting.

For ten pounds or more but not exceeding fifty pounds, one vote.

For more than fifty pounds but not exceeding one hundred pounds, two votes.

For more than one hundred pounds but not exceeding one hundred and fifty pounds, three votes.

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- For more than one hundred and fifty pounds but not exceeding two hundred pounds, four votes.
- For more than two hundred pounds but not exceeding two hundred and fifty pounds, five votes.
- For more than two hundred and fifty pounds but not exceeding three hundred pounds, six votes.
- For more than three hundred pounds but not exceeding three hundred and fifty pounds, seven votes.
- For more than three hundred and fifty pounds but not exceeding four hundred pounds, eight votes.
- For more than four hundred pounds but not exceeding four hundred and fifty pounds, nine votes.
- For more than four hundred and fifty pounds but not exceeding five hundred pounds, ten votes.
- For more than five hundred pounds but not exceeding five hundred and fifty pounds, eleven votes.
- For more than five hundred and fifty pounds but not exceeding six hundred pounds, twelve votes.
- For more than six hundred pounds but not exceeding six hundred and fifty pounds, thirteen votes.
- For more than six hundred and fifty pounds but not exceeding seven hundred pounds, fourteen votes.
- For more than seven hundred pounds but not exceeding seven hundred and fifty pounds, fifteen votes.
- For more than seven hundred and fifty pounds, sixteen votes.

Qualification of directors.

24. Section thirty-seven (qualifications of directors) of the Act of 1872 is hereby repealed, and from and after the commencement of this Order, the qualification of a director shall be the possession in his own right of not less than one hundred and fifty pounds in the capital of the Undertakers.

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

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

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*Tonbridge
Gas.*

Application of
further excess
of profits over
prescribed
rates.

Power to
create a
reserve fund
and application
thereof.

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

27. When in any year the prescribed rates on the ordinary shares in the A B and D capital exceed the standard rates, 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 the Undertakers may in such year set apart such sum as they shall think fit, by way of 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 commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided, no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Lands.

28. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedules to the Act of 1872 and this Order annexed any lands which they may require. Provided they shall not at any time hold for such purposes more than three acres of land in the whole, in addition to the lands described in the said schedules, and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas, or residual products, or of storing gas except the lands described in the said schedules.

Purchase of
lands by
agreement.

Lands for Construction of Additional Gasworks.

29. The Undertakers may on the lands shown on the deposited map, and described in the schedule to this Order annexed while they are possessed of the same, construct, erect and maintain, and from time to time alter, remove, and enlarge retorts, retort houses, gas-holders, receivers, purifiers, meters, apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom, and they may, subject to the provisions of this Order, upon the said lands make and store gas and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar, lime, coke, pitch, asphaltum and 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

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

[Ch. ccvi.] *Gas Orders Confirmation (No. 1)* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

*Tonbridge
Gas.*

Power to make
stoves and gas
apparatus.

construct and maintain and from time to time alter, enlarge, and renew or discontinue houses, offices, buildings, and other works connected with the undertaking.

30. The Undertakers may, at the works or elsewhere, manufacture, purchase, hire, supply, sell, or let on hire, gas meters, fittings, gas stoves, and cooking and other apparatus, and may also manufacture, purchase, hire, sell, let, deal in, and contract for doing work in connexion with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating for domestic and other purposes, by means of gas, and all articles and things in any way connected with gasworks or with the supply use or consumption of gas, and may take charges and remuneration in respect thereof.

Power to take
licenses for
patents.

31. The Undertakers may subject to the provisions of this Order (but only for the purposes of their undertaking and not so as to acquire any exclusive right therein) contract for, take and use any leave, license 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, supply, or distribution of gas or the conversion, manufacture or utilization of any products obtainable in or arising from such manufacture or from the materials used therein.

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

32. The Undertakers may from time to time enter into and carry into effect, and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural sanitary authority, or any company authorised to supply gas, at such price and upon such terms and conditions as may from time to time be agreed on. Provided, that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe, or the breaking up of any road or street, or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

For the pro-
tection of the
South-eastern
Railway Com-
pany.

33. For the protection of the South-eastern Railway Company (herein-after called "the railway company") the following provisions shall apply and have effect

- (1.) Before laying down or executing or effecting the repairs or renewals of any mains, pipes, or other works in the exercise of the powers contained in the Act of 1872 and in this Order upon, across, over, under, or in any way affecting the railway lands or property now or hereafter belonging to or used by the railway company, and before entering upon the said railway lands and property, the Undertakers shall give at least fourteen days notice in writing to the company of their desire so to do, (except in case of emergency, in which case the Undertakers shall give notice in writing to the railway company forthwith, after they shall have entered upon the railway lands or property aforesaid,) and shall before such entry for the purposes aforesaid or any of them obtain the written consent thereto of the railway company under the hand of their principal engineer for the time being.
- (2.) Fourteen days at least before commencing to lay down any main, pipe or other work, or (except in case of urgent necessity) to execute or effect any repair or renewal of any main, pipe or other works as aforesaid, upon, across, over, under, or in any way affecting the railway lands or

property of the railway company or the bridges, approaches, viaducts, stations, or other works, or any level crossings over the railways, plans, sections, and specifications shall be submitted to the said engineer for his approval, and shall be reasonably approved by him in writing, or in the event of such engineer failing to signify his approval or disapproval, or to give such other direction within fourteen days after the submission of such plans as aforesaid, he shall be deemed to have approved of the same, and in the event of any difference thereon arising between the Company and the Undertakers such work shall be executed in such manner as shall, unless otherwise agreed, be determined by an engineer to be appointed by the Board of Trade on the application of either the railway company or the Undertakers, and the decision of such engineer shall be final and conclusive between both parties, and such work shall be executed in accordance with such plans, sections, and specifications as so approved and under the superintendence of and subject to the reasonable approval of the said engineer of the railway company. Provided that nothing herein contained shall authorise the Undertakers to occupy or use permanently with their works the surface of any land or property of the railway company without the previous consent in writing of the secretary of the railway company; and all such works shall be done by and at the expense of the Undertakers, who shall also restore and make good to the reasonable satisfaction of the railway company's engineer, the roads over any bridges level crossings and approaches which the railway company, either alone or jointly, 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 and operations shall be constructed, executed and done so as not to cause any injury to such railway 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 in any way be owing to any of the works, operations and matters aforesaid, or the failure of any such mains, pipes or works, the Undertakers shall make compensation, to be determined by arbitration in the manner herein-after provided, and such compensation, together with full costs, shall be recoverable by the railway company from the Undertakers, by all and the same means as any simple contract debt of like amount is recoverable.

- (3.) In the event of any dispute arising between the principal engineer for the time being of the railway company and the engineer for the time being of the Undertakers as to any of the matters aforesaid, the same shall be determined by arbitration by an engineer to be appointed by the Board of Trade at the request of either party, and the costs of such arbitration shall be in the discretion of the arbitrator.

Quality of Gas.

34. Notwithstanding anything in the Act of 1872 the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

A.D. 1890.
Tonbridge
Gas.

Quality of gas.

[Ch. ccvi.] *Gas Orders Confirmation (No. 1)* [53 & 54 Vict.]
Act, 1890.

A.D. 1890.

*Tonbridge
Gas.*
Purity of gas.

35. With respect to the purity of the gas supplied by the Undertakers the following provisions shall have effect that is to say :—

- (1.) The gas shall not at any time contain more than twenty grains of sulphur in one hundred cubic feet.
- (2.) If on any one day the gas be of less purity than that prescribed by this Order then notwithstanding anything in the Gasworks Clauses Act 1871 the average of all the testings under this Order made on that day and on the preceding and on the following day shall be deemed to represent the purity on that day.
- (3.) If on any day on the occasion of such testings the purity of the gas is found to be defective the local board for the district of Tonbridge shall within four hours of the discovery of any such defect give notice in writing thereof to the Undertakers by letter addressed and posted to the Undertakers or left at the Undertakers office within the prescribed time specifying therein the nature and extent of the defect.

Price of Gas.

Fixing price
of gas with
sliding scale as
to dividend.

36. Notwithstanding anything in the Act of 1872 the standard price to be charged by the Undertakers from and after the quarter day next after the commencement of this Order to private consumers by meter, shall subject to the provisions of this Order be three shillings and ninepence 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 shares in the A, B and D capital as follows :—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price, the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged has exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of such paid-up capital, and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below three shillings and sixpence per thousand cubic feet, the dividend so payable by the Undertakers may in respect of each penny by which the price so charged shall have been below three shillings and sixpence, be increased above the standard rates by five shillings on every hundred pounds of such paid-up capital, and so in proportion for any fraction of one hundred pounds.

Testing Gas.

Testing gas.

37. Section forty-seven of the Act of 1872 is hereby repealed, and for the purposes of the application of the Gasworks Clauses Act 1871 to the undertaking the following provisions shall have effect (that is to say) :—

- (1.) The prescribed testing place shall be the office for the time being of the local board for the district of Tonbridge or such other place as the

said local board shall by writing under the hand of their clerk from time to time prescribe.

A.D. 1890.

*Tonbridge
Gas.*

- (2.) In order to enable the Undertakers to be represented at any testing for purity and illuminating power the said local board shall give to the Undertakers at their principal office not less than two hours notice in writing of their intention to make such testings.
- (3.) The prescribed burner shall be the burner known as "Sugg's London Argand No. 1," having twenty-four holes, each hole of 0.045 of an inch in diameter, and with a glass chimney 6 inches long, and $1\frac{7}{8}$ of an inch in diameter. Provided that any other description of burner may be used, which may from time to time be approved for the purpose by the Board of Trade, and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order, may from time to time subject to the terms of his appointment at such testing place or elsewhere, as and when he thinks fit test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage or place not being the immediate approach to any railway or canal bridge or railway station, vested in or under the control of any local or road authority.

Miscellaneous.

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

No penalty in case of unavoidable cause.

39. The Undertakers shall not be liable to any penalty for defect of illuminating power or excess of impurity in the gas supplied by them unless the complaint respecting such defect or excess shall have been made before two justices within six weeks next after the happening of the defect or excess complained of.

No penalty unless complaint made within six weeks.

40. 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.

41. 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. 1890.

*Tonbridge
Gas.*

SCHEDULE.

GAS LANDS.

A piece of land containing two acres and twelve perches or thereabouts, situate in the parish of Tonbridge in the county of Kent, bounded on the north by the towing-path adjoining the River Medway, on the east by land belonging or reputed to belong to Joseph Trueman Mills, and in the occupation of James Jeffery; on the south in part by land belonging or reputed to belong to the representatives of the late William Gorham, and in the occupation of the said James Jeffery, in part by a private road leading to Walters Farm, and as to the remaining part by land belonging or reputed to belong to the Undertakers; and on the west side in part by a brook flowing into the River Medway; and on the other part by land belonging or reputed to belong to the Medway Company.

*York Town
and
Blackwater
Gas.*

YORK TOWN AND BLACKWATER GAS.

Order empowering the York Town and Blackwater Gas and Coke Company (Limited) to maintain and continue Gasworks, and to manufacture and supply Gas within part of the Parish of Frimley, in the County of Surrey, and parts of the Parishes of Hawley and Yatley, in the County of Southampton.

Short title.

1. This Order may be cited as the York Town and Blackwater Gas Order 1890.

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."

Incorporation
of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order (except where the same are expressly varied by this Order), and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the commencement of this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order. Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act, 1847, shall be read and construed as though the words from "in case the whole" down to "have been paid," all inclusive, had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order, together

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with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

*York Town
and
Blackwater
Gas.*

Interpretation.

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

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 so much of the parish of Frimley, in the county of Surrey, and of the parishes of Hawley and Yately, in the county of Southampton, as is coloured red upon a map signed in triplicate by the Right Honourable Leonard Henry Courtney, Chairman of the Committee of the House of Commons, to whom the Bill for the Act confirming this Order was referred, one of which maps shall within one month after the passing of the Act confirming this Order be deposited in the Private Bill Office of the House of Commons and at the principal offices of the Undertakers and of the North Camp and Farnborough District Gas Company, Limited.

Limits of
Order.

Undertakers.

6. The York Town and Blackwater Gas and Coke Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed five thousand pounds, consisting of the share capital already raised, or authorised to be raised, by the Undertakers (in this Order referred to as the "original capital") amounting to three thousand pounds, and of additional share capital (in this Order referred to as the "additional capital") to be issued subject to the provisions of this Order, not exceeding two thousand pounds, 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. The Undertakers shall, when any shares forming part of the additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, offer the same for sale by public auction or tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares, and that the reserve price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction, or the last day

New shares to
be offered by
auction or
tender.

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*York Town
and
Blackwater
Gas.*

Where proprietor tenders same amount as any other person proprietor to be declared the purchaser.

Purchase money of shares sold by auction to be paid within three months.

As to notice to be given of sale of shares.

Shares not sold by auction or tender to be offered to shareholders.

Application of premium arising on issue of shares.

Limits of dividend on capital.

for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

9. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor, then, and in every such case, such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

10. It shall be one of the conditions of every sale of shares under the provisions of this Order that the whole nominal amount of each share, together with any premium given by any purchaser at such sale in respect thereof, shall be paid to the Undertakers within three months after such sale.

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

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold, the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

13. 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 profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

14. 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, ten pounds in respect of every one hundred pounds actually paid up of such original capital, 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, or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

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15. 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 prescribed rates on each class of ordinary shares or stock in the original and additional capital of the Undertakers, a proportionate reduction shall be made in the dividends payable on each class.

*York Town
and
Blackwater
Gas.*

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

Limit of borrowing powers.

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

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

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

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

Application of excess of profits over prescribed rates.

19. When in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates 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 increase, the Undertakers may in such year set apart such sum as they think fit by way of 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 commencement of this Order may

Power to create a reserve fund and application thereof.

A.D. 1890.
*York Town
and
Blackwater
Gas.*

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 are insufficient to enable the Undertakers in such year to pay the prescribed rates, and, save as by this Order specially provided, no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Land.

Power to
purchase
additional land.

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

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

Undertakers
may maintain
and continue
gasworks
on lands de-
scribed in
schedule, and
may make and
sell gas, &c.

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

Power to
Undertakers to
purchase and
supply gas
appliances and
apparatus, &c.

22. The Undertakers may at the works or elsewhere manufacture, purchase, hire, supply, sell, or let on hire gas meters, fittings, gas stoves and cooking and other apparatus, and also manufacture, purchase, hire, sell, let, deal in, and contract for doing work in connexion with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating for domestic and other purposes by means of gas, and all articles and things in any way connected with gasworks or with the supply, use, or consumption of gas, and may take charges and remuneration in respect thereof.

[53 & 54 VICT.] *Gas Orders Confirmation (No. 1)* [Ch. ccvi.]
Act, 1890.

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, 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, supply, or distribution of gas, or the conversion, manufacture, or utilization of any products obtainable in or arising from such manufacture or from the materials used therein.

A.D. 1890
 ———
*York Town
 and
 Blackwater
 Gas.*
 Power to take
 licences for
 patents.

24. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any sanitary authority, or other public authority, or any company authorised to supply gas, or to the War Department, at such price and upon such terms and conditions as may from time to time be agreed on. Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district: Provided further, that the Undertakers shall not exercise any of the powers conferred by this section within the existing authorised limits of the North Camp and Farnborough District Gas Company, Limited, beyond the limits of supply without the previous consent of that Company.

Power to
 contract for
 sale of gas in
 bulk.

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

For protection
 of London and
 South-western
 Railway Com-
 pany.

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

(b) If any injury or damage to or any interruption of the South-western Company's traffic shall be in any way occasioned by the Undertakers or

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by their contractors, agents, or workmen, the Undertakers shall forthwith make full compensation to the South-western Company in respect thereof.

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

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

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

For protection
of the South-
eastern Rail-
way Company.

26. For the protection of the South-eastern Railway Company (in this section referred to as "the railway company"), the following provisions shall apply and have effect:—

(a) Before laying down or executing or effecting the repairs or renewals of any mains, pipes, or other works, in the exercise of the powers contained in this Order, upon, across, over, under, or in any way affecting the railway, lands, or property now or hereafter belonging to or used by the railway company, and before entering upon the said railway, lands, and property, the Undertakers shall give at least one month's notice in writing to the railway company of their desire so to do, except in case of urgent necessity, in which case the Undertakers shall give notice in writing to the railway company within twelve hours after they shall have entered upon the railway, lands, and property as aforesaid.

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(b) Fourteen days at least before commencing to lay down any main, pipe, or other work, or (except in case of urgent necessity) to execute or effect any repair or renewal of any main, pipe, or other works as aforesaid upon, across, over, under, or in any way affecting the railway, lands, or property of the railway company, or the bridges, approaches, viaducts, stations, or other works, or any level crossings over the railways, plans, sections, and specifications shall be submitted to the engineer of the said company for his approval, and shall be reasonably approved by him in writing, or in the event of such engineer failing to signify his approval or disapproval, or to give such other direction, within fourteen days after the submission of such plans as aforesaid, he shall be deemed to have approved thereof, and in the event of any difference thereon arising between the railway company and the Undertakers such difference shall, unless otherwise agreed, be determined by an engineer to be appointed by the Board of Trade on the application of either the railway company or the Undertakers, and the decision of such engineer shall be final and conclusive between both parties, and such work shall be executed in accordance with such plans, sections, and specifications as so approved, and in such manner and under the superintendence of and subject to the reasonable approval of the said engineer: Provided that nothing herein contained shall authorise the Undertakers to occupy or use permanently with their works the surface of any land or property of the railway company without the previous consent in writing of the secretary of the railway company. All such works shall be done by and at the expense of the Undertakers, who shall also restore and make good to the reasonable satisfaction of the railway company's engineer the roads over any bridges, level crossings, and approaches which the railway company, either alone or jointly, 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 and operations shall be constructed, executed, and done so as not to cause any injury to such railway, bridges, level crossings, approaches, viaducts, stations, works, lands, or property, or interruption to the passage or conduct of traffic over such railway, or at any station thereon, and if any such injury or interruption shall arise from or in any way be owing to any of the works, operations, and matters aforesaid, or the failure of any such mains, pipes, or works, the Undertakers shall make compensation to the railway company in respect thereof, the amount of such compensation to be determined by arbitration in the manner herein-after provided, and such compensation, together with full costs, shall be recoverable by the railway company from the Undertakers by all and the same means as any simple contract debt of like amount is recoverable.

(c) In the event of any difference arising between the railway company and the Undertakers touching any of the matters referred to in this section, the same shall be determined by an engineer to be appointed by the Board of Trade at the request of either party, and the costs of such arbitration shall be borne as the arbitrator directs.

27. For the protection of main roads, county bridges and approaches thereto, and other property in the county of Surrey, the following provisions shall have effect, that is to say:—

For protection
of main roads
and bridges.

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- (a) No works at any time affecting any main road or bridge belonging to or under the control of the Surrey County Council, or the approaches to any such bridge, shall be placed or constructed, and no alteration or disturbance of any main road, county bridge, or approach road thereto, shall be begun, except in accordance with plans and specifications previously submitted to and signed by the surveyor for the time being of the county of Surrey, and the said works shall be executed under the superintendence and to the reasonable satisfaction of the said surveyor, and shall be thereafter maintained by the Undertakers at their own expense and under such superintendence as aforesaid. Provided that if the said surveyor omit to signify his approval or disapproval of any such plans and specifications as aforesaid during fourteen days after the same shall have been submitted to him, he shall be deemed to have approved of the same.
- (b) For the purposes of this section the term "main road" shall mean a main road under section eleven of the Local Government Act, 1888.
- (c) Notwithstanding anything in this Order contained, the Undertakers shall be responsible for and make good to the said Surrey County Council, all costs, losses, damages, and expenses which they may be put to or sustain by reason of the execution or failure of any of the intended works or of any act or omission of the Undertakers, or of any of their contractors, agents, workmen, or servants, or any of the persons in their employ or in the employ of their contractors or others, and the Undertakers shall effectually indemnify and hold harmless the Surrey County Council from all claims and demands upon or against them by reason of such execution or failure, or of any such act or omission.
- (d) The costs, charges, and expenses of the said surveyor of and incidental to the superintendence of the works shall be paid by the Undertakers.

Difference with
road author-
ities or rail-
way and other
companies.

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

Quality of Gas.

Quality of
gas.

29. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fifteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

Fixing price of
gas with
sliding scale as
to dividend.

30. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be four shillings and nine pence per thousand cubic feet. Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price, the dividend payable by the Undertakers shall, in respect of each penny by which the price so charged has exceeded the standard price, be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

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 —
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And in respect of any year during which the price so 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 exceeded the price so charged be increased above the standard rates by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

Pressure of Gas.

31. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of
 gas.

Testing Gas.

32. The Undertakers shall, within six months after the commencement of this Order, cause to be provided at their works a testing place, with apparatus therein according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass, a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade, and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place, not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Testing gas.

Miscellaneous.

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

No penalty in
 case of un-
 avoidable
 cause.

34. 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

Undertakers to
 pay interest on
 deposit.

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War Depart-
ment.

Costs of Order.

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.

35. Section one hundred and forty 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.

36. Nothing in this Order contained shall be construed to prevent the Secretary of State for War from continuing to supply with gas the buildings, houses, and other premises in the parish of Frimley now supplied with gas by him, or any other buildings, houses, or premises for the time being belonging to the War Department.

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

SCHEDULE.

GAS LANDS.

A piece of land now belonging or reputed to belong to and occupied by the Undertakers, situate in the parish of Frimley, in the county of Surrey, containing by admeasurement 2,280 square yards or thereabouts, and bounded on or towards the north by the road leading from Blackwater through York Town to Bagshot, on or towards the west by the River Blackwater, on or towards the east by land belonging or reputed to belong to Jason Bryan, and on or towards the south by land (water meadows) belonging or reputed to belong to Mrs. Louisa Kelsey.

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