



CHAPTER lxvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Cullingworth Gas, Kempston Gas, Mitcham and Wimbledon District Gas, South Normanton and Blackwell Gas, and Sutton and Hooton District Gas. A.D. 1892.

[20th June 1892.]

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:

And whereas the limits of supply as defined by the Cullingworth Gas Order, 1892, hereby confirmed, include a portion of the area within which the Commissioners as defined by the Bingley Extension and Improvement Act, 1867, were by the said Act authorised to supply gas, and a portion of the area within which the Clayton, Allerton, and Thornton Gas Company were by the Clayton, Allerton, and Thornton Gas Act, 1864, authorised to supply gas; and it has been agreed between the said Commissioners and the Undertakers for the purposes of the said Order and between the said Company and the said Undertakers respectively, that the said Undertakers shall be authorised to supply gas within the said portions, and that so much of the said Acts as authorises the said Commissioners and the said Company respectively to supply gas within any such portion as aforesaid shall be repealed: 30 & 31 Vict.
c. 88.
27 & 28 Vict.
c. 30.

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27 & 28 Vict.
c. 38.

And whereas the limits of supply as defined by the Kempston Gas Order, 1892, hereby confirmed, include a portion of the area within which the Bedford Gas Light Company were by the Bedford Gas Act, 1864, authorised to supply gas, but the said Company have not in fact supplied gas within the portion aforesaid, and it has been agreed between the said Company and the Undertakers for the purposes of the said Order that the said Undertakers shall be authorised by the said Order to supply gas therein, and that so much of the said Act as authorises the said Company to supply gas therein shall be repealed:

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:

Short title.

1. This Act may be cited as the Gas Orders Confirmation (No. 1) Act, 1892.

Confirmation
of Orders.

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.

Special pro-
visions as to
houses of
labouring
class.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the 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.

Partial
repeal of
30 & 31 Vict.
c. lxxxviii.;
27 & 28 Vict.
c. xxx.; and
27 & 28 Vict.
c. xxxviii.

4. So much of the Bingley Extension and Improvement Act, 1867, and of the Clayton, Allerton, and Thornton Gas Act, 1864, as authorises the Commissioners as defined by the said first mentioned Act and the Clayton, Allerton, and Thornton Gas Company

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respectively to supply gas within any parishes or parts of parishes in the West Riding of the County of York which are included within the limits of supply as defined by the Cullingworth Gas Order, 1892, hereby confirmed, and so much of the Bedford Gas Act, 1864, as authorises the Bedford Gas Light Company to supply gas within any parishes or parts of parishes in the county of Bedford which are included within the limits of supply as defined by the Kempston Gas Order, 1892, hereby confirmed, are hereby repealed, and from and after the passing of this Act all the powers of the said Commissioners and Companies with reference to the supply of gas within any such parishes or parts of parishes as aforesaid shall absolutely cease and determine, and the said Orders shall have as full validity and effect as though such parishes or parts of parishes had never been included within the limits within which the said Commissioners or either of the said Companies were by any of the said Acts authorised to supply gas.

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SCHEDULE OF ORDERS.

CULLINGWORTH GAS.—Order empowering the Cullingworth Gas Company, Limited, to maintain and continue gasworks and to manufacture and supply gas in the township and parish of Bingley and the township of Wilsden, in the parish of Bradford, all in the West Riding of the county of York.

KEMPSTON GAS.—Order empowering the Kempston Gas Company, Limited, to maintain and continue gasworks and to manufacture and supply gas in the several parishes of Kempston, Elstow, and Wooton, all in the county of Bedford.

MITCHAM AND WIMBLEDON DISTRICT GAS.—Order empowering the Mitcham and Wimbleton District Gaslight Company to construct and maintain additional works.

SOUTH NORMANTON AND BLACKWELL GAS.—Order empowering the South Normanton, Blackwell, and Hucknall-under-Huthwaite Gas Company, Limited, to maintain and continue gasworks and to manufacture and supply gas within the parish of Blackwell and parts of the parishes of South Normanton and Tibshelf, all in the county of Derby.

SUTTON AND HOOTON DISTRICT GAS.—Order empowering the Sutton and Hooton Gas Company, Limited, to maintain and continue gasworks and to manufacture and supply gas in the townships of Willaston, Hooton, Childer Thornton, Great Sutton, Little Sutton, Ledsham, and Capenhurst, all in the county of Chester.

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CULLINGWORTH GAS.

Cullingworth Gas.

Order empowering the Cullingworth Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the township and parish of Bingley and the township of Wilsden in the parish of Bradford all in the West Riding of the county of York.

Short title.

1. This Order may be cited as the Cullingworth Gas Order, 1892.

Commencement of Order.

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

Incorporation of Acts.

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

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 purpose 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 Order.

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 parts hereinafter described of the hamlet of Harden the township and parish of Bingley the township of Wilsden and the parish of Bradford all in the West Riding of the county of York (that is to say):—

(a) So much of the hamlet of Harden and the township and parish of Bingley as lies within a line commencing at the northern boundary of the existing

gasworks site in Greenside Lane and drawn thence in a north-easterly direction along the centre of Manywells Beck up to the junction of the same with Eller Carr Beck at Woodfield House thence in a westerly direction along the centre of Eller Carr Beck past Cow House Bridge for a distance of two hundred and thirty lineal yards thence in a westerly direction towards Eller Carr Mill for a distance of two hundred and fifty yards to the road leading from Eller Carr to Cullingworth thence along the said road for a distance of two hundred yards in a north-westerly direction and from that point in a westerly direction for a distance of one hundred and ten yards to Eller Carr Beck thence alongside the centre of the Beck and the western bank of Eller Carr Reservoir across the Great Northern Railway to a private occupation road along the south-west side of the said occupation road for a distance of eighty yards to the junction of the occupation road leading to Bank Bottom Laith Farm and thence in a south-westerly direction for one hundred and eighty yards thence in a south-easterly direction over the fields for a distance of three hundred and ten yards and thence in a south-westerly and southerly direction for a distance of three hundred and sixty yards to the junction with the highway leading from Cullingworth to Haworth alongside the said highway for one hundred and sixty yards in a westerly direction and from thence down the occupation road passing Cold Spring Farmhouse to the junction of the said road with Manywells Beck and from this point proceeding along the parish boundary in a north-easterly direction and terminating at the starting point in the existing gasworks site.

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(b) So much of the township of Wilsden and the parish of Bradford as lies within a line commencing at the northern boundary of the existing gasworks site in Greenside Lane drawn thence in a north-easterly direction along the centre of Manywells Beck up to the junction of the same with Eller Carr Beck at Woodfield House thence proceeding in an easterly direction along Cow House Beck to a point fifty yards past the junction of Cow House Beck with Hallas Beck thence along the eastern side of Burnt Bank Wood in a south-westerly direction past Hallas Bridge and Hallas Mill to a point one hundred yards north of Hewenden Mills thence in a south-westerly direction for two hundred yards to the junction with Haworth Road thence along the south-western side of Haworth Road to the cottages at Spring Row thence in a south-westerly direction and along the back of the said cottages and along the south-western side of the said Haworth Road to Cullingworth Gate for a distance of two hundred and fifty yards from the said cottages and from thence in a south-westerly direction past Sand-beds to the junction with the Manywells Beck at a point measuring three hundred yards alongside the Beck from Haworth Road and from this point in a north-easterly direction and terminating at the starting point in the existing gasworks site.

Undertakers.

6. The Cullingworth Gas Company Limited 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.

*Culling-
worth Gas.
Capital.*

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed eighteen thousand pounds consisting of the sum of ten thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding eight 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 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 share 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 pro-
prietor tenders
same amount
as any other
person pro-
prietor to be
declared the
purchaser.*

9. When 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 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.

*Notice to be
given as to 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. Where 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

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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 share 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.

Limits of dividend on capital.

15. 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 original and additional capital 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 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

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

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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 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. Where in any year the prescribed rates on the ordinary shares or stock in the original and additional 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 of dividend over the standard rates 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 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 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 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

21. 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

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while they are possessed of the same maintain and continue and from time to time alter and 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 gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matter 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 such other residual products as aforesaid and may sell and dispose of the same at the 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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 gasworks and construct new works on lands described in schedule and may make and sell gas &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 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 Undertakers to purchase and supply gas appliances and apparatus &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 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 utilisation of any product obtainable in or arising from such manufacture or production or from the materials used therein.

Power to take licenses for patents.

24. Any mains pipes or other works which under the authority of this Order the Undertakers may lay down or execute under or over any railway or land of the Great Northern Railway Company shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence of the engineer for the time being of the said Company and in accordance with plans and sections previously submitted to and approved by him but in all things at the expense of the Undertakers and so as to cause no injury to any railway bridges works lands or property of the said Company or interruption to the passage or conduct of traffic over any such railway.

For the protection of the Great Northern Railway Company.

25. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon 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.

Differences with railway and other companies.

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Quality of Gas.

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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.

Price of Gas.

Fixing price
of gas with
sliding scale as
to dividend.

27. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be three shillings and sixpence 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 the original and additional 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 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.

Pressure of Gas.

Pressure of
gas.

28. 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.

Testing Gas.

Testing gas.

29. 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

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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.

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Miscellaneous.

30. 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.

Exemption from penalty in certain cases.

31. 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.

32. 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.

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

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

Costs of Order.

SCHEDULE.

GAS LANDS.

PART I.

Site of the existing Works.

A piece or parcel of land situate wholly in the township of Wilsden in the parish of Bradford in the West Riding of the county of York containing by admeasurement two roods and twenty-eight perches or thereabouts and bounded on the north by Greenside Lane and Park Lane on the south and on the east by land belonging or reputed to belong to John Foster and on the west by lands known as the Cullingworth Mills belonging or reputed to belong to Messrs. J. J. Broadbent and Company Limited.

PART II.

Site of the proposed New Works.

A piece or parcel of land situate partly in the township and parish of Bingley in the West Riding of the county of York and partly in the township of Wilsden in the parish of Bradford in the West Riding of the county of York containing by admeasurement two roods and five perches or thereabouts and bounded on the north east and west by lands belonging or reputed to belong to Messrs. J. J. Broadbent and Company Limited and on the south by land belonging or reputed to belong to the Hallas Land and Building Company Limited.

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KEMPSTON GAS.

*Kempston
Gas.*

Order empowering the Kempston Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the several parishes of Kempston Elstow and Wootton all in the county of Bedford.

Short title.

1. This Order may be cited as "the Kempston Gas Order 1892."

Commencement of Order.

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

Incorporation of Acts.

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

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.

Limits of Order.

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 several parishes of Kempston Elstow and Wootton all in the county of Bedford except such part of the parish of Kempston as lies east of an imaginary line drawn from the River Ouse from a point where the parishes of Biddenham and St. Paul's Bedford meet in a southerly direction to the Kempston Grange Farm thence westward along the boundary of such farm to the western corner of the farm buildings thence in a south-easterly direction up a private road known as the back road to Kempston Grange and following in the same direction crossing

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the Bedford and Kempston Road to the road leading from Kempston to Elstow thence in an easterly direction along that road to the Bedford and Ampthill Road and except also such part of the parish of Elstow as lies on the east side of the parish of Kempston and is bounded on the north by the parish of St. Mary's Bedford and on the east by the London and North-Western Railway Cambridge and Bletchley Branch.

A.D. 1892.

*Kempston
Gas.*

Undertakers.

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

Undertakers.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed five thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

8. 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 said capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of so much of such 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 capital as may be issued as preference capital.

Limits of
dividend on
capital.

9. 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 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.

10. 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 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 sum 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

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

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*Kempston
Gas.*

Application of
further excess
of profits over
prescribed
rates.

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

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.

11. 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.

12. Where in any year the prescribed rates on the ordinary shares or stock in the share capital 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 excess of dividend over the standard rates 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 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.

Lands.

Power to
purchase
additional
lands by agree-
ment.

13. 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—Construction and Maintenance of
Additional Gasworks—Manufacture and Sale of Gas Coke and Residual
Products.*

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

14. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and thereon coloured red and grey and described in the schedule to this Order annexed while they are possessed of the same maintain and continue and from time to time alter and 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 gasholders 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

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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 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 renew or discontinue houses offices buildings and other works connected with the undertaking.

A.D. 1892.

*Kempston
Gas.*

15. 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 make
gas meters &c.

16. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave 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 utilisation of any product obtainable in or arising from such manufacture or production or from the materials used therein.

Power to take
licenses for
patents.

17. The following provisions for the protection of the London and North-Western Railway Company shall be in force and have effect and be binding on the Undertakers:—

For protection
of the London
and North-
Western Rail-
way Company.

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the said Company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the said Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said Company and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which the said Company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or

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*Kempston
Gas.*

failure of any such mains pipes or works under or near to any such bridge or level crossing the Undertakers shall make compensation in respect thereof to the said Company the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

For protection
of Midland
Railway
Company.

18. All works to be done by the Undertakers in the exercise of the powers conferred by this Order in any way affecting the railway of the Midland Railway Company or any of the bridges or works thereof or any lands or property belonging to the said Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said Company and according to plans to be reasonably approved by him but in all things at the expense of the Undertakers and so as to cause no injury to such railway bridges works lands or property or interruption to the passage or conduct of traffic over such railway and if in consequence of the execution of such works any injury be caused to such railway bridges lands or property or any interruption be caused to such traffic the Undertakers shall make full compensation to the said Company in respect of such injury or interruption the amount of such compensation failing agreement to be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement.

Differences
with railway
and other com-
panies.

19. If any difference arise between the Undertakers and any railway canal or other company other than the London and North-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 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.

20. 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 maxi-
mum price
of gas with
sliding scale
as to dividend.

21. 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 the capital of the Undertakers 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 one hundred pounds of

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ordinary paid-up capital and so in proportion for any fraction of one hundred pounds ;

A.D. 1892.

*Kempston
Gas.*

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 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.

Pressure of Gas.

22. 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 of Gas.

23. 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-quarters-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 of gas.

Miscellaneous.

24. 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.

Exemption
from penalties
in certain cases.

25. 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.

26. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order. Provided that for

8 Vict. c. 16.
s. 140 incor-
porate l.

[Ch. lxvi.] *Gas Orders Confirmation (No. 1) [55 & 56 VICT.]*
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A.D. 1892. the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

*Kempston
Gas.*

Costs of Order.

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

SCHEDULE.

GAS LANDS.

PART I.

Lands now belonging or reputed to belong to and occupied by the Undertakers upon which their existing works are erected situate in the parish of Kempston in the county of Bedford containing by admeasurement one thousand one hundred and eighty square yards or thereabouts bounded on or towards the north-west partly by land belonging or reputed to belong to the Undertakers being the land herein-after described in Part II. of this schedule and partly by the River Ouse on or towards the east by a lane or road leading from the High Street in Kempston to the said river and known as Mill Lane and on or towards the south and west by lands belonging or reputed to belong to Edwin Ransom.

PART II.

Land belonging or reputed to belong to the Undertakers situate in the parish of Kempston aforesaid containing by admeasurement seven hundred and twenty-six square yards or thereabouts bounded on or towards the north-west by the said River Ouse on or towards the east by the land herein-before described in Part I. of this schedule and on or towards the south by lands belonging or reputed to belong to the said Edwin Ransom.

MITCHAM AND WIMBLEDON DISTRICT GAS.

A.D. 1892.

Order empowering the Mitcham and Wimbledon District Gaslight Company to construct and maintain additional Works.

Mitcham
and
Wimbledon
District
Gas.

1. This Order may be cited as the Mitcham and Wimbledon District Gas Order 1892.

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 Mitcham and Wimbledon Gas Act 1867 (in this Order referred to as "the Act of 1867") 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.

Construction
of Order.

4. From and after the commencement of this Order the Undertakers shall be subject in all respects to the provisions of the Gasworks Clauses Act 1871 (save so far as the same may be expressly varied or excepted by this Order) and the said provisions save as aforesaid shall apply to the undertaking as though the gasworks and works connected therewith were an undertaking authorised by this Order and shall be held to control and supersede such of the provisions of the Act of 1867 as are inconsistent therewith.

Application of
Gasworks
Clauses Act
1871 to under-
taking.

5. Notwithstanding anything in the Act of 1867 the Undertakers may (subject to the proviso hereinafter contained) on such parts of the lands shown on the plans deposited for the purposes of this Order and described in the schedule to this Order annexed as were not specified in the schedule to the said Act exercise all the powers in relation to the construction and maintenance of gasworks and other works connected with the manufacture and supply of gas and in relation to the manufacture conversion storing and supply of gas coke and residual products and of meters and other articles and things connected with gasworks or with the supply of gas and other like powers which by the Act of 1867 they were authorised to exercise on the lands specified in the schedule to the said Act Provided that the Undertakers shall not manufacture gas or convert or store any residual products resulting from the manufacture of gas on any such parts of the said lands described in the schedule to this Order annexed as lie within a distance of one hundred feet from the north-westerly boundary of the said lands or as lie within a distance of thirty feet from the south-easterly boundary thereof.

Lands for
construction of
additional
gasworks.

6. Section fifty-four of the Act of 1867 shall be and is hereby repealed and from and after the commencement of this Order 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.

7. Sections fifty-five fifty-six and fifty-seven of the Act of 1867 shall be and are hereby repealed and the Undertakers shall within six months after the

Testing gas.

[Ch. lxvi.] *Gas Orders Confirmation (No. 1) [55 & 56 VICT.]
Act, 1892.*

A.D. 1892. 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.

Costs of Order. 8. 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 containing by admeasurement eight acres two roods and four perches or thereabouts bounded on or towards the north-east by the public highway leading from Mitcham to Merton on or towards the north-west by an occupation road in front of the cottages at Fountain Place belonging to or reputed to belong to John Hannington and by lands belonging to or reputed to belong to John Ollehead and in his own occupation on or towards the south-west by a footpath in West Fields and on or towards the south-east by Half Acre Row.

SOUTH NORMANTON AND BLACKWELL GAS.

A.D. 1892.

Order empowering the South Normanton, Blackwell, and Hucknall-under-Huthwaite Gas Company, Limited, to maintain and continue Gasworks, and to manufacture and supply Gas within the parish of Blackwell and parts of the parishes of South Normanton and Tibshelf, all in the county of Derby.

*South
Normanton
and
Blackwell
Gas.*

1. This Order may be cited as the South Normanton and Blackwell Gas Order, 1892. Short title.

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

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), of the Gasworks Clauses Act, 1847 (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 parish of Blackwell, and so much of the parish of South Normanton as is not included within the authorised limits of supply of the Riddings District Gas Company, and so much of the parish of Tibshelf as is situate south-east of the north-west side of the road leading from Alfreton to Tibshelf to its junction with Glove's Lane, and south-west of the north-east side of Glove's Lane until Limits of supply.

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A.D. 1892. it arrives at the north-west side of the Tibshelf and Teversall Branch of the Midland Railway, and south and south-east of the north and north-west side of the Tibshelf and Teversall Branch of the Midland Railway, all in the county of Derby.

*South
Normanton
and
Blackwell
Gas.*

Undertakers.

Undertakers.

6. The South Normanton, Blackwell, and Hucknall-under-Huthwaite Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twelve 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 ten 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 that 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.

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 share 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.

9. When 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 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.

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

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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.

A.D. 1892.

—
*South
 Normanton
 and
 Blackwell
 Gas.*

12. Where 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 share 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.

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

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 hereinafter 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.

Limits of dividend on capital.

15. 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 original and additional capital, 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 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

If profits exceed the amount limited, excess may be

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invested and
form an in-
surance fund.

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 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. Where in any year the prescribed rates on the ordinary shares or stock in the original and additional 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 of dividend over the standard rates, 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 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 Land.

Power to
purchase lands
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.

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

A.D. 1892.

*South
 Normanton
 and
 Blackwell
 Gas.*

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

21. 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, maintain and continue, and from time to time alter and 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, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storage 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 such other residual products obtained as aforesaid, and may sell and dispose of the same at the 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.

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 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 Undertakers to purchase and supply gas appliances and apparatus, &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, 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 utilisation of any product obtainable in or arising from such manufacture or production, or from the materials used therein.

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 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.

Power to contract for sale of gas in bulk.

25. All the works to be done by the Undertakers in the exercise of the powers conferred by this Order in any way affecting the railway of the Midland Railway Company, or any of the bridges or works thereof, or any lands or property

For the protection of Midland Railway Company.

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belonging to the said company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said company, and according to plans to be reasonably approved by him, but in all things at the expense of the Undertakers, and so as to cause no injury to such railway, bridges, works, lands, or property, or interruption to the passage or conduct of traffic over such railway, and if in consequence of the execution of such works any injury be caused to such railway, bridges, lands, or property, or any interruption be caused to such traffic, the Undertakers shall make full compensation to the said company in respect of such injury or interruption, the amount of such compensation, failing agreement, to be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Differences
with railway
and other
companies.

26. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross under the authority of this Order, as to the mode of laying down, repairing, altering, or enlarging their mains, pipes, or other works in, over, or upon 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.

27. 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.

28. 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 the original and additional 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 of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so on in proportion for any fraction of one hundred pounds.

Pressure of Gas.

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29. 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.

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and
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Gas.*

Pressure of
gas.

Testing 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.

Testing gas.

Miscellaneous.

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

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

32. In the event of any meter used by a consumer of gas being tested in manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for Regulating Measures Used in Sales of Gas," and being proved to register erroneously within the meaning of the said Act, such erroneous registration shall be deemed to have arisen only during the current quarter of the year in which the said meter shall be so tested, unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act.

Period of error
in defective
meters.

The amount of the allowance to be made to, or of the surcharge to be made upon, the consumer by the Undertakers, in pursuance of the certificate of the inspector, shall be paid by or to the Undertakers, to or by the consumer as the case may be, and shall be recoverable in any court of competent jurisdiction for the recovery of debts of like amount.

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

Exemption
from penalty in
certain cases.

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- A.D. 1892. 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.
- South
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and
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Gas.*
- Undertakers to pay interest on deposit.
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 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.
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.
- Costs of Order.
36. 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 Blackwell, in the county of Derby, containing one acre and three roods or thereabouts, upon which the works of the Undertakers are erected, bounded on or towards the north by the Blackwell branch railway and sidings of the Midland Railway Company and the South Normanton Pumping Station, on or towards the east by land belonging or reputed to belong to the Duke of Devonshire, on or towards the south by the Normanton Brook and the boundary between the parishes of Normanton and Blackwell, and on or towards the west by the Occupation Road known as Fordbridge Lane, leading from South Normanton to Blackwell.

SUTTON AND HOOTON DISTRICT GAS.

A.D. 1892.

Order empowering the Sutton and Hooton Gas Company Limited, to maintain and continue Gasworks and to manufacture and supply Gas in the townships of Willaston Hooton Childer Thornton Great Sutton Little Sutton Ledsham and Capenhurst all in the county of Chester.

Sutton and Hooton District Gas.

1. This Order may be cited as the Sutton and Hooton District Gas Order 1892. Short title.

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

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 (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 townships of Willaston Hooton Childer Thornton Great Sutton Little Sutton Ledsham and Capenhurst all in the county of Chester. Limits of supply.

Undertakers.

6. The Sutton and Hooton Gas Company Limited 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.

*Sutton and
Hooton
District
Gas.*
Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed eight 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 five hundred 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 four thousand five hundred pounds including any premiums that 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.

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.

When pro-
prietor tenders
same amount
as any other
person pro-
prietor to be
declared the
purchaser.

9. When 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 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.

Notice to be
given as to
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
by tender to be

12. Where 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

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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 share 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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offered to
shareholders.

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 hereinafter 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.

Limits of
dividend on
capital.

15. 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 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 propor-
tionately.

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.

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 rise against or fall upon the Undertakers from

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

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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 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 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. Where in any year the prescribed rates on the ordinary shares or stock in the original and additional capital 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 excess of dividend over the standard rates 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 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 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 including 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

21. 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

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while they are possessed of the same maintain and continue and from time to time alter and 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 manufacture 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 such other residual products as aforesaid 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 renew or discontinue houses offices buildings and other works connected with the Undertaking.

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 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.

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 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 utilisation of any product obtainable in or arising from such manufacture or production or from the materials used therein.

24. For the protection of the county council of the county of Chester (in this section called the council) the following provisions shall have effect (that is to say) :--

(1.) All works to be constructed or laid by the Undertakers in along or across or in any way affecting any county or hundred bridge or any approach thereto shall be executed at the expense of the Undertakers under the reasonable superintendence and to the reasonable satisfaction of the surveyor to the council in accordance with plans and sections to be reasonably approved of by him in writing before the commencement of any such work. Provided that if the said surveyor shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof.

(2.) The works shall be so executed as not to stop the traffic and so far as reasonably practicable so as not in any way to impede or interfere with the traffic of any county or hundred bridge or any approaches thereto.

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

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

Power to take
licences for
patents.

For protection
of Cheshire
County
Council.

[Ch. lxvi.] *Gas Orders Confirmation (No. 1) [55 & 56 VICT.]*
Act, 1892.

A.D. 1892.

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District
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- (3.) The Undertakers shall pay to the council the reasonable expenses incurred by them in relation to the superintendence by this Order authorised.
- (4.) Notwithstanding anything in this Order contained it shall be lawful for the council at any time or times to remove alter or renew any such county or hundred bridge or the approaches thereto in or over which any pipes or works of the Undertakers are carried in the same manner as they might have removed altered or renewed any such bridge or the approaches thereto if this Order had not been passed and such pipes had not been constructed or laid over such bridge without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such removal alteration or renewal and in the event of any such bridge or the approaches thereto in or over which the said pipes or works are laid being removed altered or renewed as aforesaid the Undertakers shall at their own expense on receiving one month's notice in writing from the council alter the position of such pipes or works as aforesaid and place the same to the reasonable satisfaction of the said surveyor.
- (5.) If any difference arise between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the cost of the reference shall be borne as he shall direct.

For protection
of the London
and North-
Western and
Great Western
Railway Com-
panies.

25. The following provisions for the protection of the London and North-Western and Great Western Railway Companies (in this section called "the railway companies") shall have full force and effect and be binding upon the Undertakers:—

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway companies or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway companies and only according to such plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway companies are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon. And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge or level crossing the Under-

takers shall make compensation in respect thereof to the railway companies the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

A.D. 1892.

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Differences
with railway
and other
companies.

26. If any difference arise between the Undertakers and any railway canal or other company other than the London and North-Western and Great Western 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.

27. 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.

28. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be five shillings and three 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 shares or stock in the original and additional capital as follows:—

Fixing price of
gas with sliding
scale as to
dividend.

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 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.

Pressure of Gas.

29. 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

Pressure of
gas.

[Ch. lxvi.] *Gas Orders Confirmation (No. 1) [55 & 56 Vict.]
Act, 1892.*

A.D. 1892.

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Testing gas.

main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing 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.

Exemption
from penalty in
certain cases.

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 incor-
porated.

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.

Costs of Order.

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

SCHEDULE.

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GAS LANDS.

A piece of land on which the existing gasworks of the Undertakers are constructed situate in the township of Little Sutton in the parish of Eastham in the county of Chester containing two thousand four hundred square yards or thereabouts and bounded as follows (that is to say):—On the north by land belonging or reputed to belong to Mr. Lawrence Booth on the east by land belonging or reputed to belong to Mary Ann Wilson on the south by land belonging or reputed to belong to the London and North-Western and Great Western Railway Companies (Helsby and Hooton joint line) and on the west by a private road leading from the Undertakers' works to the main road to Chester and Birkenhead.

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