



CHAPTER xcvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Cannock Gas Colwall Gas Crossgates Halton and Seacroft Gas and Slough Gas. A.D. 1898.
[25th July 1898.]

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

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

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

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

1. This Act may be cited as the Gas Orders Confirmation (No. 2) Act 1898. Short title.

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

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or urban district or in any parish or part Special pro-
visions as to
houses of the
labouring
class.
[Price 2s. 6d.]

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A.D. 1898. — of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

SCHEDULE.

LIST OF ORDERS.

CANNOCK GAS.—Order empowering the Cannock Hednesford and District Gas Company Limited to maintain and continue Gasworks and to make and supply Gas within the parish of Cannock the parish of Cheslyn Hay and the parish or township of Great Wyrley all in the county of Stafford.

COLWALL GAS.—Order empowering the Colwall Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas within the parishes of Colwall and Coddington in the county of Hereford.

CROSSGATES HALTON AND SEACROFT GAS.—Order empowering the Crossgates Halton and Seacroft Gas Company Limited to maintain and continue Gasworks to manufacture and supply Gas in the parish of Seacroft the hamlets of Halton Colton Whitkirk Crossgates Manston Stanks and Scholes in the West Riding of the county of York.

SLOUGH GAS.—Order empowering the Slough Gas and Coke Company to construct and maintain additional Works for the manufacture and storage of Gas and Residual Products and for other purposes.

CANNOCK GAS.

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Order empowering the Cannock Hednesford and District Gas Company Limited to maintain and continue Gasworks and to make and supply Gas within the parish of Cannock the parish of Cheslyn Hay and the parish or township of Great Wyrley all in the county of Stafford. Cannock.

1. This Order may be cited as the Cannock Gas Order 1898.

Short title.

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

Commencement of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the 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 or works which may be laid down or constructed under the authority of this Order Provided always that for the purposes of incorporation with this Order section thirty-five of the Gasworks Clauses Act 1847 shall be read and construed as if the same right of petitioning which is thereby conferred upon two gas ratepayers had been conferred upon the Cannock Urban District Council and that it shall be lawful for the Court upon any such petition of the Cannock Urban District Council to make such order as to the payment of the costs of and incident thereto as to the Court may seem fit.

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 or 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 Cannock the parish of Cheslyn Hay and the parish or township of Great Wyrley all in the county of Stafford.

Limits of Order.

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Undertakers.

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Undertakers.

6. The Cannock Hednesford and District 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 forty thousand pounds consisting of the share capital already raised or authorised to be raised by the Undertakers of thirty-five thousand pounds (in this Order referred to as "the original capital") 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 five thousand pounds including any premiums which may be obtained upon 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 shares forming part of the additional capital are to be issued and before issuing the same to the holder of any other share of the Undertakers and whether the ordinary shares of the Undertakers are at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided always that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved 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 of the Undertakers.

Where 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 of the Undertakers for any such lot of shares so offered for sale by auction or tender 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 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 full price of each share including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months of 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

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at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

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12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purposes of sale by auction or tender to the holders of shares in the ordinary capital of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall be again 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 but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any shares not then sold shall be again offered to the holders of the original capital at the last-mentioned reserved price and so from time to time until the whole of such shares are sold.

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 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 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 their capital than the standard rates of dividend herein-after mentioned namely seven pounds in respect of every one hundred pounds actually paid up of the original capital or of the additional 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 Provided always that notwithstanding anything in any Act incorporated with this Order contained it shall not be lawful for the Undertakers to make any payment out of the profits earned by them in any year in order to make up to the prescribed rates any dividend which shall have fallen short of such prescribed rates more than three years previous to the commencement of the year in which such profits were earned.

Limits of dividend on capital.

15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers at the time actually raised by the issue of shares 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

Limits of borrowing powers.

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A.D. 1898. the consent of the Board of Trade in respect of any moneys borrowed by the
Cannock. Undertakers after the commencement of this Order and secured as aforesaid.

Mortgages to
be sold by
auction or
tender.

16. Any mortgages to be granted under the powers of this Order shall be offered for sale by auction or tender in the manner and subject to the restrictions and provisions following:—

- (i.) The Undertakers shall offer such mortgages for sale by auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that no single lot at any such sale shall comprise more than one hundred pounds of the nominal amount of such mortgages and the reserved price put upon such mortgages shall not be less than the nominal amount thereof and notice of the amount of such reserved 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 and not sooner. Provided also that no priority of tender shall be allowed to any holder of shares in the capital of the Undertakers except that if any such holder bid or offer by tender for any mortgage the same amount as any other person who is not a holder of a share in the capital of the Undertakers the bidding or offer by tender of such holder shall be accepted in preference.
- (ii.) It shall be one of the conditions of every sale by auction or tender of mortgages that the full price of every mortgage including any premiums given at such sale shall be paid to the Undertakers within such time not exceeding three months as may be named in the conditions of sale.
- (iii.) Notice of the intention to sell any mortgages under this section shall be communicated by the Undertakers in writing to the secretary of the committee of the London Stock Exchange and to the clerk of every local authority having jurisdiction within the limits of supply 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 advertised by the Undertakers once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply.
- (iv.) When any mortgage has been offered for sale by auction or tender and not sold the same shall be again offered for sale by auction or tender in the manner and subject to the provisions before mentioned but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserved price put upon such mortgage at any second or subsequent auction or tender may if the directors of the Undertakers think fit be less than the nominal amount thereof and any mortgage not then sold may be offered to the holders of ordinary shares in the capital of the Undertakers at the reserved price put upon the same at the last preceding offer thereof for sale by auction or tender and so from time to time until the whole of such mortgages shall be sold.

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(v.) Any sum of money which may arise by way of premium from the sale of any mortgage under the preceding provisions after deducting therefrom the expenses incident to such sale shall not be considered profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed by the Undertakers and shall not be considered entitled to interest.

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17. If before the making by the Board of Trade of any such Order as is referred to in the section of this Order the marginal note whereof is "Price of gas" the profits of the undertaking in any year amount to a larger sum than is sufficient to pay the maximum dividend on the share capital of the Undertakers together with any deficiency of such dividend in respect of the three last preceding years the excess or such proportion thereof as is not carried to the credit of the reserve fund shall be carried to the credit of the divisible profits of the undertaking for the following year.

Application of
 excess of
 profits.

Purchase of Land.

18. The Undertakers may for the purposes of the undertaking (by agreement but not otherwise) purchase or take on lease and hold such of the lands shown on the map deposited for the purposes of this Order and described in Schedule A. to this Order annexed as they may require for the purposes of the undertaking.

Power to
 acquire lands.

19. The Undertakers may for the purposes of the undertaking (by agreement but not otherwise) purchase or take on lease and hold in addition to the lands shown on the said map and described in Schedule A. to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than five acres of land in the whole in addition to the lands described in the said schedule and 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.

Power to
 purchase
 additional
 land.

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

20. The Undertakers on the lands shown on the said deposited map and described in Schedule A. to this Order annexed while they are possessed of the same may maintain and continue alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain renew 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 matters producible therefrom and they may subject to the provisions of this Order make and store gas and supply and sell the same within the limits of supply and may manufacture and store coke tar pitch asphaltum ammoniacal liquor oil and other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the gasworks and elsewhere and may also deal in and sell lime at the works

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

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and elsewhere and they may also construct and maintain alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking.

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

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

Power to take licences for patents.

22. 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 rights 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 materials used therein.

For protection of owners of minerals.

23. Nothing in this Order or in any Act incorporated therewith shall operate to confer upon the Undertakers any other or greater right to support for any lands works mains or pipes now belonging to or hereafter to be acquired erected constructed or laid by them from any subjacent or adjacent coal or other minerals than they would have been entitled to if this Order had not been made.

Power to contract for sale of gas in bulk.

24. The Undertakers may 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 authority or any company authorised to supply gas at such price and upon such terms and conditions as may be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

For the protection of the London and North Western Railway Company.

25. The following provisions for the protection of the London and North Western Railway Company (herein-after called "the railway company") shall be in force and have effect and be binding on the Undertakers:—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway company the same shall be done under the superintendence

and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans 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 shall also restore and make good the roads over any such bridges level crossings and approaches which the railway 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 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 Undertakers shall make compensation in respect thereof to the railway 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.

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26. The following provisions shall apply to the breaking up and reinstatement of all streets bridges sewers drains and tunnels under the control of any local or road authority (in this section called "the authority") in pursuance of the powers of this Order and so far as they are applicable shall supersede or modify the corresponding provisions contained in the Gasworks Clauses Act 1847 (that is to say):—

As to breaking
up of streets.

- (i.) Section 8 of the said Act shall be read as if "seven" were substituted for "three" in the number of days notice required.
- (ii.) All such works shall be executed by and at the expense of the Undertakers and to the reasonable satisfaction of the surveyor to the authority and in accordance with plans and sections showing the position and depth of the proposed works to be reasonably approved by him in writing before the commencement of any such work and the Undertakers shall in executing any such work conform to all reasonable requirements of the said surveyor and if so required by the authority act under his superintendence and direction Provided that if the said surveyor shall not within seven days after the submitting of any plan or section express his disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof.
- (iii.) The works shall so far as reasonably practicable be so executed as not to stop or in any way impede or interfere with the traffic over or along any street or bridge under the control or management of the authority.
- (iv.) The Undertakers shall take all necessary steps at their own expense for protecting the public using any such street or bridge from injury and shall be liable for all damage or loss that may be incurred consequent on their neglect or omission to provide such protection.

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- (v.) The Undertakers shall make full compensation to the authority for all materials lost and all sewers drains tunnels watercourses outlets or other property injured used or wasted by the Undertakers in or about the execution of any such works.
- (vi.) On completion of the work and on reinstatement to the reasonable satisfaction of the said surveyor of any such street or bridge the Undertakers shall in lieu of keeping such street or bridge in repair as provided by section 10 of the Gasworks Clauses Act 1847 pay to the authority all reasonable expenses of and incident to the maintenance and repair thereof for the period prescribed by the said section and also from time to time all additional expense incurred by the authority in the repair of such street or bridge by reason of the exercise by the Undertakers of the powers of this Order.
- (vii.) Notwithstanding anything in this Order contained the Cannock Urban District Council may if they think fit exercise the powers conferred by this Order in regard to the opening breaking up reinstating or making good of any sewer drain or tunnel under the control of such council and any expenses incurred by such council in exercising such powers or in executing any works which they may think necessary for protecting any sewer drain or tunnel affected or likely to be affected by the exercise by the Undertakers of the powers of this Order shall be repaid to the said council by the Undertakers.
- (viii.) Any sum of money payable by the Undertakers to any authority under the provisions of this section shall be deemed to be a simple contract debt and shall be recoverable in any court of competent jurisdiction.
- (ix.) The Undertakers shall not be entitled to claim damages or compensation from any authority for any injury to be caused to their mains or pipes by the use of a steam roller upon any road under which such mains or pipes are or shall be laid.

Undertakers to
lay down addi-
tional mains
when required.

27. The Undertakers shall cause all necessary mains to be laid down and a supply of gas to be given in any street within the limits of supply upon the receipt of a requisition in writing of the local or road authority or of any owner or occupier of premises abutting on such street and upon such authority owner or occupier entering into a written contract with the Undertakers that for a period of not less than five years a supply of gas shall be taken from such main by the requisitionists or others of such an amount that the rents or rates payable for the same shall be not less than ten pounds per cent. per annum on the amount properly expended in laying down such additional main. Provided always that if in the case of a requisition by an owner or occupier the Undertakers shall not be satisfied with the responsibility of such owner or occupier they may insist on having reasonable security for the fulfilment of the contract before proceeding to lay down the required main. If the Undertakers fail to cause such mains to be laid down and a supply of gas to be given within a reasonable time after the receipt of a requisition under this section and the execution by such authority owner or occupier as the case may be of the

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contract aforesaid they shall for every such default be liable to a penalty not exceeding forty shillings for each day during which the default continues. A.D. 1898.

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28. If any difference arise between the Undertakers and any local or road authority 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. Difference with railway and other companies.

Quality of Gas.

29. The quality of 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 not less than fourteen 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.

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

Pressure of Gas.

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

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Testing Gas.

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Testing gas.

32. The Undertakers shall provide and always maintain 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 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 and two hours previous notice shall be given to the Undertakers of the time and place at which such testing is to be conducted.

Miscellaneous.

Lamps not to be erected without consent.

33. The Undertakers shall not erect in any street within the district of the Cannock Urban District Council any pillars lamps or other similar works for the consumption of gas without the consent of the said council or their surveyor.

Existing reserve fund.

34. All sums standing to the credit of any reserve fund of the Undertakers at the commencement of this Order shall be carried to the credit and form part of the reserve fund authorised by section 31 of the Gasworks Clauses Act 1847 and shall be dealt with accordingly.

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

35. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas 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.

Period of error in defective meters.

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

No penalty in case of unavoidable cause.

37. 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 respect of which it is proved that such insufficiency defect or excess was produced by unavoidable cause or accident but want of adequate capital shall not be deemed an unavoidable cause.

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38. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any money 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.

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Undertakers to pay interest on deposit.

39. 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.

40. If at any time after the commencement of this Order the Cannock Urban District Council (in this section called "the council") shall be duly authorised and empowered to purchase the undertaking and shall give to the Undertakers twelve months notice in writing of their desire to purchase the same the Undertakers shall at the expiration of such notice sell and the council shall purchase the whole of the undertaking including all the property real and personal of every description and all the rights powers and privileges of the Undertakers absolutely free from all debts mortgages and incumbrances at such price and on such terms and conditions as may be agreed upon between the council and the Undertakers or failing agreement as shall be determined by arbitration under the Arbitration Act 1889 Provided always that for the purpose of ascertaining the price to be paid by the council such purchase and sale shall be deemed a purchase and sale by agreement and the arbitrator shall not be entitled to award any sum by way of compensation for compulsory sale and as from the date of such purchase the undertaking shall vest in the council and the council shall be subject and entitled to all the rights powers duties and obligations (other than those relating to capital profit or accounts) of the Undertakers Any such purchase by the council shall be deemed to be made under the Public Health Act 1875 and for the purpose of such purchase all the provisions of the said Act with regard to borrowing repayment of money formation of sinking fund and audit of accounts shall apply as if it were a purpose of the said Act.

As to the purchase of the undertaking by the Cannock Urban District Council.

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

Costs of Order.

A.D. 1898.

Cannock.

SCHEDULES.

SCHEDULE A.

GAS LANDS.

PART 1.—A piece of land situate near to and on the east side of the railway station at Cannock in the parish of Cannock in the county of Stafford containing by admeasurement three roods and five perches or thereabouts and bounded towards the west and south-west by the South Staffordshire branch of the London and North Western Railway towards the north-east by the highway leading from Cannock to Leacroft and towards the south-east by a lane there called Podgy Lane.

PART 2.—A piece of land situate at Hednesford in the parish of Cannock aforesaid containing by admeasurement one acre two roods and five perches or thereabouts and bounded towards the north-west partly by the Hednesford Volunteer Drill Hall and partly by a private road or street called Victoria Street leading out of the public road formerly called Station Street but now Market Street (which private road or street divides the same from land of the London and North Western Railway Company) towards the north-east and east by a private road leading from Victoria Street aforesaid to the Rugeley Road (which private road divides the same land from land of the Cannock and Rugeley Colliery Company Limited) towards the south-east by land belonging or reputed to belong to Arthur Davis in the occupation of Enoch Ray and towards the south-west partly by land belonging or reputed to belong to the Metropolitan Bank of England and Wales Limited and now in the occupation of the said bank and of John Sleath and Thomas Charles Smith respectively and partly by the said Drill Hall.

SCHEDULE B.

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

- (i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from “in case the whole” down to “have been paid” all inclusive had been omitted therefrom and as though the expression “the prescribed rate” included the prescribed rates as defined

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

[61 & 62 VICT.] *Gas Orders Confirmation (No. 2)* [Ch. xcviij.]
Act, 1898.

by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund. A.D. 1898.

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

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

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

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

(iii.) 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 sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstances which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and 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 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 as aforesaid. If profits exceed the amount limited excess may be invested and form an insurance fund.

[Ch. xcvi.] *Gas Orders Confirmation (No. 2)* [61 & 62 VICT.]
Act, 1898.

A.D. 1898.

Cannock.

Application of further excess of profits over prescribed rates.

Power to create a reserve fund and application thereof.

(iv.) 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.

(v.) Where in any year the prescribed rates on the ordinary 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 the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving for existing contracts.

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

COLWALL GAS.

Colwall. Order empowering the Colwall Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas within the parishes of Colwall and Coddington in the county of Hereford.

Short title.

1. This Order may be cited as the Colwall Gas Order 1898.

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 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

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Act, 1898.

shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

A.D. 1898.
Colwall.

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 or by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order 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 parishes of Colwall and Coddington in the county of Hereford.

Limits of
 Order.

Undertakers.

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

Undertakers.

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 of five thousand pounds (in this Order referred to as "the original capital") 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 three 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.

Capital.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share of the Undertakers and whether the ordinary shares of the Undertakers are at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may 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 reserved price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved 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 of the Undertakers.

New shares to
 be offered by
 auction or
 tender.

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Colwall.

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

9. Where the amount bidden or tendered by the proprietor of any share 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 full price of each share including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months of 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 offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any shares not then sold shall be again offered to the holders of ordinary shares at the last-mentioned reserved price and so from time to time until the whole of such shares are sold.

Application of premium arising on issue of shares.

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.

Limits of dividend on capital.

14. Except as in this Order otherwise 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 the original capital and seven pounds in respect of every one hundred pounds actually

[61 & 62 VICT.] *Gas Orders Confirmation (No. 2)* [Ch. xcviij.]
Act, 1898.

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.

A.D. 1898.
 Colwall.

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 in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of 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 at the time actually raised by the issue of shares 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 money borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

Purchase of Land.

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

Power to purchase additional land.

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

18. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the said Schedule A. while they are possessed of the same may maintain continue alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make maintain alter and enlarge retorts retort houses gas-holders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coal and coke and ammoniacal liquor 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 tar coke pitch and asphaltum and manufacture and store ammoniacal liquor and sulphate of ammonia and may sell and dispose of the same at their works and elsewhere and may also deal in and sell lime at their works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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

[Ch. xcvi.] *Gas Orders Confirmation (No. 2)* [61 & 62 Vict.]
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Colwall.
Power to
Undertakers to
purchase and
supply gas
appliances and
apparatus.

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

Power to take
licences for use
of patents.

20. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take 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 con-
tract for sale
of gas in bulk.

21. The Undertakers may enter into and fulfil and may 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 authority or any company authorised to supply gas at such price and upon such terms and conditions as may be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

For protection
of Great
Western Rail-
way Company.

22.—(1.) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the railway lands or property now or hereafter belonging to or used or occupied by the Great Western Railway Company shall so far as they affect such railway lands or property be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions and the reasonable charges of such engineer shall be borne by the Undertakers Provided that where any mains or pipes required to be laid under or over any level crossing of their railway the Great Western Railway Company may if they elect so to do themselves lay the same at the costs charges and expenses of the Undertakers.

(2.) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

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(3.) The Undertakers shall at all times keep the Great Western Railway Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using or the failure of any such mains and pipes as aforesaid.

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Colwall.

(4.) If the Great Western Railway Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the Great Western Railway Company may on giving to the Undertakers seven days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect thereof and the Undertakers shall at their own expense shore up or support their mains pipes culverts or other works which may be interfered with during the alteration or repair of any bridges of the Great Western Railway Company and failing their doing so the Great Western Railway Company may do so at the expense of the Undertakers.

23. If any difference arise between the Undertakers and any road authority or 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 road
authorities or
railway or other
companies.

Quality of Gas.

24. 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 not less than 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.

25. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and eightpence per thousand cubic feet and so in proportion for any less quantity supplied Provided that any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and eightpence or by fixing a standard price with sliding scale as to profits and as from the date

Price of gas.

[Ch. xcvi.] *Gas Orders Confirmation (No. 2)* [61 & 62 VICT.]
Act, 1898.

A.D. 1898. specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order. Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of such order made by the Board of Trade shall be published in the London Gazette and a copy of the said gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Colwall.

Pressure of Gas.

Pressure of gas. 26. 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. 27. 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 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.

28. 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.

29. 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

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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. A.D. 1898.
Colwall.

30. 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.

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
persons in debt
for other
property.

32. 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 A.

GAS LANDS.

A piece of land situate in the parish of Colwall in the county of Hereford containing one acre and eleven perches or thereabouts bounded on the north by the road leading from the Wyche to Colwall Parish Church and land belonging or reputed to belong to Alexander King on the south and east by land belonging or reputed to belong to Stephen Ballard and on the west by land belonging or reputed to belong to the said Alexander King.

SCHEDULE B.

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

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

[Ch. xcvi.] *Gas Orders Confirmation (No. 2)* [61 & 62 VICT.]
Act, 1898.

A.D. 1898.

Colwall.
Price of gas
with sliding
scale as to
dividend.

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

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

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

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

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

(III.) 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 sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and 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 be had to the insurance fund to

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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 as aforesaid.

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

Application of further excess of profits over prescribed rates.

(v.) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceeded 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 the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Power to create a reserve fund and application thereof.

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

Saving of existing contracts.

CROSSGATES HALTON AND SEACROFT GAS.

Order empowering the Crossgates Halton and Seacroft Gas Company Limited to maintain and continue Gasworks to manufacture and supply Gas in the Parish of Seacroft the Hamlets of Halton Colton Whitkirk Crossgates Manston Stanks and Scholes in the West Riding of the County of York.

Crossgates Halton and Seacroft.

1. This Order may be cited as the Crossgates Halton and Seacroft Gas Order 1898.

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.

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Seacroft.*

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) and of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) 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.

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 or 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 whole of the hamlets or villages of Halton Colton and Whitkirk in the township of Temple Newsam (excluding the mansion house of Temple Newsam and all the buildings park gardens and pleasure grounds thereof) the whole of the hamlets or villages of Crossgates Manston Stanks and Scholes in the parish of Barwick-in-Elmet and the whole of the parish of Seacroft all in the west riding of the county of York.

Undertakers.

Undertakers.

6. The Crossgates Halton and Seacroft 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 nine thousand four hundred and ten pounds consisting of the sum of seven thousand four hundred and ten pounds already raised by the Undertakers (in this Order referred to as the "original capital") and of additional share capital (in this Order referred to as the "additional capital") to be issued subject to the provisions of this Order not exceeding two thousand pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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 of the Undertakers offer the same for sale by public auction or tender

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in such manner at such times and subject to such conditions of sale as the Undertakers may 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 reserved price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved 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 of the Undertakers.

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9. When the amount bidden or tendered by the proprietor of any share 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.

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

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price of each share including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months of such sale.

Purchase money of shares to be paid within three months.

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.

Notice to be given as to sale of shares.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares is sold.

Shares not sold by auction or by 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

Application of premium arising on issue of shares.

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

Limits of dividend on capital.

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 the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

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

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 in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole two thousand three hundred and fifty-two pounds 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.

Purchase of Land.

Power to purchase additional land.

17. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the Schedule A. to this Order annexed any lands which they may require provided that they shall not create or permit a nuisance on any such lands and 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 no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

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

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

18. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the said schedule while they are possessed of the same maintain and continue and alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and alter and enlarge retorts retort houses gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the

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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 tar coke pitch asphaltum and ammoniacal liquor oil and all other such 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 maintain alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking.

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19. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking ranges 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.

20. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive rights 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 use of patents.

21. The Undertakers may 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 district or parish council or any lighting authority or any company authorised to supply gas at such price and upon and under such terms and conditions as may 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.

22. In executing the works and exercising the powers by this Order authorised so far as they affect the main roads and county bridges of the west riding of the county of York the following provisions for the protection of the county council of the said west riding (in this section called "the council") shall have effect unless otherwise agreed on in writing between the council and the Undertakers (that is to say):—

For the protection of the West Riding County Council.

- (1.) All mains pipes or works to be hereafter laid by the Undertakers in any main road (other than renewals of existing mains pipes or works belonging to or hereafter acquired by the Undertakers) shall be laid in such position

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at the side thereof as the council shall by writing under the hand of their surveyor reasonably direct and shall not be laid in upon or across any county or main road bridge or any arch connected therewith respectively but shall be carried over the stream crossed by such bridge by means of wrought iron riveted tubing entirely separate from and independent of such bridge and arch and the gradient of such bridge and of the respective approaches thereto shall not be altered.

- (2.) All works to be hereafter constructed or laid by the Undertakers (other than renewals of existing works as aforesaid) in along or across or in any way affecting any main road or any county or main road bridge or any approach thereto shall be executed at the expense of the Undertakers under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and be reasonably approved of by him in writing before the commencement of any such work (except in the case of emergency arising from defect in any pipes and then as soon as is possible after the necessity for the same shall have arisen) 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.
- (3.) The said work shall be so executed as not to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible despatch.
- (4.) The Undertakers shall pay to the council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised.
- (5.) Notwithstanding anything in this Order contained it shall be lawful for the council at any time to widen divert or improve any such main road and also to remove alter widen or renew any such county or main road bridge or the approaches thereto alongside or near to which the mains pipes or works of the Undertakers are carried in the same manner as they might have widened diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Order had not been passed and such mains pipes or works had not been constructed or laid in or over such main road or bridge respectively without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such widening diversion improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto alongside or near to which the mains pipes or works of the Undertakers are laid being widened diverted or improved removed altered or renewed as aforesaid the Undertakers shall at their own expense as and when requested by the said surveyor remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid but may replace the same in such position and manner alongside or near to the improved main

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road or bridge as the said surveyor shall reasonably approve Provided that before or during any such widening diversion improvement removal alteration or renewal of any such main road or bridge as aforesaid the Council shall afford at the like cost of the Undertakers reasonable facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to interrupt the continuous supply of gas.

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(6.) Notwithstanding anything in this Order contained if any difference arise between the council and the Undertakers as to the construction or effect of this section such difference shall be settled by an engineer to be agreed upon or failing agreement 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.

23. The Undertakers shall not be entitled to support for their mains and pipes and other works from the subjacent or adjacent minerals and the owner from time to time of such minerals shall be at liberty to work remove and carry away such minerals without liability to provide other support for the said mains pipes and works or any subsidence which may be occasioned to such mains pipes and works by reason of such removal.

For protection of the Honourable Mrs. Meynell Ingram and her mineral lessees and of Darcy Bruce Wilson Esq. of Seacroft.

24. If any difference arise between the Undertakers and any road authority (other than the county council of the west riding of the county of York) 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.

Difference with railway and other companies.

Quality of Gas.

25. The quality of 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 not less than sixteen 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.

26. The price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and sixpence per thousand cubic feet and so in proportion for any less quantity Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings and sixpence or by giving a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order Provided further that in case such order shall prescribe a

Price of gas.

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standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of such order made by the Board of Trade shall be published in the London Gazette and a copy of the said gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

27. 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 each consumer.

Testing Gas.

Testing gas.

28. 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 in height by one-and-three-quarter-inch internal diameter 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 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 and two hours previous notice shall be given to the Undertakers of the time and place at which such testing is to be conducted.

Price of gas supplied to the Hunslet Rural District Council for public lighting.

29. The price to be charged by the Undertakers for gas supplied to the Hunslet Rural District Council for public lighting shall be such as may be determined in accordance with the provisions of the Gasworks Clauses Act 1871 in relation thereto but not exceeding the lowest price for the time being charged by the Undertakers for gas supplied by them to any private consumer.

Miscellaneous.

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

30. 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.

Period of error in defective meters.

31. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration

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shall be deemed to have arisen during the preceding quarter of the year unless it shall be proved to have occurred during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable as a debt.

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

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposit.

34. 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.

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

Costs of Order.

SCHEDULE A.

GAS LANDS.

A piece of land containing three roods or thereabouts in the hamlet of Crossgates in the parish or township of Barwick-in-Elmet in the West Riding of the county of York and now leased to the Undertakers and on which their existing gasworks are constructed which piece of land is bounded on or towards the south by land in the occupation of the North Eastern Railway Company as railway sidings and a cattle or goods depôt and on the east by land belonging or reputed to belong to Samuel Blunt on the north by land belonging or reputed to belong to Arthur Chippendale and on the west by land occupied as the said sidings and other land belonging or reputed to belong to Darcy Bruce Wilson.

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SCHEDULE B.

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

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

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

Price of gas with sliding scale as to dividend.

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

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

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

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

If profits exceed the amount limited

(iii.) 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

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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 amount to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstances which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit 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 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 as aforesaid

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excess may be invested and form an insurance fund.

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

Application of further excess of profits over prescribed rates.

(v.) Where in any year the prescribed rates on the ordinary 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 the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called the "reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Power to create a reserve fund and application thereof.

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

Saving for existing contracts.

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SLOUGH GAS.

Slough.

Order empowering the Slough Gas and Coke Company to construct and maintain Additional Works for the manufacture and storage of Gas and Residual Products and for other Purposes.

Short title.

1. This Order may be cited as the Slough Gas Order 1898.

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."

Construction of Order.

3. The Slough Gas Act 1866 and the Slough Gas Order 1884 (in this Order referred to respectively as "the Act of 1866" and "the Order of 1884") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Provided always that as from the commencement of this Order sections 30 to 34 both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Act of 1866 and the Order of 1884 and section 35 of the said Gasworks Clauses Act 1847 shall for the purposes of incorporation with the Act of 1866 and the Order of 1884 be read and construed as if 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 credit of the insurance fund.

Incorporation of Acts.

4. 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) and of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are except where the same are expressly varied by the provisions of this Order incorporated with this Order.

Interpretation.

5. In this Order the expression "the prescribed rates" means the rates of dividend authorised by the Gasworks Clauses Act 1847 and the Act of 1866 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 or by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act the expression "the undertaking" as used in this Order shall mean the undertaking of the Slough Gas and Coke Company as extended by this Order.

Undertakers.

Undertakers.

6. The Slough Gas and Coke Company incorporated by the Act of 1866 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

[61 & 62 Vict.] *Gas Orders Confirmation (No. 2)* [Ch. xcvi.]
Act, 1898.

A.D. 1898.

Purchase of Lands.

Slough.

Power to acquire lands.

7. The Undertakers may for the purposes of the undertaking (by agreement but not otherwise) purchase hold and use the lands shown on the map deposited for the purposes of this Order and described in Part I. and Part II. of the schedule to this Order.

8. The undertakers may for the purposes of the undertaking (by agreement but not otherwise) purchase hold and use in addition to the lands which they are authorised to hold under the Act of 1866 and the Order of 1884 and the lands shown on the said map and described in Parts I. and II. of the said schedule any lands which they may require Provided that they shall not on any such additional lands create or permit a nuisance and they shall not at any time hold for such purposes more than three acres of land in addition to the lands which they now hold under the Act of 1866 or the Order of 1884 and the lands described in the said schedule 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 schedule to the Order of 1884 and in Part I. of the schedule to this Order annexed.

Power to purchase additional lands.

Additional Works for Manufacture and Storage of Gas and Residual Products.

9. The Undertakers may on the lands shown on the said map and described in Part I. of the schedule to this Order while they are possessed of those lands erect construct provide maintain and alter extend and enlarge additional gasworks retorts retort houses gasholders receivers purifiers mains pipes meters machinery and other apparatus and works and conveniences for the manufacture and storage of gas and of residual products obtained in the manufacture of gas and matters producible therefrom and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of the Undertakers for the supply of gas and they may make store and supply gas accordingly and may also on the same lands manufacture and store coke tar pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at their works and elsewhere.

Power to construct additional gasworks &c.

Quality of Gas.

10. As from the commencement of this Order section forty-five of the Act of 1866 shall be repealed and the quality of 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 not less than fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

11. As from the commencement of this Order sections 47 to 49 of the Act of 1866 and in section three of the Order of 1884 the words "(except the following sections thereof (that is to say) sections forty-five and forty-seven to forty-nine both inclusive)" shall be repealed and the Act of 1866 the Order of 1884 and this Order shall be read and construed accordingly and the Undertakers shall provide and always maintain at their works a testing

Testing of gas.

[Ch. xcvi.] *Gas Orders Confirmation (No. 2)* [61 & 62 Vict.]
Act, 1898.

A.D. 1898. 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
Slough. 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.

Price of Gas.

Fixing price of
gas with sliding
scale as to
dividend.

12. As from the first day of January one thousand eight hundred and ninety-
nine section 44 of the Act of 1866 shall be repealed and the standard price to be
charged by the Undertakers for gas supplied by them within the district within
which they are authorised to supply other than the parish of Datchet shall be
four shillings and fivepence per thousand cubic feet and within the parish of
Datchet four shillings and eightpence per thousand cubic feet :

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

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

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

Provided always that the price charged by the Undertakers for gas supplied by
them within the parish of Datchet shall not exceed by more than threepence
per thousand cubic feet the price for the time being ordinarily charged by them
for a like supply of gas in any other part of the district within which they are
authorised to supply

Slough.

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

13. 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 such capital of the Undertakers as is actually paid up 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 such capital as aforesaid 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 court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum 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 such capital as aforesaid the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may 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 such capital as aforesaid.

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

Application of further excess of profits over prescribed rates.

15. When in any year the prescribed rates exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the profits which the Undertakers may make in excess of the standard rates they may in such year set apart such sums as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or 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 section specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Power to create a reserve fund and application thereof.

16. The Undertakers may apply towards the purposes of this Order any capital or funds belonging to or authorised to be raised by them and which may not be required for the purposes for which the same were authorised to be raised.

Application of funds.

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

Costs of Order.

A.D. 1898.

Slough.

THE SCHEDULE.

PART I.

Gas Lands.

A piece of land situate in the parish of Upton-cum-Chalvey in the county of Buckingham containing five acres or thereabouts being the south-eastern corner of the field No. 54 on the twenty-five-inch Ordnance map (1876 edition) of the said parish and bounded on the north by lands belonging or reputed to belong to Herbert Nash known as Old Upton Field and there measuring five hundred and sixty-six feet or thereabouts on the south by the main line of the Great Western Railway and there measuring two hundred and fifty-five feet or thereabouts on the east by the parish boundary stream and there measuring one hundred and thirty feet or thereabouts on the south-east by the Uxbridge Road and land belonging or reputed to belong to the Great Western Railway Company and there measuring five hundred and thirty-five feet or thereabouts and on the west by the said lands belonging or reputed to belong to the said Herbert Nash known as Old Upton Field and there measuring five hundred and fifty feet or thereabouts.

PART II.

A strip of land containing half an acre or thereabouts and about thirty feet in width extending from the north-eastern extremity of the land described in Part I. of this schedule in a northerly direction to the Slough branch of the Grand Junction Canal.

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