



CHAPTER cxxxii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Cobham Gas Conisbrough Gas Hailsham Gas St. Ives (Hunts) Gas and Woking District Gas. A.D. 1903.
[11th August 1903.]

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

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

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

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

1. This Act may be cited as the Gas Orders Confirmation (No. 1) Act 1903. Short title.

2. The Orders as 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 named 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 of a parish not within an urban district ten or more houses Special pro-
visions as
to houses
of labouring
class.

A.D. 1903. 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. If the Undertakers purchase or acquire any house under the powers of this Act or the said Orders in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may reduce such penalty.

For the purposes of this section the expression "labouring class" means 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 thirty shillings a week and the families of any such persons who may be residing with them. The expression "house" means any tenement separately occupied by any person or persons.

SCHEDULE.

LIST OF ORDERS.

- COBHAM GAS.—Order empowering the Cobham Gas Company to raise additional capital and for other purposes.
- CONISBROUGH GAS.—Order empowering the Conisbrough Gas Company Limited to maintain construct and continue gasworks and to manufacture and supply gas within part of the township and parish of Conisbrough in the West Riding of the county of York.
- HAILSHAM GAS.—Order empowering the Hailsham Gas Company to maintain and continue their existing gasworks to construct further works and to supply gas in the parish of Hailsham in the county of Sussex and for other purposes.
- ST. IVES (HUNTS) GAS.—Order empowering the St. Ives (Hunts) Gas Company Limited to raise additional capital.
- WOKING DISTRICT GAS.—Order amending the provisions of the Woking District Gas Order 1901 with regard to the distribution of revenues applicable to dividend.

COBHAM GAS.

A.D. 1903.

Order empowering the Cobham Gas Company to raise additional capital and for other purposes. *Cobham Gas.*

Preliminary.

1. This Order may be cited as the Cobham Gas Order 1903. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of Order.
3. The Cobham Gas Act 1899 (in this Order referred to as "the Act of 1899") 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. Construction
of Order.
4. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order are incorporated with and form part of this Order (that is to say):— Incorporation
of Acts.

The provisions of the Companies Clauses Acts 1845 to 1889 with respect to the following matters:—

 - The distribution of the capital of the Company into shares;
 - The transfer or transmission of shares;
 - The payment of subscriptions and the means of enforcing the payment of calls;
 - The forfeiture of shares for non-payment of calls;
 - The remedies of creditors of the Company against the shareholders;
 - The borrowing of money by the Company on mortgage or bond;
 - The consolidation of the shares into stock;
 - The general meetings of the Company and the exercise of the right of voting by the shareholders;
 - The making of dividends;
 - The giving of notices; and
 - The provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 and the Gasworks Clauses Acts 1847 and 1871.
5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and the term "Company" shall mean the Undertakers. Interpretation.

Undertakers.

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

A.D. 1903.

Capital.

Cobham Gas.
Additional
capital.

7. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1899 (in this Order referred to as "the existing capital") they may for the purposes of their gas undertaking—

(1) Raise further, sums not exceeding in the whole twelve thousand pounds by the issue of new ordinary shares or stock (in this Order referred to as "the additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than five pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as herein-after provided shall have been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twelve thousand pounds:

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

Except as
otherwise pro-
vided shares
in additional
capital to be
subject to same
incidents as
other shares.

8. Except as by this Order otherwise provided the additional capital created by the Undertakers under this Order and the shares or stock therein and the holders thereof respectively shall be subject and entitled to all the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the existing capital of the Undertakers of the same class or description and the shares in the additional capital were shares in that capital. The capital in shares or stock so created shall form part of the capital of the Undertakers.

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

9. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may determine

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value 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 or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock shall be the same in amount as the bidding or offer by tender of any other person for the same lot the bidding or offer by tender of such holder shall be accepted in preference.

A.D. 1903.
Cobham Gas.

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

Purchase money of shares or stock to be paid within three months.

11. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and 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 or stock.

12. When any shares or stock created under the provisions of this Order shall have been offered for sale by auction or by 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 or ordinary stock of the Undertakers in the manner prescribed by the Companies Clauses Act 1863 Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the additional capital and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole amount of such shares or stock is sold.

Shares or stock not sold by auction or tender to be offered to holders of ordinary shares or stock.

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

Application of premium arising on issue of shares or stock.

A.D. 1903.
Cobham Gas.

be deemed to be part of the paid-up capital of the Undertakers for the purpose of determining the amount which the Undertakers may borrow under this Order and the amount which the Undertakers may invest to form a reserve fund.

Limit of dividend on additional capital.

14. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds actually paid up.

Prescribed rates 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 rate of dividend on each class of ordinary shares or stock of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends on new shares or stock.

16. Every person who becomes entitled to shares or stock in the additional capital shall in respect of the same be a holder of shares or stock in the capital of the Undertakers and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such shares or to the whole amount of such stock as the case may be.

Receipt in case of persons not sui juris.

17. If any money is payable to a shareholder stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Debenture stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

For appointment of a receiver.

19. Section 10 (For appointment of a receiver) of the Act of 1899 is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending and after the commencement of this Order the mortgagees of the Undertakers may enforce payment of arrears of interest or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers.

Limit of interest on money borrowed.

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

A.D. 1903.

21. All moneys raised under this Order shall be applied only to the purposes of the Act of 1899 and this Order to which capital is properly applicable.

Cobham Gas.
Application of moneys raised under Order.

Gas Supply.

22. The prescribed number of candles shall be not less than fourteen in lieu of fifteen as prescribed by section 37 of the Act of 1899.

Quality of gas.

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

Anti-fluctuators for gas engines.

24. If a person requiring a supply of gas from the Undertakers for any premises occupies or has occupied other premises at which gas was supplied to him by the Undertakers and has not paid all gas or meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

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

25. The Undertakers may if they think fit allow discounts or rebates not exceeding in any case twenty per centum to consumers of gas in consideration of prompt payment of gas rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by the Undertakers. Provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Discounts.

26. 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.

CONISBROUGH GAS.

Order empowering the Conisbrough Gas Company Limited to maintain construct and continue gasworks and to manufacture and supply gas within part of the township and parish of Conisbrough in the West Riding of the county of York.

Conisbrough Gas.

1. This Order may be cited as the Conisbrough Gas Order 1903.

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.

A.D. 1903.

*Conisbrough
Gas.*
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 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 and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be constructed 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 township and parish of Conisbrough in the West Riding of the county of York except so much of the northern part thereof as is included within an area formed by the boundary of the said township and parish and an imaginary line drawn from a point in such boundary in the centre of the River Don opposite the eastern corner of a field or enclosure numbered 429 on the $\frac{1}{2500}$ inch Ordnance map. (Yorkshire (West Riding) sheet CCLXXXIV. 10 first edition 1892) of the township and parish of Conisbrough in a westerly direction along the northern and western boundaries of the Providence Glass Works thence crossing under the railway of the Great Central Railway Company and proceeding in a north-westerly direction to a point between Lowfield House and the Primitive Methodist Chapel thence in a south-westerly direction to the centre of the Doncaster Road proceeding along such road to a point opposite the north-eastern corner of the field or inclosure numbered 448 on the said map thence crossing the said road and proceeding along the eastern boundary of the said field numbered 448 and the eastern and southern boundaries of the field or inclosure numbered 449 on the said map and the southern and part of the western boundaries of the field or inclosure numbered 441 on the said map to the point where the western boundary of the field or inclosure numbered 441 on the said map joins the western boundary of the township and parish of Conisbrough.

Undertakers.

Undertakers.

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

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

Capital.

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

8. The Undertakers shall when any shares or stock forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock in the capital of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value 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 or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer by tender for the same lot of any other person the bidding or offer by tender of such holder shall be accepted in preference.

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

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

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

A.D. 1903.

Conisbrough
Gas.
Capital.

New shares or
stock to be
offered by auc-
tion or tender.

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

Notice to be
given as to
sale of shares
or stock.

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

A.D. 1903.

*Conisbrough
Gas.*

holders of ordinary shares or stock.

of sale by auction or tender to the holders of the ordinary shares or stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares or stock 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 or stock forming part of the additional capital and the reserve put upon any such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

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

Limit of dividend on capital.

13. 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 capital and additional capital than the standard rates of dividend herein-after mentioned (namely) nine 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 five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

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

14. In case in any year or in any half year (if the Undertakers declare a dividend half yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original capital and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

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 or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Acquisition of Lands.

Power to purchase additional lands.

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

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

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

A.D. 1903.

Conisbrough
 Gas.

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

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

*Maintenance Construction 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 Schedule A. to this Order while they are possessed of the same may maintain and continue alter enlarge improve re-erect renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain alter and enlarge retorts retort-houses gasholders receivers purifiers meters apparatus and works for the manufacture utilisation distribution and storage of gas and of coke tar ammoniacal liquor and other residual products obtained in the manufacture of gas and matters producible therefrom or used in the manufacture of gas and they may subject to the provisions of this Order manufacture and store gas on such lands and they may supply and sell the same within the limits of supply and may manufacture and store coal tar coke pitch asphaltum ammoniacal liquor oil and sulphate of ammonia and all other residual and manufactured products obtained in the manufacture of gas and matters producible therefrom or used in the manufacture of gas and may sell and dispose of the same at their works and elsewhere and they may also maintain construct alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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

19.—(1) The Undertakers may at the works or elsewhere purchase hire supply sell let on hire but shall not manufacture gas meters fittings engines machinery stoves and cooking and other apparatus and may also purchase hire sell let deal in and contract for doing work in connexion with but shall not manufacture fittings tubes meters pipes apparatus stoves ranges and other apparatus for heating for domestic and other purposes by means of gas and all other articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

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

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

A.D. 1903.

*Conisbrough
Gas.*

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

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

21. The Undertakers may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under Parliamentary powers within the district within which the supply is to be afforded) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding seven years from the making of the contract as may be agreed upon.

For protection
of West Riding
County
Council.

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 county council") shall have effect unless otherwise agreed on in writing between the county council and the Undertakers (that is to say) :—

- (1) All mains pipes (not being service pipes) or works to be laid in or along any main roads other than renewals of existing mains pipes or works now belonging to the Undertakers shall be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor reasonably direct and shall not be constructed or laid in upon or across any county or main road bridge or any arch connected therewith but shall and may be carried over the stream crossed by such bridge by means of wrought iron riveted tubing (or other suitable method to be agreed on between the parties) entirely separate from and independent of such bridge or arch and the gradient of such bridge and of the respective approaches thereto shall not be altered :
- (2) All works including service pipes to be constructed or laid in along or across or in any way affecting any main road or 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 reasonably approved of by him in writing before the commencement of any such work (except in case of emergency arising from defect in any pipes and then as soon as possible after the necessity for remedying the same shall be apparent) 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 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

- (3) The works shall be so executed as not in any way 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 county council the reasonable cost 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 county council at any time or times to divert widen 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 in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Order had not been confirmed and such mains pipes or works had not been constructed or laid in over alongside or near to 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 diversion widening improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Undertakers shall at their own expense if 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 and replace the same to the reasonable satisfaction of the said surveyor of the county council Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford at the cost of the Undertakers all 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 :
- (6) Notwithstanding anything in this Order contained if any difference arise between the Undertakers and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer 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 costs of the reference shall be borne as he shall direct.

23. The following provisions for the protection of the Great Central Railway Company shall be in force and have effect and be binding on the Undertakers :—

A.D. 1903:
Conisbrough
Gas.

For protection
of Great Cen-
tral Railway
Company.

In laying down and executing any mains pipes or other works (not being the repair or renewal of existing works of which the character and position are not altered) upon across over under or in any way affecting the railway lands or property now or hereafter belonging to or used or

A.D. 1903.

*Conisbrough
Gas.*

occupied by the said company or the bridges approaches stations or other works or any level crossings of or repairable or used by the said company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said company and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Undertakers who shall also restore and make good the roads over any such bridges level crossings and approaches which the said company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railway bridges level crossings approaches stations works lands or property or interruption to the passage or conduct of the traffic over such railway or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge or level crossing the Undertakers shall make compensation in respect thereof to the said company the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

Any difference which may arise between the Undertakers and the company under this section shall be determined by an arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

For protection
of Sheffield
and South
Yorkshire
Navigation
Company.

24. The following provisions for the protection of the Sheffield and South Yorkshire Navigation Company (herein-after referred to as "the canal 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 along or across or in any way affecting the canal lands or property now or hereafter belonging to or used or occupied by the canal company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the canal company and according to plans and sections to be previously submitted to and reasonably approved by him and in all things by and at the expense 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 canal lands or property or interruption to the passage or conduct of the traffic on such canal. And if such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid the Undertakers shall make compensation in respect thereof to the canal 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.

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

Any difference which may arise between the Undertakers and the canal company under this section shall be determined by an arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

A.D. 1903.

*Conisbrough
Gas.*

25. If any difference arise between the Undertakers and any road authority or railway canal or other company other than the West Riding County Council the Great Central Railway Company and the Sheffield and South Yorkshire Navigation 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 road
authorities or
railway or
other com-
panies.

Quality of Gas.

26. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by 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.

27. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet of gas 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 five shillings or by giving a standard price with a 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.

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

Pressure of
gas.

A.D. 1903.

Testing of Gas.

*Conisbrough
Gas.*
Testing of gas.

29. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may for the time being 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.

Power to re-
fuse to supply
persons in debt
for other pro-
perty.

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 pays the same.

Gas con-
sumers to give
notice to
Undertakers
before
removing.

31. Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises. Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas rent.

Notice of dis-
continuance.

32. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Period of error
in defective
meters.

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

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

A.D. 1903.

34. 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.

Conisbrough Gas.

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposits.

36. 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.

Incorporation of section 140 of 8 Vict. c. 16.

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

Costs of Order.

SCHEDULES.

SCHEDULE A.

GAS LANDS.

A piece of land containing by admeasurement 3412 square yards or thereabouts situate in the township and parish of Conisbrough in the West Riding of the county of York bounded on the north by hereditaments belonging or reputed to belong to Benjamin Garrett Dufton on the south in part by the highway leading from Doncaster to Conisbrough and in other part by hereditaments belonging or reputed to belong to John Hargreaves on the east by hereditaments belonging or reputed to belong to the trustees of the late Andrew Montagu and on the west by the road leading from Doncaster to Conisbrough Wharf.

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 form

Sections 30 to 34 of Gasworks Clauses

A.D. 1903.

Conisbrough
Gas.

Act 1847 shall
cease to be
incorporated.

Price of gas
with sliding
scale as to
dividend.

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 :

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

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary 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 four shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a nine 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 has been reduced be increased above the standard rate by four shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a nine 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 :

- (3) 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 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 deman

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

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

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 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 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 :

A.D. 1903.
—
Conisbrough
Gas.

(4) 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.

(5) 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 dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or in 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 applica-
tion thereof.

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

Saving for
existing
contracts.

A.D. 1903.

HAILSHAM GAS.

Hailsham Gas. Order empowering the Hailsham Gas Company to maintain and continue their existing gasworks to construct further works and to supply gas in the parish of Hailsham in the county of Sussex and for other purposes.

Short title.

1. This Order may be cited as the Hailsham Gas Order 1903.

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 shall apply as well to the mains pipes and works of the Undertakers laid down and 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 and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and for the purpose of the incorporation of any such Act the expression "the undertaking" in such Act 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 parish of Hailsham in the county of Sussex.

Undertakers.

Undertakers.

6. The Hailsham Gas Company 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 eight thousand pounds consisting of the share capital already raised by the Undertakers of two thousand one hundred pounds (in this Order called the "original capital") and of additional capital (in this Order called the "additional capital") in shares either ordinary or preference

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

or partly in ordinary shares and partly in preference shares to be issued subject to the provisions of this Order not exceeding five thousand nine hundred pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament Provided always that the Undertakers shall not raise by the issue of preference stock or shares a greater amount of the additional capital than two thousand nine hundred and fifty pounds.

A.D. 1903.

Hailsham Gas.

8. The Undertakers shall when any of the additional capital created under the powers of this Order is to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value 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 or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock shall be the same in amount as the bidding or offer by tender of any other person for the same lot the bidding or offer by tender of such holder shall be accepted in preference.

Additional capital to be offered by auction or tender.

9. It shall be one of the conditions of every sale of shares or stock under this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

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

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

11. When any shares or stock have been offered for sale by auction or by 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 or ordinary stock of the Undertakers in the manner prescribed by special resolution passed by the Undertakers Provided that any shares or stock so offered and not accepted within the time prescribed by such resolution shall again be offered

Shares or stock not sold by auction or tender to be offered to holders of ordinary shares or stock.

A.D. 1903.

Harlsham Gas.

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 or stock forming part of the additional capital and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole amount of such shares or stock is sold.

Application of premium arising on issue of shares.

12. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the 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.

13. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the said original and additional capital than 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 five pounds in respect of every one hundred pounds actually paid up of the additional capital as may be issued as preference capital.

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

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

Borrowing powers.

15. The amount of all moneys which the Undertakers may borrow and secure by mortgage of the gas undertaking shall not together with any moneys which they may have borrowed and secured as aforesaid before the commencement of this Order 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 or stock including any premiums that may be obtained on sale of any shares or stock under the provisions of this Order and except with the sanction of the Board of Trade no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers in respect of any moneys borrowed by them and secured as aforesaid after the commencement of this Order.

Purchase of Lands &c.

Power to purchase additional lands.

16. 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 any lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

any such lands Provided also that no lands shall be used by the Undertakers for the purpose of storing gas except 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 except the lands described in Part I. of the said schedule.

A.D. 1903.

Harisham Gas.

Maintenance and Continuance of existing Gasworks Construction of further Works and Manufacture and Sale of Gas Coke and Residual Products.

17. The Undertakers on the lands (being the site of the existing gasworks) shown on the map deposited for the purposes of this Order and described in Part I. of the said schedule while they are possessed of the same may maintain and continue alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may also on the land shown on the deposited map and described in Part II. of the schedule to this Order annexed while they are possessed of the same construct erect and maintain alter remove and enlarge gasholders receivers meters apparatus and works for the storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order upon the lands described in Part I. of the said schedule make and upon the lands described in Parts I. and II. of the said schedule store gas and they may supply and sell the same within the limits of supply subject to the provisions of this Order and may upon the lands described in Part I. of the said schedule manufacture coal tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may upon the lands described in Parts I. and II. of the said schedule store the same 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 construct and maintain alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the gas undertaking by this Order authorised.

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

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

Differences with railway and other companies.

19. The Undertakers may purchase or hire and supply but shall not manufacture gas meters fittings gas stoves and cooking and other apparatus and may also purchase hire sell let or deal in and contract for doing and execute work in connexion with but shall not manufacture fittings tubes meters pipes apparatus stoves ranges and apparatus for heating and also engines and machines for the production of motive power for domestic agricultural manufacturing 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 supply gas meters &c.

A.D. 1903.

Hailsham Gas.
Power to take
licences for
patents.

20. The Undertakers may subject to the provisions of this Order (but only for the purposes of their gas undertaking authorised by this Order 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 production and distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from the materials used therein.

Quality of Gas.

Quality of gas.

21. 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 fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.

22. The price to be charged by the Undertakers for gas supplied by them shall be six shillings per one thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of six shillings 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.

Pressure of Gas.

Pressure of
gas.

23. 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 of Gas.

Testing of gas.

24. The Undertakers shall within twelve months after the commencement of this Order cause to be provided at the works from which they may be supplying gas a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and before commencing to supply gas

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

from any other works after the expiration of the said period of twelve months they shall at such works provide a similar testing place with similar apparatus 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 tail 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 for the time being 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.

A.D. 1903.
Hailsham Gas.

Miscellaneous.

25. If the Hailsham Rural District Council or other the local authority for the time being (in this section referred to as "the council") shall at any time before the expiration of three years from the commencement of this Order be duly authorised and empowered to purchase the undertaking and shall by notice in writing to be given six months at least before the twenty-fifth day of March in any year before the expiration of the third year from the commencement of this Order require the Undertakers to sell to them the undertaking on the twenty-fifth day of March next following then the Undertakers shall sell and the council shall purchase the undertaking as defined by this Order and all lands buildings works utensils and plant of the Undertakers held or owned by them for the purposes of their undertaking for such sum in gross and on such terms and conditions as may be determined by agreement between the Undertakers and the council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

Purchase of undertaking by local authority.

26. 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 caused by an unavoidable cause or accident.

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposit.

28. The Undertakers may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under Parliamentary powers within the district within which the supply is to be afforded) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon.

Power to contract for sale of gas in bulk.

A.D. 1903.

Hailsham Gas.
Period of error
in defective
meters.

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

Power to re-
fuse to supply
persons in debt
for other pro-
perty.

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.

Notice of dis-
continuance.

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

Incorporation
of section 140
of 8 Vict. c. 16.

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

Costs of Order.

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

SCHEDULES.

SCHEDULE A.

PART I.

Present Site of Gasworks.

A piece of freehold land owned by the Undertakers (upon which their existing gasworks are constructed) situate at Bell Banks in the parish of Hailsham aforesaid which piece of land contains one thousand eight hundred and fifteen square yards or thereabouts and is bounded on the north-west by a public street called Bell Banks Road on the north-east by property partly belonging or reputed to belong to Mrs. Harriet Terry and partly

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

belonging or reputed to belong to Mrs. Anne Butler on the south-east by land belonging or reputed to belong to His Grace the Duke of Devonshire and on the south-west by an occupation road leading from Bell Banks Road to the said land of the said Gas Company and to property belonging or reputed to belong to Albert Haffenden. A.D. 1903.
Hailsham Gas.

PART II.

Proposed Site for additional or further Gasworks.

A piece of freehold land belonging or reputed to belong to His Grace the Duke of Devonshire K.G. being a portion of the field known as "the Gashouse Field" (the site of the intended additional gasworks) situate at or near to Bell Banks in the parish of Hailsham aforesaid which piece of land contains by admeasurement two roods or thereabouts and is bounded on the north-west partly by property belonging or reputed to belong to the trustees of Mrs. Anne Butler and partly by the site of the present gasworks on the north-east by property belonging or reputed to belong to the trustees of Mrs. Anne Butler and on the south-east and south-west by the remaining portion of the said Gashouse Field.

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 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the 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 incorporated.

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

Price of gas with sliding scale as to dividend.

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

A.D. 1903.

Hailsham Gas.

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

(3) 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 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 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 :

Application of further excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

(5) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rate by reason of the price charged by the Undertakers for gas in such year being below the

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

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

A.D. 1903.
Hailsham Gas.

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

Saving of
existing
contracts

ST. IVES (HUNTS) GAS.

Order empowering the St. Ives (Hunts) Gas Company Limited to raise additional capital.

*St. Ives
(Hunts) Gas.*

1. This Order may be cited as the St. Ives (Hunts) Gas Order 1903.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."
3. The St. Ives (Hunts) Gas Order 1889 (in this Order referred to as "the Order of 1889") 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 and in this Order the expression "the undertaking" means the undertaking authorised by that Order as amended by this Order.

Short title.
Commence-
ment of Order.
Construction
of Order.

Undertakers.

4. The St. Ives (Hunts) Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

New Capital.

5. The limitation prescribed by the Order of 1889 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the new capital") not exceeding five thousand pounds including any premiums that may be obtained

New capital.

A.D. 1903.

—
St. Ives
(Hunts) Gas.

on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers for the purposes of their undertaking shall not exceed in the whole seventeen thousand five hundred pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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

6. The Undertakers shall when any shares or stock created under the powers of this Order are or is to be issued and before offering the same to the holders of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value 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 or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer made by any other person for the same lot the bidding or offer of such holder shall be accepted in preference.

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

7. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Notice to be
given of sale
of shares or
stock.

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

Shares or
stock not sold
by auction or
tender to
be offered to
holders of or-
dinary shares
or stock.

9. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same may be disposed of by the directors of the Undertakers at a price not less than the reserved price put upon the same respectively for the purpose of sale by auction or tender or may be offered at such reserved price to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares or stock not so disposed of or 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

[3 EDW. 7.] *Gas Orders Confirmation (No. 1)* [Ch. cxxxii.]
Act, 1903.

of this Order with respect to the sale of shares or stock forming part of the new capital and the reserve put upon such shares or stock may upon such second or any subsequent offer for sale by auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again disposed of by the directors or offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

A.D. 1903.

*St. Ives
(Hunts) Gas.*

10. Except as by section 26 of the Order of 1889 expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Limits of dividend on new capital.

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

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

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

Limit of borrowing powers.

13. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable.

Application of moneys.

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

Costs of Order.

WOKING DISTRICT GAS.

Order amending the provisions of the Woking District Gas Order 1901 with regard to the distribution of revenues applicable to dividend.

Woking District Gas.

1. This Order may be cited as the Woking District Gas Order 1903.

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 Woking District Gas Order 1891 the Woking District Gas Order 1901 (in this Order referred to as the "Order of 1901") and this

Construction of Order.

A.D. 1903.

Woking
District Gas

Undertakers.

Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

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

Repeal of section 12 of Order of 1901 and providing for payment of dividends *pari passu* up to 7 per cent. per annum.

5. As from the commencement of this Order section 12 of the Order of 1901 (Dividends on different classes of shares or stock to be paid proportionately) shall be repealed and in lieu thereof the following provision shall be in force and have effect. In case in any year or in any half year (if the Undertakers declare a dividend half yearly) the net revenues of the Undertakers applicable to dividend on the ordinary capital shall be insufficient to pay the full amount of the prescribed maximum dividends on each class of stock or shares in the ordinary capital of the Undertakers such revenues shall be applied in the first place in the payment of a dividend on all classes of ordinary stock or shares until there shall have been paid a dividend in that year not exceeding seven pounds per centum on the amount actually paid up on such stock or shares and then in payment of a further dividend upon the ordinary stock or shares in the capital of the Undertakers issued before the commencement of the Order of 1901.

Costs of Order.

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

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