CHAPTER lvi.

An Act for incorporating and conferring powers on the Alnwick Gas Company. A.D. 1881. [3rd June 1881.]

WHEREAS in the year 1849 certain persons formed themselves into a Company under the name of the Alnwick Joint Stock Gas Company (herein-after referred to as "the Old Company") for the purpose of supplying gas within the township of Alnwick in the county of Northumberland and generally for carrying on the business usually carried on by gas companies:

And whereas the Old Company was duly registered pursuant to the Act of 7 and 8 Victoria chapter 110 and was in the year 1856 incorporated under the Joint Stock Companies Act 1856 and has constructed gasworks and is now lighting with gas parts of the parish of Alnwick: 19 & 20 Vict. c. 47.

And whereas the capital of the Old Company consists of £5000 in fifty shares of £100 each and they owe no money on mortgage:

And whereas the whole of such capital has been raised and expended and thereby and by reason of expenditure out of revenue the works of the Old Company have been from time to time extended and their present value is estimated at ten thousand pounds:

And whereas it is expedient that the Old Company be dissolved and reincorporated with further and other powers:

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

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

1. This Act may be cited as the Alnwick Gas Act 1881. Short title.

2. The following Acts and parts of Acts (that is to say): Incorporation of general Acts.

The Companies Clauses Consolidation Act 1845 Part I. (cancellation and surrender of shares) Part II. (additional 8 & 9 Vict. c. 16.

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capital) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869:

26 & 27 Vict. c. 118.

32 & 33 Vict. c. 48.

8 & 9 Vict. c. 18.

23 & 24 Vict. c. 106.

32 & 33 Vict. c. 18.

10 & 11 Vict. c. 15.

34 & 35 Vict. c. 41.

The Lands Clauses Consolidation Acts 1845 1860 and 1869: and

The Gasworks Clauses Act 1847:

are (subject to the provisions of this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall apply to the existing undertaking of the Old Company as if the same had been authorised by this Act:

Provided that the Company shall not be authorised to enter upon purchase or take any lands except by agreement.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

"The Company" means the Company incorporated by this Act:

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

"Superior court" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt and not a debt or demand created by statute.

The provisions of this Act relating to the Duke of Northumberland extend and apply to his heirs successors in estate executors administrators and assigns respectively according to the nature of the property which the several provisions of this Act affect.

Limits of Act.

4. The limits of this Act shall include the following townships namely—

Abbeylands Alnwick Alnwick South Side Canongate Denwick Hulne Park Shieldykes

all in the parish of Alnwick in the county of Northumberland.

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Incorporation of Company.

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

Purposes for which Company is established.

6. The Company shall be established for the purpose of manufacturing and supplying gas within the limits of this Act and they may convert manufacture sell and dispose of coke tar pitch asphaltum ammoniacal liquor and salts oil and all other products refuse or residuum arising remaining produced by or obtained from the manufacture of gas or the materials used therein and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid and may but only for the purposes of the Company within the limits of this Act contract or take and use any leave license or authority to work use exercise or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made granting any right or privilege of working using exercising or vending any invention in relation to the manufacture and distribution of gas or the utilisation of the residual products arising from such manufacture or otherwise in relation thereto but not so as to acquire an exclusive right to the working use exercise or putting in practice of any such invention or inventions and may also provide and sell let or deal in and contract for doing work in connexion with fittings tubes meters stoves pipes heating apparatus and all other articles and things in any way connected with gasworks or with the supply of gas to the consumers thereof in such manner as the Company may think proper and generally may carry on the business usually carried on by gas companies or which is or may become incident thereto.

Present property of Old Company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act all the lands gasworks erections buildings rights property and easements which immediately before the passing of this Act were vested in the Old Company or any person in trust for them or to which the Old Company were in anywise entitled and all mains and pipes plant plugs lamps irons retorts meters lamp posts apparatus stock effects matters and things which have been by them purchased provided laid down erected or

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placed in any place or house within the limits of this Act or which immediately before the passing of this Act were the property of the Old Company or of any trustee on their behalf and all moneys securities credits choses in action books papers plans effects and other property whatsoever which immediately before the passing of this Act belonged to the Old Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Old Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Old Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Deed of settlement of Old Company to be void, without prejudice to remedies for antecedent breaches thereof.

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

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Old Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said deed of settlement had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said deed of settlement were not avoided by this Act and this Act were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the Old Company and the members thereof as such and the property of the Old Company as

the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Purchases, &c. prior to Act to be binding.

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

Actions, &c., not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action claim suit or other legal proceeding which was pending by or against the Old Company or any member thereof in relation to the affairs of the Old Company or to which the Old Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action claim suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Old Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Old Company and its members respectively.

Trustees, &c. of Old Company to be indemnified.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Old Company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Old Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to discharge all liabilities of Old Company.

13. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in al respects be subject to and shall discharge all obligations and liabilities to which the Old Company immediately before the passing of this Act were subject and shall indemnify the shareholders directors officers and servants of the Old Company and

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their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of gas rents &c.

14. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the Old Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

Payment of debts owing before passing of Act.

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

Certificates &c. to remain in force.

16. Notwithstanding the avoidance of the said deed of settlement all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed thereunder for and with respect to any shares in the Old Company shall remain in full force and continue and be available in all respects as if such deed of settlement had not been avoided.

Books &c. continued evidence.

17. All documents books and writings which if the said dissolution and avoidance had not been made would have been receiveable in evidence shall be admitted as evidence in all courts of justice and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

18. All officers and servants of the Old Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act and the Company may from time to time appoint suspend and remove such officers as they think necessary at such salaries and allowances and upon such terms and conditions as the Company think fit.

Present register of members to be continued.

19. The books kept by the Old Company for entering the names and designations of the members thereof with the number of their shares and the proper distinguishing numbers of such shares shall

and may continue to be kept for the same purpose by the Company and shall until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Original capital.

20. The original capital of the Company shall be seven thousand five hundred pounds and shall consist of capital stock which shall be deemed to be fully paid up.

Vesting of capital stock in present shareholders.

21. The capital stock shall be appropriated and belong to the several persons who immediately before the passing of this Act were the registered members of the Old Company in the proportion of one hundred and fifty pounds of such capital stock for every one hundred pounds of share capital in the Old Company and in substitution therefor and every portion of stock so allotted shall be subjected and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the share capital in the Old Company for which the stock is substituted and so as to give effect to and not revoke any testamentary disposition of or affecting the same and every testamentary disposition affecting such share capital shall be held to apply to the whole or a proportionate amount of the stock so substituted therefor as the case may be.

Company to call in and cancel existing share certificates and issue new certificates in lieu thereof.

22. The Company shall call in and cancel the existing certificates of shares in the Old Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Power to raise additional capital.

23. In addition to the before-mentioned original capital the Company may from time to time raise by the creation and issue at their option of new ordinary or preference shares or stock or wholly or partially by one or more of those modes such further sum or sums of money as they think fit not exceeding in the whole ten thousand pounds but no such shares whether ordinary or preference shall be of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be

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lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of ten thousand pounds.

Profits of the Company limited.

24. The Company shall not in respect of any one year make out of their profits any larger dividends on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Additional capital to be subject to same incidents as original capital.

25. Except as by this Act otherwise provided the said additional capital in new shares or stock when created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the original capital of the Company.

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

26. In case in any half year the net revenues of the Company applicable to dividends shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company the same shall until the class bearing the lowest rate of dividend has been paid its maximum rate be divided equally and rateably amongst the holders of each class of ordinary shares or stock.

New shares to be offered by public auction or tender.

27. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act in respect of the before-mentioned additional capital are to be issued and before offering the same to the holders if any of the original stock in the Company and whether such stock is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of such shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company 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 original stock in the Company. A.D. 1881.

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

28. It shall be one of the conditions of any sale of such shares or stock that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

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

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the local board of health for the townships of Alnwick and Canongate 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 once in each of two consecutive weeks in one or more local newspapers circulated within the district.

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

30. When any such shares or stock have been offered for sale by auction or tender 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 original stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always 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 by tender in the manner and subject to the provisions herein-before contained with respect to the sale of shares and stock and any shares or stock not so sold shall be dealt with in manner provided by the Companies Clauses Act 1863 with respect to additional capital.

Application of premium arising on issue of shares or stock.

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

Standard rates of dividend.

32. The standard price to be charged by the Company for gas supplied by them shall be four shillings and threepence per thousand cubic feet provided that the Company may increase or diminish such standard price subject to a decrease or increase in the standard rates of dividend as defined by this Act to be calculated as follows:

For every penny charged in excess or in diminution of such standard price in any year the standard rate of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

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Provided always that the rate of dividend payable by the Company in respect of any preference shares or preference stock at any time created and issued by the Company shall not be increased or diminished so long as such preference continues.

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

33. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend the excess beyond the sum necessary for that purpose may from time to time to the extent of one pound per centum per annum upon the paid-up capital of the Company 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 of the paid-up capital of the Company 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 Company from accident strikes or other circumstances which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand 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 excess of profits over standard rates of dividend.

34. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend on the ordinary share capital or stock of the Company 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 such undertaking for the next following year.

Power to create a reserve fund out of dividends in excess of the standardrates of dividend and application thereof.

35. Where in any year the amount of the standard rates of dividend of the Company on the ordinary share capital or stock of the Company shall by reason of a diminution of the standard price charged by the Company in such year be increased then out of the amount of the divisible profits of the Company applicable to the payment of such increase the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act may be invested in Govern-

ment 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 Company shall be insufficient to enable the Company in such year to pay the standard rate of dividend on the ordinary share capital or stock of the Company and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow.

36. Subject to the provisions of this Act relating to a loan from the Duke of Northumberland to the Company and to the other provisions of this Act the Company may forthwith on the passing of this Act and from time to time or at any time borrow on mortgage any sum or sums not exceeding in the whole two thousand pounds and further may from time to time borrow on mortgage in respect of each amount of two thousand pounds of the additional capital of ten thousand pounds by this Act authorised to be raised by shares or stock any sum or sums not exceeding in the whole five hundred pounds but in no case shall any part of the respective sums of five hundred pounds be borrowed until shares for such portion of the said two thousand pounds of additional capital as is to be raised by means of shares are issued and accepted and one half of such portion is paid up and the Company shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of such portion of such sum of two thousand pounds of additional capital as is to be raised by means of stock is fully paid up and that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if such capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

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Conversion of borrowed money into capital.

37. Except as herein-after provided the Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Debenture stock.

38. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything herein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages but nothing in this section shall apply to any mortgages granted under this Act to the Duke of Northumberland for an amount not exceeding six thousand pounds.

Priority of mortgages over other debts.

39. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act.

Application of moneys.

40. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

41. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Place of meeting.

42. All meetings of the Company shall be held at Alnwick at the office of the Company or at such other place within the parish of Alnwick as the directors may from time to time appoint.

Quorum for general meetings.

43. The quorum of all general meetings whether ordinary or extraordinary shall be ten shareholders present in person holding not less in the aggregate than one thousand five hundred pounds in the capital of the Company.

Number of directors.

44. The number of directors shall be seven but the Company may from time to time decrease the number provided that the number be not less than five.

Qualification of directors.

45. The qualification of a director shall be the possession in his own right of not less than one hundred and fifty pounds in the capital of the Company.

Quorum for meeting of directors.

46. The quorum of a meeting of directors shall be four so long as their number is more than five and three when their number is only five.

First directors.

47. Joseph Archbold, Joseph Archer, Thomas Robertson, Adam Robertson, James Heatley, George Wilson, and John Easton, shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

48. At that meeting the shareholders present in person or by proxy shall elect directors any directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors.

49. The auditors need not hold shares in the Company.

Powers as to construction and maintenance of gasworks &c.

50. Subject to the provisions of this Act for the abandonment of the existing gasworks and to the other provisions of this Act the Company may from time to time maintain alter improve enlarge extend and renew or discontinue the existing gasworks of the Old Company upon the lands on which the same are erected or any part thereof and which are described in Part I. of the Schedule to this Act and they shall on the lands described in Part II. of that Schedule when they have acquired such lands forthwith construct and maintain and may from time to time alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp posts burners stop cocks machinery approaches and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor and salts oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes stoves pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

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Pipes &c. crossing or affecting North-eastern Railway.

51. Any mains pipes culverts or other works which the Company may lay down place or execute under over or across or which may affect any railway or works or property of the North-eastern Railway Company shall be laid down placed and executed and subsequently maintained and repaired by the Company under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said railway company and in accordance with plans and sections previously submitted to and approved of by him.

Company to abandon existing works on completion of new works.

52. The Company so soon as they shall have so far completed the works authorised to be constructed on the lands described in Part II. of the Schedule to this Act as to be able to manufacture thereat gas sufficient for the then existing demand of consumers of gas within their gas limits shall cease to use for the manufacture or storage of gas or any other purpose of their undertaking and shall abandon the existing gasworks of the Old Company and shall sell exchange or otherwise dispose of such of the lands described in Part I. of the said Schedule as belong to the Company and shall sell such of the plant machinery and apparatus as they shall not desire to remove to their said new works or to utilise for the purposes thereof and shall apply any surplus money arising from such sale for any purpose for which capital moneys may be properly expended.

Power to purchase lands &c. by agreement.

53. The Company after abandoning their existing works may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the Schedule to this Act any lands and hereditaments near to the lands described in Part II. of that Schedule not exceeding in the whole two acres which the Company may from time to time require for the purposes of their works and undertaking but no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Schedule to this Act and as to such of those lands as are described in Part I. of that Schedule they may use the same for that purpose only subject to the provisions of this Act for abandonment of the existing gasworks thereon.

Gas not to be manufactured except on lands scheduled.

Right of pre-emption for Duke of Northumberland.

54. If at any time any part of the lands described in Part II. of the Schedule to this Act after being purchased by the Company is not required for the purposes of their undertaking then the Company shall first offer to re-sell the same to the Duke of Northumberland and subject to the obligation to make that offer section 128 of the Lands Clauses Consolidation Act 1845 and the subsequent provisions of that Act relating to that section shall have effect in relation to the sale and disposal of that part of those lands.

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Priority of loan by Duke of Northumberland.

55. If by agreement the Company purchase from the Duke of Northumberland the lands described in Part II. of the Schedule to this Act and if as part of the consideration for that agreement or otherwise in connexion therewith the Duke of Northumberland agrees to lend to the Company a sum not exceeding six thousand pounds the Company may borrow the same from him on mortgage and notwithstanding anything in the Companies Clauses Consolidation Act 1845 the following provisions shall have effect in relation to that loan and to the mortgages to be granted under that Act by the Company for the same (that is to say):—

(1.) Every such mortgage shall have preference and priority both as regards interest from time to time due and payable and as regards principal from time to time due and repayable not only over the principal but also over the interest of any other money at any time after that loan borrowed by the Company and over the interest of any debenture stock at any time after that loan created and issued by the Company.

(2.) The sum to authorise the appointment of a receiver in respect of any mortgage granted to the Duke of Northumberland as aforesaid shall be the actual amount of principal money for the time being due and repayable in respect of any such mortgage or the actual amount of interest for the time being due and payable in respect of any such mortgage whichever be the smaller sum.

(3.) Any money borrowed from the Duke of Northumberland as aforesaid shall not be converted into share or stock capital.

(4.) Any money borrowed from the Duke of Northumberland as aforesaid and repaid shall not be re-borrowed.

(5.) As long as the debt to the Duke of Northumberland on any such mortgage amounts to four thousand five hundred pounds the borrowing powers of the Company under any other provisions of this Act shall remain in suspense and when that debt is reduced below four thousand five hundred pounds those borrowing powers shall be exerciseable to the extent of the difference from time to time subsisting between that debt and four thousand five hundred pounds and not further.

(6.) During the subsistence of any debt to the Duke of Northumberland on any such mortgage the directors of the Company shall cause notice of the provisions of this section to be given on the face of every mortgage granted by the Company for any money borrowed from any person other than the Duke of Northumberland and on the face of every certificate of debenture stock issued by the Company.

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Power to lay pipes against buildings.

56. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Company to pay interest on money deposited for gas meter.

57. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after 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.

Pressure of gas.

58. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset of not less than six tenths of an inch and from sunset to midnight of 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 and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure Provided that on each occasion of such testing sufficient notice in writing shall be given to the Company of the time and place at which the same shall be conducted to enable them to be represented.

Quality of gas.

59. The prescribed number of candles shall be fifteen.

Testing place.

60. Within six months from the passing of this Act a testing place shall be provided at the works or office of the Company.

Burner.

61. The prescribed burner shall be Sugg's London Argand Burner No. 1 with a six-inch by one-and-three-quarters-inch glass chimney but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used.

Power to contract with public bodies &c.

62. The Company may from time to time make enter into and carry into effect contracts and agreements with any local sanitary or road authority or any railway company within their limits of supply for and with respect to the lighting of any streets roads

public buildings passages railway station approach roads and places under the control of any such authority or company respectively and upon such terms and conditions as may from time to time be agreed upon between such authority or company as the case may be and the Company.

Shareholder may be a member of sanitary authority, &c.

63. No shareholder of the Company shall be disqualified from being or acting as a member of any sanitary authority or town council or as a commissioner under and by virtue of any Act of Parliament passed or that may be passed for the better paving cleansing lighting watching or improving any parish or place within the limits of this Act or in anywise connected therewith or be liable to any penalty as such notwithstanding the sanitary authority or town council of which he is a member or the commissioners acting under and by virtue of such Acts or any of them may enter into any contract with the Company or the directors for the time being Provided that no such shareholder being a member of such sanitary authority or town council or such commissioner shall be entitled to vote in or concerning any such contract.

Discount to certain consumers.

64. The Company shall make to consumers who consume not less than thirty thousand cubic feet of gas in one half year and who shall pay their gas rates and charges for such half year at the office of the Company within one calendar month after the same shall have become due a discount on such rates and charges after the rate of two pounds ten shillings per centum per annum net.

Expenses of Act.

65. All the costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

A.D. 1881.

The SCHEDULE referred to in the foregoing Act.

PART I.

Certain lands now occupied by the Alnwick Joint Stock Gas Company in the said township of Canongate in the said parish of Alnwick partly belonging or reputed to belong to the said Alnwick Joint Stock Gas Company and partly held under lease from his Grace Algernon George Duke of Northumberland and on which their existing gasworks are erected containing about three thousand square yards or thereabouts and bounded by Canongate Street on or towards the east by lands belonging or reputed to belong to the said Duke on or towards the west by a dwelling-house and premises belonging or reputed to belong to Ann Egdell on or towards the north and by a road or highway called Rotten Row on or towards the south.

PART II.

A plot of ground situate in the township of Alnwick in the said parish of Alnwick belonging or reputed to belong to the said Duke of Northumberland containing three acres three roods thirty perches or thereabouts bounded on the north by land belonging or reputed to belong to the said Duke and in the occupation of the Shilbottle Coal Company on the north-east by the Alnwick branch line of the North-eastern Railway Company on the south-east by land belonging or reputed to belong to the chamberlains and common council of the borough of Alnwick on the south by other land belonging or reputed to belong to the said Duke and on the west by a public highway lately known as the Cow Causey and Buckton Burn turnpike road.

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