CHAPTER xxxv.

An Act for incorporating and conferring powers on the Bridlington Gas Company. [4th June 1886.]

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WHEREAS certain persons under a deed of settlement dated the seventeenth day of August one thousand eight hundred and fifty-seven formed themselves into a Company under the name of "The Bridlington Gas Light Company" for the purpose of manufacturing supplying and lighting with gas produced from coal or other material the several streets roads and places and also the several churches chapels houses and buildings within the town and parish of Bridlington and the parts adjacent thereto and of any other township village or hamlet as might thereafter be determined upon by the shareholders and also for dealing in coke coal tar pitch asphaltum ammoniacal liquor oil and other matters the products of the coal or other materials which might be employed in the manufacture of such gas and also for manufacturing and selling or dealing in gas-fittings tubes meters pipes and all other articles and things in any way connected with gasworks or with the supply of gas to the consumers thereof and the said deed annulled the former articles of agreement indented bearing date on or about the twenty-second day of November one thousand eight hundred and thirty-six in pursuance whereof the said Company had been originally established and such Company was subsequently duly registered as a Limited Company under the Companies Act 1862 (hereinafter referred to as "the Limited Company") and is now regulated by so much of the said deed of settlement as would if the Company had originally been formed under the Companies Act 1862 have been contained in the memorandum of association and would not have been authorised to be altered by the said Act and by the provisions of Table A contained in the first schedule to that Act which constitute the articles of association of the said Company:

And whereas the present share capital of the Limited Company consists of twenty thousand pounds divided into two thousand shares of ten pounds each the whole of which shares have been subscribed

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for and the sum of eighteen thousand seven hundred and seventy-two pounds has been paid up thereon and there remains the further sum of one thousand two hundred and twenty-eight pounds to be called up and the Limited Company has not borrowed any money on mortgage or debenture:

And whereas the Limited Company acquired the land firstly described in the schedule to this Act annexed and erected gasworks thereon and has from time to time enlarged and improved their works with the capital raised by them and is now supplying gas within the town of Bridlington and the parts adjacent thereto:

And whereas the demand for gas in the district supplied by the Limited Company has increased and is increasing and it is expedient that the works of the Limited Company should be improved and enlarged and their mains extended and that additional capital should be provided for those purposes:

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated with further 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 (that is to say):—

Short title.

1. This Act may be cited as the Bridlington Gas Act 1886.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I (cancellation and surrender of shares) Part II (additional capital) and Part III (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and 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 undertaking of the Company as if the same had been authorised by this Act.

Interpretation clause.

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

The expression "the Company" means the Company incorporated by this Act;

The expression "the deed of settlement" means so much of the said deed of settlement of the seventeenth day of August one thousand eight hundred and fifty-seven as would if the Bridlington Gas Light Company had originally been formed under the Companies Act 1862 have been contained in the memorandum of association and would not have been authorised to be altered by the said Act;

The expression "the articles of association" means the articles of association of the Limited Company;

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

In the Acts wholly or partly incorporated with this Act and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act with respect to the supply of gas shall be the township of Bridlington and such parts of the parish of Bessingby and of the townships of Hilderthorpe and Sewerby-with-Marton as are comprised within the district of the local board for the district of Bridlington including the piers and harbour of Bridlington all in the east riding of the county of York.

Dissolution and re-incorporation of Company.

5. From and after the passing of this Act the Limited 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 purposes hereinafter mentioned and shall be incorporated by the name of the Bridlington Gas Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General powers of the Company.

6. The Company shall be established for the purposes of manufacturing gas and of supplying gas within the limits of this Act and may make sell and dispose of coke coal tar pitch asphaltum

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ammoniacal liquor oil and all other products refuse or residuum arising remaining produced by resulting 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 or any of them and may provide manufacture and sell let hire and deal in meters pipes gas-fittings engines machinery stoves pipes and other like things and may but only for the purposes of the Company within the limits of this Act acquire or take and use any leave licence or authority (not being exclusive) to work use exercise or put in practice any invention or inventions under any letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the manufacture utilisation and distribution of gas the utilisation of the residual products arising in or from the manufacture of gas 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 generally carry on the business usually carried on by gas companies or which is or may become incident thereto.

Present property of Limited Company vested in the Company.

7. Subject to the provisions of this Act all the lands gasworks erections buildings property rights and easements which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them or to which the Limited Company were in anywise entitled and all mains and pipes plant plugs lamps irons retorts gauges meters lamp-posts syphons machinery stoves engines apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of this Act and which immediately before the passing of this Act were the property of the Limited Company 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 Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of that 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 Limited 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 and articles

8. Subject to the provisions of this Act and as from the date of the passing thereof the deed of settlement and articles of association

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 Limited 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 deed of settlement and articles of association 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 Limited Company if this Act had not been passed.

of association to be void without prejudice to remedies for antecedent breaches thereof.

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 Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the deed of settlement and articles of association 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 and articles of association 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 Limited Company and the members thereof as such and the property of the Limited 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.

Nothing to affect previous rights and liabilities.

10. Except as by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds securities contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of that Company or by to or with any 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 as effectually as if the Company had been a party thereto instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company.

Contracts prior to Act to be binding.

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Actions &c. not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding in any court of justice which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any members thereof in relation to such affairs were parties immediately before the passing of this Act but every such action 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 Limited 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 Limited Company and its members respectively.

Trustees of Limited 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 Limited 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 Limited 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 satisfy liabilities of Limited Company.

13. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the shareholders directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of gas rents and money due.

14. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited 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.

As to payment of debts owing before passing of Act.

15. All persons who immediately before the passing of this Act owed any money to the Limited Company 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 Limited Company or for the payment of which the Limited 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 and transfers to remain in force.

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

Books and writings continued evidence.

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

Officers to continue until removed.

18. All officers and servants of the Limited 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 and servants 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 Limited 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.

Capital.

20. The original capital of the Company shall be twenty thousand pounds consisting of two thousand shares of ten pounds each hereinafter referred to as "the old shares."

Vesting of old shares in present shareholders.

21. The old shares shall be appropriated and belong to the several persons who immediately before the passing of this Act were the

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registered members of the Limited Company share for share in substitution for the existing shares of the Limited Company and every share so vested shall be subject to the same liability for calls and subject and liable to the same trusts powers provisions declarations agreements liens and incumbrances as immediately before the passing of this Act affected the share for which the same is substituted and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

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 Limited 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 shall 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. The Company may in addition to their present capital from time to time raise additional capital not exceeding in the whole thirty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes but the Company shall not issue any shares 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 amount of such share or stock together with any premiums obtained on the sale thereof shall have been paid in respect thereof Provided that it shall not be 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 thirty thousand pounds Provided also that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid five thousand pounds or within any subsequent year four thousand pounds.

If authorised capital for any year not raised the amount may be made up.

24. If in any year or years the Company have not created and issued capital to the full amount hereinbefore prescribed in relation to such year or years they may in any subsequent year create and issue in addition to the amount prescribed for such year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid five thousand pounds in respect of the year following the passing of this Act and

four thousand pounds in respect of every subsequent year then expired. A.D. 1886.

New shares to be part of the capital of the Company.

25. The capital in new shares or stock created under the powers of this Act shall subject to the provisions of this Act form part of the capital of the Company.

Receipt clause in case of persons not sui juris.

26. If any money be payable to a shareholder being a minor idiot or lunatic the receipt of the guardians or committee of his estate shall be a sufficient discharge to the Company.

New shares to be offered by auction or tender.

27. Notwithstanding anything in this Act contained the Company shall when any new shares or stock created under the powers of this Act are or is issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or 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 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 shares or stock in the Company.

Time for paying up shares sold by auction.

28. It shall be one of the conditions of any sale of shares or stock under this Act 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.

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

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the local board for the district of Bridlington 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 said district.

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

30. When any shares or stock created under the powers of this Act 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

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holders of ordinary shares or ordinary 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 may again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act.

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 on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Profits of Company defined.

32. Except as in this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (which are in this Act referred to as "the standard rates of dividend") videlicet:

On the original capital of twenty thousand pounds the rate of ten pounds in respect of every one hundred pounds actually paid up:

On the additional capital of thirty thousand pounds the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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

33. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of the standard rates of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate deduction shall be made in the dividend of each class.

Dividend dependent on price of gas.

34. The standard price to be charged by the Company for gas supplied by them shall be four shillings per one thousand cubic feet Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary share capital or stock as follows:

In respect of any year during which the price charged by the Company shall have been one penny or more above the standard price the dividend payable by the Company on each class of ordinary capital shall in respect of each penny by

which the standard price shall have been increased be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds;

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

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

35. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the authorised dividend on the ordinary and preference capital the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the 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 a justice due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction 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 authorised dividend.

36. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the authorised dividend on the ordinary and preference capital 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

37. Where in any year the amount of the dividend of the Company on the ordinary share capital or stock of the Company

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out of divisible profits in excess of the authorised dividend and application thereof.

shall exceed the standard rates of dividend by reason of the price charged by the Company for gas in such year or any part thereof being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend 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 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 Company shall be insufficient to enable the Company in such year to pay the authorised 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 in respect of original capital.

38. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the original capital of twenty thousand pounds any sums not exceeding in the whole five thousand pounds.

Power to borrow in respect of additional capital.

39. In addition to the sum of five thousand pounds which the Company are authorised to borrow by the last preceding section they may from time to time borrow on mortgage of the undertaking in respect of the additional capital of thirty thousand pounds by this Act authorised to be raised by shares or stock any sums not exceeding in the whole seven thousand five hundred pounds Provided that the aggregate amount so borrowed shall not at any time exceed one-fourth part of the amount of such additional capital actually paid up for the time being and that no part thereof shall be borrowed until the Company 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 the capital in respect of which such borrowing powers are sought to be exercised has been paid up 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 certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

40. 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 preference are limited to a rate not exceeding five pounds per centum per annum. A.D. 1886.

Priority of mortgages over other debts.

41. 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.

Debenture stock.

42. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any such subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the same were authorised) and shall have priority over all principal monèys secured by such mortgages.

Arrears to be enforced by the appointment of a receiver.

43. The mortgagees of the Company may enforce the payment of arrears of interest or principal 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 thousand pounds in the whole.

Application of money.

44. All money raised under this Act by the Company whether by shares stock debenture stock or borrowing shall be applied only to the purposes by this Act authorised and for general purposes of the Company being in all cases purposes to which capital is properly applicable.

First ordinary meeting.

45. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act.

Quorum of general meetings.

46. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five shareholders present in person holding in the aggregate not less than two thousand pounds (nominal value) in the capital of the Company.

Extraordinary meeting convened by shareholders.

47. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than five holding in the aggregate not less than two thousand pounds in the capital of the Company.

Voting.

48. At all meetings of the Company every proprietor of capital in the Company shall have one vote in respect of each share or of each portion of stock of the nominal value of ten pounds

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in the capital of the Company held by him Provided always that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share or stock to which a preferential dividend shall be assigned.

Number of directors.

49. The number of directors shall be five.

Qualification of directors.

50. The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum of directors.

51. The quorum of a meeting of directors shall be three.

First directors.

52. George Brambles John Wentworth Patrick Mackley Robert Allison and Edmund Mainprize the persons who at the time of the passing of this Act are directors of the Limited Company 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.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the 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 elect persons to supply the place of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained 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.

53. The auditors need not be shareholders.

Interim dividend.

54. The Company may in any year declare an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of dividend which under the powers of this Act they may be entitled to make in respect of each year shall not be exceeded.

Closing of transfer books previous to declaring interim dividend.

55. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

Powers as to construction and maintenance of gasworks &c.

56. Subject to the provisions of this Act the Company may from time to time maintain alter improve enlarge extend and renew or discontinue their existing gasworks upon the lands on which the same are erected or any part thereof and which are firstly described in the schedule of this Act and also upon the other lands described in such schedule and they may also erect lay down provide and from time to time maintain 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 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 coal tar pitch asphaltum ammoniacal liquor and all other products or residuum of any materials employed in or resulting from the manufacture of gas and may also sell provide supply let on hire and deal in meters gas-stoves gas-engines tubes pipes and other fittings 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.

For abatement of nuisance arising from manufacture of residual products.

57. If the local board for the district of Bridlington shall at any time or times hereafter receive a written complaint signed by not less than twenty householders resident within the district of such local board alleging that the manufacture of the residual products of the said Company into articles of merchandise is a nuisance and annoyance to such inhabitants and the said local board shall within ten days after receiving such complaint send a copy thereof to the Company the Company shall permit the surveyor of the said local board to enter upon the works of the said Company and to inspect the same for the purpose of ascertaining whether such complaint be well founded and if the local board shall upon any such investigation be of opinion that the manufacture of such residual products is a nuisance and annoyance to the inhabitants who have signed such complaint and that such nuisance and annoyance ought to be abated the Company shall within twenty-four hours after being required by the said local board by any notice in writing signed by the clerk of the said local board abate such nuisance and annoyance as aforesaid and if the Company shall after the expiration of such twenty-four hours continue to create any such nuisance and annoyance as aforesaid they shall for every such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding one pound for every day on which the Company shall continue such nuisance and annoyance after the day in respect of which the first penalty shall have been incurred.

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

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

Notice by consumers of intention to discontinue gas supply.

59. Any consumer desiring to discontinue a supply of gas on any premises where a meter has been fixed for his use shall give to the Company twenty-four hours' notice in writing of such his intention and on neglect of giving such notice shall be liable to pay and shall pay to the Company for all gas registered by such meter up to and until the expiry of twenty-four hours from and after the receipt of such notice.

Pipes &c. crossing North-Eastern Railway to be laid down under inspection of engineer of railway company.

60. (1.) Any mains pipes culverts or other works which the Company may lay down or execute under over or across or which may affect any railway or works of the North-Eastern Railway Company and also any mains pipes culverts or other works already laid down or executed under over or across or so as to affect any such railway or works and which shall be hereafter removed by the Company if and when relaid or re-executed by them in the same or any other position shall be laid down and executed and subsequently maintained and repaired by the Company at such times as may reasonably be required or approved by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said railway company and in the case of any new mains pipes culverts or other works in accordance with plans and sections to be previously submitted to him for approval and to be reasonably approved by him within fourteen days thereafter Provided that in cases of emergency arising from accidents or defects or other cause the Company may forthwith repair such defects or do any other necessary work or thing giving notice to the said engineer so soon as possible after the necessity for the work shall have arisen.

(2.) Any mains pipes and other works shall be so laid down executed maintained repaired and used by the Company as to cause as little damage or injury as may be to the said railway and works and so as not to impede the free and uninterrupted use of the same the Company making good any damage or injury which may be done by them to the said railway and works in the execution of such powers.

Power to lay pipes against buildings.

61. 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.

Power to purchase lands by agreement. Gas not to be manufactured except on lands scheduled.

62. The Company may for the purposes of their undertaking purchase by agreement take and hold in addition to the lands described in the schedule to this Act any lands and hereditaments 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 land shall be used by the Company for the purpose of manufacturing gas or manufacturing or converting residual products except the lands described in the schedule to this Act.

Restriction on taking houses occupied by labouring classes.

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

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

Pressure of gas.

64. 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 not less than six tenths of an inch in height and from sunset to midnight 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 road or other 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 and two hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

65. The prescribed number of candles shall be fifteen.

Testing place.

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

Burner.

67. The prescribed burner shall be Sugg's London argand burner No. 1 with a six inch by one and three-quarter inch glass chimney but if at any time the gas flame tails over the top of the glass a six inch by two inch chimney shall be used.

Company to pay interest on money deposited as security for gas-meter &c.

68. Where any money is deposited by any person by way of security with the Company 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 or stove the Company shall pay interest at the rate of three pounds ten shillings per centum per annum on any sum of ten shillings deposited by way of such security for every six months during which the same remain in their hands.

Accounts.

69. The Company shall on or before the twenty-fifth day of March one thousand eight hundred and eighty-seven fill up and forward a statement of accounts made up to the thirty-first day of December one thousand eight hundred and eighty-six as nearly as may be in accordance with the provisions of the Gasworks Clauses Act 1871 and after that date shall make up and forward an annual statement of accounts in accordance with the provisions of that Act.

Commissioner of Bridlington Harbour not disqualified for acting as director.

70. No person being a commissioner under and by virtue of an Act passed in the first year of the reign of Her present Majesty chapter 110 intituled "An Act for improving the piers and harbour "of Bridlington in the east riding of the county of York and for "rendering the same more safe and commodious as a harbour of "refuge" shall be disqualified or prevented from acting as a director of the Company by reason of any contract entered into between the commissioners constituted by that Act and the Company but no such director being a commissioner shall vote in any question as to any contract with such commissioners.

Shareholder not disqualified for acting as commissioner of Bridlington Harbour.

71. No shareholder of the Company shall by reason of being a shareholder be disqualified from being or acting as a harbour commissioner under and by virtue of the said Act passed in the first year of the reign of Her present Majesty or be liable to any penalty as such notwithstanding that the commissioners acting under and by virtue of such Act or any of them may enter into any contract with the Company or the directors for the time being Provided that no shareholder being such commissioner shall vote in or concerning any such contract but this prohibition may be dispensed

with by the Board of Trade by writing under the hand of the secretary or one of the assistant secretaries of that Board. A.D. 1886.

Contracts for supplying gas for public purposes.

72. The Company may from time to time enter into and carry into effect any contract or arrangement with any harbour sanitary local or road authority having powers within the limits of this Act or any corporation company body or persons for the supply of gas by the Company within the limits of this Act on such terms and for such period not exceeding under any one such contract or arrangement seven years as they may think fit and may from time to time by mutual consent vary suspend or rescind any such contract or arrangement or enter into and carry into effect other contracts or arrangements in lieu thereof or in addition thereto.

Recovery of debts before justices.

73. In case any person who has been supplied with gas by the Company or who is liable under this Act to any payment in respect of a supply of gas or the use or repair of any meter or other thing fails after demand thereof in writing left upon the premises of such person by the Company their agent or collector to pay the amount due in respect of the supply or of the meter or other thing any justice on application by the Company shall issue his summons to the person requiring him to appear at a time and place named therein and then and there to show cause why the sum so demanded should not be paid and if on the appearance of the person or in default of appearance after proof of the service of the summons either personally or if he cannot be found at his last known place of abode or business sufficient cause be not shown to the contrary the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels of the person for the recovery of the amount proved before the justice to be due from the person with such costs to be settled by the justice and including the costs of cutting off the gas if the same be cut off by the Company as the justice thinks just and reasonable.

Expenses of Act.

74. 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.

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The SCHEDULE referred to in the foregoing Act.

I. All that piece of land now occupied by the existing gasworks situate in the township and parish of Bridlington and containing by admeasurement one acre two roods eight perches or thereabouts and bounded on the south by a messuage and premises belonging or reputed to belong to Robert Allison and others and by the premises of the North-Eastern Railway Company on the south-east by the railway from Hull to Scarborough on the east by a piece of land belonging or reputed to belong to the devisees of the late Reverend James Thompson deceased on the north by a field now or lately belonging or reputed to belong to the vicar of Christ Church Bridlington Quay and recently purchased or agreed to be purchased by the Limited Company and on the west by an occupation road leading from Quay Road at the eastern end of Bishop's Terrace to other lands at the north end of the said occupation road.

II. All that piece of land recently purchased or agreed to be purchased by the Limited Company adjoining the existing gasworks containing by admeasurement two acres twenty perches and bounded on the south by the land occupied by the existing gasworks on the east by a portion of the said piece of land belonging or reputed to belong to the devisees of the late Reverend James Thompson on the north by two fields or enclosures belonging or reputed to belong respectively to Joseph Heald Ward and the devisees of John Woodhouse Postill and on the west by the said occupation road leading from Quay Road on the western side of the existing gasworks.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1886.