CHAPTER cxlvi.

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An Act for dissolving the Christchurch Gas Company (Limited), for re-incorporating the Proprietors therein with others, and for conferring powers on the Company so to be incorporated; and for other purposes. [2d August 1877.]

WHEREAS in the year one thousand eight hundred and seventy-six certain persons formed themselves into a gas company, under the name of "The Christchurch Gas Company (Limited)," (herein-after referred to as "the Limited Company,") for the purpose of supplying with gas the parishes of Christchurch, Holdenhurst, and Sopley, or parts thereof, in the county of Southampton:

And whereas the present share capital of the Limited Company consists of fifty thousand pounds, divided into five thousand shares of ten pounds each, of which two thousand five hundred shares have been subscribed for and fully paid up, and the said Company have no mortgage debt:

And whereas the gasworks of the Limited Company are situate on the piece of land described in the First Schedule to this Act, and the Company are now supplying gas within the parishes aforesaid, or some or one of them:

And whereas the demand for gas in the parishes of Christchurch, Holdenhurst, and Sopley aforesaid has increased and is increasing, and it is expedient that the works of the Limited Company be improved, and their mains and limits of supply extended, and that additional capital be provided for such improvement and extension:

And whereas it is expedient that the Limited Company be dissolved and re-incorporated with further powers:

And whereas it is expedient that the Company to be incorporated by this Act (in this Act called "the Company") be authorised to extend their existing gasworks and erect new works on the lands adjoining the existing gas lands of the Limited Company, and described in the Second Schedule to this Act:

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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 Christchurch Gas Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. "The Gasworks Clauses Act, 1847," and "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except such parts thereof respectively as relate to the entry upon, purchase, and taking of lands otherwise than by agreement,) 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 Limited Company as if the same had been authorised by this Act.

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 shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction. 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 or maintained by the Company, and any improvement 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; and the expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act 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.

Limits of Act.

4. The limits of this Act shall be the parishes of Christchurch, Holdenhurst, and Sopley, all in the county of Southampton: Provided, nevertheless, that the Company shall not supply gas within the gas limits of the Bournemouth Gas and Water Company, as defined by the Bournemouth Gas and Water Act, 1873.

Incorporation of Company.

5. From and after the passing of this Act the Limited Company shall be by this Act dissolved, and the several persons and cor-

porations 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 Christchurch Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

6. The Company shall be established for the purpose of manufacturing gas or inflammable air from coal, peat, oil, or other materials yielding gas or inflammable air of what nature soever, and for supplying gas within the limits of this Act, and for converting or utilising and distributing materials used in and about the manufacture of gas or inflammable air as aforesaid, and of residual products resulting from such manufacture, and for dealing in, selling, and disposing of gas and inflammable air, and also coal, and also lime, coke, tar, chemicals, and other residual and manufactured products, and other matters and things, and for carrying on the business usually carried on by gas companies, or by companies or persons dealing in any of the matters and things aforesaid, and for manufacturing, purchasing, or hiring and supplying gas meters, fittings, and other apparatus.

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

7. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, 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, plants, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, 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, or which immediately before the passing of this Act were the property of the Limited Company, and all money, securities, credits, 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 the Limited 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

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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.

Memorandum and Articles of Association of the Limited Company to be void, without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act, the Memorandum and Articles of Association of the Limited Company shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders shall be exempted from all the 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 said Memorandum or 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.

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 Limited Company, or the members thereof as such, shall be as valid as if the Company had not been incorporated and the said Memorandum and Articles of Association had not been avoided by this Act; and such incorporation and avoidance, and this Act, 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 Memorandum 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.

Contracts prior to Act to be binding.

10. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, 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 the Limited 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 instead of the Limited Company, or the trustees or persons acting on behalf of the Limited Company, the Company had been a party thereto.

Actions, &c. not to abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity 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 member thereof, in relation to such affairs were parties immediately before the passing of this Act; but 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, &c. 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 members, 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, &c.

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.

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As to payment of debts owing before passing of this Act.

15. All persons who immediately before the passing of this Act owed any money to the Limited 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 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, &c. to remain in force.

16. Notwithstanding the avoidance of the said Memorandum and Articles of Association, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under them 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 they had not been avoided.

Books, &c. continued evidence.

17. All documents, books, and writings which, if the said dissolution and avoidance had not taken place, 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.

Present registers 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 numbers of their shares and the proper distinguishing number 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 capital of the Company shall be thirty-five thousand pounds, whereof twenty-five thousand pounds is in this Act called the original capital, and ten thousand pounds is in this Act called the additional capital, and shall be raised in manner herein-after mentioned; and the original capital shall be divided into two thousand five hundred shares of ten pounds each, which shares are

in this Act called the old shares, and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.

Vesting of old shares in present shareholders.

21. The several persons who immediately before the passing of this Act were the registered members of the Limited Company shall be entitled to shares of the same nominal value in substitution (share for share) for the old shares to which they were at the passing thereof entitled in the Limited Company, and each such substituted share shall stand credited with such an amount as may have been paid upon the whole share for which such share is substituted in the Limited Company at the time of the passing of this Act, and such substituted shares shall be vested in such person, 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, charges, liens, and incumbrances, as immediately before the passing of this Act affected the old share for which the same is substituted, and so as to give effect to and not to revoke any testamentary disposition of or affecting the same.

Company shall 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," with respect to certificates of shares, 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.

Profits of the Company limited.

23. The Company shall not in any one year make out of their profits any larger dividend 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.

24. The Company may, subject to the Provisions of Part II. of "The Companies Clauses Act, 1863," raise any additional capital, not exceeding in the whole ten thousand pounds, by the issue, at their option, of new ordinary shares or new preference shares, or partly by one of those modes and partly by the other.

As to amount of new shares.

25. Any new shares, whether ordinary or preference, issued under this Act shall be of a nominal amount not less than ten pounds.

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Shares not to issue until one fifth paid.

26. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

27. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

New shares to be offered by auction or tender.

28. Notwithstanding anything in this Act contained, the Company shall, when any shares or stock created under the powers of this Act are to be 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 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 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 reserve 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.

As to notice to be 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 authority of the district in which the gasworks of the Company is situate, 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 circulating within the limits of such district. The term local authority in this section shall be the board of guardians of the Christchurch Union.

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 by 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 the 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, shall 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.

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

31. In case in any half year the net revenues of the Company applicable to dividend 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, a rateable deduction shall be made in the dividend of each class.

Power to borrow on mortgage in respect of original capital.

32. The Company may from time to time borrow on mortgage, in respect of the original share capital of twenty-five thousand pounds already raised and issued by the Limited Company, any sum or sums not exceeding in the whole six thousand two hundred and fifty pounds.

Power to borrow on mortgage in respect of additional capital.

33. The Company may at any time, and from time to time after the passing of this Act, borrow on mortgage, in respect of the additional capital by this Act authorised to be raised, any sums not exceeding in the whole two thousand five hundred pounds; but no part of that sum shall be borrowed until the whole of the additional capital of the Company under this Act is issued and accepted, and one half thereof is paid up, and 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 whole of such additional capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such additional capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and 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.

Priority of mortgages over other debts.

34. All money raised or 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

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this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Arrears may be enforced by appointment of a receiver.

35. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. 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.

As to conversion of borrowed money into capital.

36. 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 referred to in this section are limited to a rate not exceeding five pounds per centum per annum.

Debenture stock.

37. 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 at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time hereafter granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

40. The number of the directors shall be seven, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

41. The qualification of a director shall be the possession in his own right of not less than fifty shares, or of stock to the amount of five hundred pounds.

Quorum.

42. The quorum of a meeting of directors shall be four, but if the number of the directors be reduced to three the quorum shall be two.

First directors.

43. James John Stevens, James Bridger, James John Frederick Stevens, John Biller, and three other duly qualified persons to be nominated by them, and consenting to such nomination, 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. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, 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 or nominated as aforesaid 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 powers 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 died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Contracts not to disqualify for office of director.

44. Any contract to be made with any board, corporation, or public body under this Act shall not disqualify any of the members of any such board, corporation, or public body for the office of directors; but no director being a member of any such board, corporation, or public body shall vote on any question as to any contract with such board, corporation, or public body.

Powers as to construction and maintenance of gasworks, &c.

45. Subject to the provisions of this Act, the Company may maintain, alter, improve, enlarge, extend, and renew or discontinue the existing gas and other works of the Limited Company by this Act vested in the Company, and erect, make, and maintain, alter, improve, enlarge, extend, and renew or discontinue other works for the manufacture of gas or inflammable air from coal, peat, oil, or other materials yielding gas or inflammable air, from coal, peat, oil, or other materials yielding gas or inflammable air, of what nature soever, and convert or utilize and distribute materials used in and about the manufacture of gas or inflammable air as aforesaid, and of residual products resulting from such manufacture, upon

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the lands and hereditaments described in the First and Second Schedules to this Act, or some of them, or some part or parts thereof respectively, and upon those lands they may accordingly manufacture gas and inflammable air, and manufacture, convert, utilize, and distribute such materials and residual products as aforesaid, and also on those lands store gas and inflammable air, and erect houses and other buildings; and the Company may also from time to time provide, lay down, maintain, alter, improve, enlarge, extend, and renew or discontinue drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stop-cocks, machinery, and other works and apparatus, and conveniences, and may do all such other acts as they may think proper for making, storing, and supplying gas or inflammable air within the limits of this Act, and may supply gas or inflammable air accordingly, and may deal in and sell and dispose of coal, and also lime, coke, tar, and other residual and manufactured products, and other matters and things, and carry on the business usually carried on by gas companies or by companies or persons dealing in any of the matters and things aforesaid, and may manufacture, purchase, or hire, and supply gas meters, fittings, and other apparatus.

Power to purchase lands by agreement.

46. The Company 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 not exceeding in the whole three acres which the Company may from time to time require for the purposes of their works and undertaking, but no gas or residual products shall be manufactured by the Company, except on the lands described in the Schedules to this Act.

Power to lay pipes against buildings.

47. 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.

Limiting the price of gas.

48. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed six shillings and sixpence per thousand cubic feet.

Pressure of gas.

49. 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, 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 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, 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.

50. The prescribed number of candles shall be fourteen.

Testing-place.

51. Within twelve calendar months from the passing of this Act a testing place shall be provided upon some part of the works or lands of the Company or within two hundred yards from any part thereof.

Burner.

52. The prescribed burner shall be Sugg's No. 1 London argand burner, consuming five cubic feet of gas per hour, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame rises above 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.

53. 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.

Power to hold licenses under letters patent.

54. The Company may take, hold, and use patent rights or licenses or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture, conversion, utilization, or distribution of gas or inflammable air, and of such materials and residual products as aforesaid.

Contracts for supplying gas for public purposes.

55. The Company may enter into and carry into effect any agreement with any local board of health, urban or rural sanitary authority, or other local authority, and the trustees of any turnpike or other road, or any highway board, or any surveyors of any highway, and any railway company, and any other companies, bodies, or persons, for the supply of gas or inflammable air by the Company for public purposes within the limits of this Act, for any period not exceeding under any one such contract or arrangement seven years, and may vary, suspend, or rescind any such agreement, and enter into or carry into effect other agreements in lieu thereof or in addition thereto.

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Notices to Company to be in writing, &c.

56. No notice to the Company to discontinue the use of any gas supplied by them shall be of any effect unless such notice shall be in writing and shall be left at the principal office for the time being of the Company.

Justices not disqualified by being creditors of Company.

57. No justice or judge shall be disqualified from acting in the execution of this Act by reason of his being a creditor of the Company.

58. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him; provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the lands and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work, the property of the Postmaster General being thereon:

Compensation by

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense,

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Company to Postmaster-General, and penalty.

loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act and to the end of the then next session of Parliament.

Expenses of Act.

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

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

A piece of ground being three thousand eight hundred and forty-one square yards or thereabouts in extent, situate at or near Rotten Row, in the parish of Christchurch, in the county of Southampton, late in the occupation of James John Stevens, but now occupied by the said Company, and formerly being the north-east part of a close of ground now or formerly numbered on the Tithe Commutation Award Map and Survey for the said parish of Christchurch, 4067, and which said piece of ground is now partly occupied by the Christchurch Gasworks, and is bounded on the north by Rotten Row, on the east by land of or reputed to belong to Sir George Elliott Meyrick Tapps Gervis, Baronet, on the south by land of or reputed to belong to the said James John Stevens and the Company, and on the west by land of or reputed to belong to Lieutenant-Colonel Sir George Pocock.

THE SECOND SCHEDULE.

A piece of ground being two thousand nine hundred and sixty square yards or thereabouts in extent, abutting on the south side of the first-mentioned piece of ground in the said parish of Christchurch, late in the occupation of the said James John Stevens, but now of the said Company, and now or formerly numbered in the said Tithe Plan or Survey, 4067, and bounded on the north by the said first-mentioned land, on the east by land of or reputed to belong to Sir George Elliott Meyrick Tapps Gervis, Baronet, and on the west and south partly by land of or reputed to belong to the said Lieutenant-Colonel Sir George Pocock, Baronet, and partly by land of or reputed to belong to the said Sir George Elliott Meyrick Tapps Gervis, Baronet.

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