CHAPTER xc.

An Act to dissolve the Dundalk Gas Company Limited and to incorporate a new Company; and for other purposes. A.D. 1887.

[5th July 1887.]

WHEREAS the Dundalk Gas Company Limited (herein-after called the Limited Company) were constituted under a memorandum and articles of association in the year one thousand eight hundred and eighty-five for the purpose of acquiring certain gasworks and property at Dundalk in the county of Louth and of manufacturing and supplying gas and for the utilization and sale of the residual products arising in and from the manufacture of gas:

And whereas the Limited Company purchased those gasworks and that property and are supplying gas at and in the neighbourhood of Dundalk:

And whereas the capital of the Limited Company consists of thirty thousand pounds divided into twelve hundred shares of twenty-five pounds each of which six hundred and sixty shares (herein-after referred to as old shares A) numbered from one to six hundred and sixty both inclusive were issued in the months of September and October one thousand eight hundred and eighty-five fully paid up in payment to the shareholders in the Dundalk Gaslight Company then in liquidation for the purchase of their respective interests in that company and two hundred and twenty shares (herein-after referred to as old shares B) numbered from six hundred and sixty-one to eight hundred and eighty both inclusive were issued on the first day of December one thousand eight hundred and eighty-five in anticipation of the promotion in the then ensuing session of Parliament of the Dundalk Gas Bill one thousand eight hundred and eighty-six and on the understanding that such last-mentioned shares should if Parliament should so require be limited to a maximum or standard rate of dividend of seven per cent.:

And whereas the said two hundred and twenty shares are fully paid up:

And whereas the Limited Company has no mortgage debt:

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And whereas the demand for the supply of gas in the town of Dundalk and the neighbourhood thereof has increased and is increasing and it is expedient that the Limited Company be dissolved and incorporated subject to the provisions of this Act:

And whereas it is expedient that the powers herein-after set forth should be conferred upon the Company:

And whereas it is expedient that the town commissioners of Dundalk should have the option of purchasing the undertaking of the Company as herein-after provided:

And whereas the purposes of this Act 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 Dundalk Gas Company's Act 1887.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (cancellation and surrender of shares) and Part III. (debenture stock) of the Companies Clauses Act 1863 (as amended by the Companies Clauses Act 1869) and the Gasworks Clauses Act 1847 are (subject to the provisions of this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall apply to the undertaking of the Company as if such undertaking had been authorised by this Act.

Interpretation.

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" shall mean the Company incorporated by this Act;

The expression "the memorandum and articles of association" shall mean the memorandum and articles of association of the Limited Company;

The expression "the commissioners" shall mean the commissioners of the town of Dundalk in the county of Louth elected under the Towns Improvement (Ireland) Act 1854 and Acts incorporated with or amending the same;

The expressions "the works" "the gasworks" 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 and effects of the Company and every part thereof respectively;

The expression "the undertaking" shall mean the undertaking of the Company.

Limits of Act.

4. The limits of this Act shall be and include the town of Dundalk and any places adjacent thereto situate within a radius of one mile and a half measured from the centre of the Market Square in that town.

Dissolution of Limited Company and 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 purpose herein-after mentioned and shall be incorporated by the name of the Dundalk 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 powers of the Company

6. The Company shall be established for the purpose of manufacturing gas and of supplying gas within the limits of this Act and they may make sell and dispose of coke coal-tar pitch asphaltum and 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 they 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 or 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 license 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 utilizing and distribution of gas the utilization 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.

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Present property of Limited Company vested in the Company.

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 plant 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 moneys 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 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 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 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 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 memorandum 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

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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 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 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 proceedings 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 proceedings 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

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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 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 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 and transfers to remain in force.

16. Notwithstanding the avoidance of the 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 and writings 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 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 numbers of their shares and the proper distinguishing number of each share 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 thousand pounds divided as follows that is to say:—sixteen thousand five hundred pounds (consisting of six hundred and sixty old shares A) five thousand five hundred pounds (consisting of two hundred and twenty old shares B) and eight thousand pounds (consisting of three hundred and twenty ordinary shares) of additional capital and such additional capital shall be raised in manner herein-after mentioned The Company may convert into stock the whole or any part of such respective portions of capital when fully paid up.

Vesting of old shares in present shareholders.

21. The old shares A and the old shares B shall be vested in the several persons who immediately before the passing of this Act were the 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 (if any) 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 share for which the same is substituted and so as to give effect to and not revoke any deed or other instrument or 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 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.

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Receipt clause in case of persons not sui juris.

23. 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.

Shareholders not to vote unless shares registered three months previously.

24. No shareholder shall be entitled to vote except in respect of shares which shall have been registered in his name three months at least before the date of the meeting at which he claims to vote unless such shares have been acquired or shall have come by bequest or by marriage or by succession to an intestate estate or by any deed of settlement after the death of any person who shall have been entitled to the dividends of such shares.

Profits of Company defined.

25. Except as in this Act provided the dividends to be made out of the profits of the Company in any year shall not exceed the rate of ten pounds per centum per annum in respect of the old shares A and the rate of seven pounds per centum per annum in respect of the old shares B and the additional capital (which rates are in this Act referred to as the standard rates of dividend) of the Company authorised by Parliament and paid up.

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

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

Additional capital to be offered by auction or tender.

27. Notwithstanding anything in this Act contained when the said sum of eight thousand pounds of additional capital or any portion thereof is created under the powers of this Act and is to be issued as shares or stock the Company shall 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.

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

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 to be given as to sale, &c. of shares or stock.

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of Dundalk and to the secretary of the committee of the Dublin 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 town.

Shares or stock 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 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 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 or 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.

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

32. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay dividend at the standard rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up capital of the 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

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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 standard rates of dividend.

33. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend on the ordinary share capital or stock of the Company the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

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

34. Where in any year the dividend of the Company on the ordinary share capital or stock of the Company shall exceed the standard rates by reason of the price charged by the Company for gas in such year 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 rates of dividend on the ordinary share capital or stock of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow in respect of original capital.

35. 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 sixteen thousand five hundred pounds old shares A any sums not exceeding in the whole four thousand one hundred and twenty-five pounds and in respect of the five thousand five hundred pounds old shares B they may borrow as aforesaid any sums not exceeding in the whole one thousand three hundred and seventy-five pounds.

Power to borrow in respect of additional capital.

36. In addition to the said respective sums of four thousand one hundred and twenty-five pounds and one thousand three hundred and seventy-five 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 eight thousand pounds any sum not exceeding in the whole two thousand pounds but no part thereof shall be borrowed until the whole of such additional capital of eight thousand pounds 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 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 certificate shall be sufficient evidence thereof.

Appointment of receiver.

37. 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 five hundred pounds in the whole.

As to conversion of borrowed money into capital.

38. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital any moneys borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

Debenture stock.

39. 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

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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 moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts.

40. All moneys 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 Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or 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.

Application of moneys.

41. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company to which capital is properly applicable.

Place for meetings.

42. All meetings of the Company shall be held at the Company's office in Dundalk or at such other place as the directors may from time to time appoint.

First ordinary meeting.

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

Quorum for meetings of Company.

44. The quorum of all general meetings whether ordinary or extraordinary shall be seven shareholders present in person or by proxy holding not less in the aggregate than one thousand pounds in shares or stock of the Company.

Number of directors.

45. The number of directors shall be eight but the Company may from time to time reduce the number provided that the number be not less than five.

Qualification of directors.

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

Quorum.

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

First directors.

48. Malcolm Brown Murray, John Murphy, John Browne, William Tempest, John James Eastwood Bigger, Edward Henry Courtney Bigger, Thomas Keenan Coleman and Francis Scott 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.

49. 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 subject to the power herein-before contained for reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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

50. Subject to the provisions of this Act the Company may from time to time maintain alter improve renew or discontinue their existing gasworks upon the lands now belonging to the Limited Company on which the same are erected or any part thereof and which are described in the schedule to this Act and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Power to purchase lands by agreement.

Gas not to be manufactured except on lands scheduled.

51. 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 two acres which the Company may from time to time require for the purposes of their works and undertaking and any right or easement in or over any lands not being an easement of water but no land shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Restriction on taking houses of labouring class.

52. The Company shall not under the powers of this Act without the consent of the Local Government Board for Ireland purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district

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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.

Defining labouring class.

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.

Power to lay pipes against buildings.

53. 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 or of heat or light 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.

Standard price. Dividend dependent on price charged.

54. The standard price to be charged by the Company for gas supplied by them shall be four shillings and sixpence per 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 shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rate 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 may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds.

Pressure of gas.

55. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water

from midnight to sunset of not less than six tenths of an inch and from sunset to midnight of not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure 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.

56. The prescribed number of candles shall be fifteen.

Testing place.

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

Burner.

58. 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 tail over the top of that glass a six-inch by two-inch chimney shall be used.

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

59. 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.

Shareholder may be a member of sanitary authority.

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

Contracts for supplying gas for public purposes.

61. The Company may from time to time enter into and carry into effect any contract or arrangement with any sanitary or local authority having powers within any part of the limits of this Act

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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 soven 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 or carry into effect other contracts or arrangements in lieu thereof or in addition thereto.

Recovery of debts before justices.

62. 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 of 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.

For the protection of the Dundalk Newry and Greenore Railway Company.

63. The following provisions for the protection of the Dundalk Newry and Greenore Railway Company shall have full force and effect and be binding upon the Company and their assigns:—

In laying down executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the said railway company or the bridges approaches viaducts stations or other works or any level crossings of such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall make good and repair the roads over any such bridges level crossings and approaches which the said railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any

operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any main pipe or culvert in under or near to any bridge or level crossing the Company shall make compensation in respect thereof to the said railway company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable.

Power to town commissioners to purchase undertaking of Company.

64. If the commissioners desire to purchase the works and undertaking of the Company at any time within seven years from the passing of this Act but not afterwards and of such desire give to the Company six months previous notice in writing under their common seal the Company shall at the expiration of the said period of six months sell and transfer their undertaking to the commissioners and the commissioners may and shall purchase the same for such price and upon such terms and conditions as may be mutually agreed upon or failing agreement as may be determined by arbitration in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the settlement of questions of disputed compensation and for the purposes of such arbitration the said provisions shall be deemed to be incorporated herewith and in the construction of the said provisions the expressions "the promoters of the undertaking" and "lands" shall be construed to mean respectively the Company and the works and undertaking of the Company and from and after such sale of the works and undertaking to the commissioners all the property real and personal and all rights powers authorities duties obligations and liabilities of the Company in respect of their undertaking held enjoyed exerciseable or to be performed by the Company at the time of such sale other than and excepting powers relating to share and loan capital and to general meetings and directors or otherwise relating to the constitution or management of the Company shall subject to all liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the commissioners as though the same had been acquired by and conferred upon the commissioners instead of the Company Provided always that within three months from the date of any such sale and transfer the commissioners shall produce to the Commissioners of Inland Revenue a

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deed of conveyance duly stamped and in default of such production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of the deed to the date of payment shall be recoverable from the commissioners together with full costs of suit and all costs and charges attending the same Provided always that if the commissioners shall within three months after the passing of this Act give such notice as aforesaid to the Company of their desire to purchase the works and undertaking of the Company the arbitrators or umpire in determining the price to be paid by the commissioners to the Company shall not have regard to the fact that the Company is incorporated by Parliament but shall add to the amount of the award the actual costs of obtaining this Act.

Expenses of Act.

65. 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.

The SCHEDULE referred to in the foregoing Act.

The lands now belonging or reputed to belong to the Limited Company in the town of Dundalk viz:—

Firstly. The lands bounded on the western side by Bridge Street on the eastern side by Linen Hall Street on the northern side by a messuage and premises belonging or reputed to belong to and in the occupation of Margaret Goss and Michael Goss and on the southern side by Corn Stores and Kiln in the occupation of Hugh Callan and other premises belonging or reputed to belong to Charles McMahon and in the occupation of his under tenants and which lands comprise an area of three thousand three hundred and eighty-two square yards or thereabouts.

Secondly. The lands bounded on the eastern side by Bridge Street on the western side by messuages and premises belonging or reputed to belong to the representatives of Daniel Byrne and in the occupation of their under tenants on the northern side by messuages and premises belonging or reputed to belong to the representatives of Thomas McMahon and in the occupation of their under tenants and on the southern side by a house and premises belonging or reputed to belong to Patrick O'Hanlon and in his occupation and which lands comprise an area of two thousand three hundred and fifteen square yards or thereabouts.

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