CHAPTER xxv.

An Act for conferring further powers on the Ilfracombe Gas Company. A.D. 1896.

[21st May 1896.]

WHEREAS by the Ilfracombe Gas Act 1872 (herein-after referred to as "the Act of 1872") the Ilfracombe Gas Company (herein-after called "the Company") were incorporated upon the dissolution of the Ilfracombe Gas Light and Coke Company for the purpose of making and maintaining gasworks and supplying gas within the parish of Ilfracombe in the county of Devon:

And whereas the demand for gas within the existing limits of supply of the Company is increasing and it is expedient that the Company be empowered to acquire additional lands and to erect additional works for the manufacture and storage of gas:

And whereas it is expedient to extend the Company's limits of supply so as to include in addition to the existing limits as defined by the Act of 1872 the parishes of Morthoe Berrynarbor and Combmartin all in the county of Devon:

And whereas it is expedient that the Company be authorised for the purposes of their gasworks to make the breakwater and works connected therewith herein-after described and to raise dredge scour and deepen the foreshore of the sea within the limits in this Act defined:

And whereas the breakwater and works connected therewith will also afford facilities for the accommodation and protection of vessels and for the embarkation and disembarkation of passengers and the shipping and unshipping of animals and goods:

And whereas it is expedient that powers should be conferred as herein-after contained for levying rates and duties within the limits as in this Act defined and that the Company should be empowered to make and enforce byelaws for the protection of the breakwater and for the regulation and control of vessels boats goods and traffic within such limits:

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And whereas plans showing the lands which may be taken for the purposes or under the powers of this Act and plans and sections showing the line and levels of the breakwater authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Devon and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the authorised share capital of the Company consists of £20,000 in 2,000 shares of £10 each divided into three classes namely Class A consisting of 424 shares Class B consisting of 1,491 shares and Class C consisting of 85 shares:

And whereas the whole of the share capital of the Company which has been raised has been raised as ordinary capital:

And whereas the Second Schedule to this Act contains a statement of the paid-up capital of the Company:

And whereas it is expedient that the existing share capital of the Company be consolidated into capital stock bearing an uniform rate of dividend:

And whereas the Company are by the Act of 1872 authorised to borrow £4,000 and have exercised their powers of borrowing to the extent of £1,600:

And whereas it is expedient that the Company be authorised to raise further share and loan capital for the purposes of their undertaking:

And whereas it is expedient that further powers should be conferred upon the Company as in this Act provided:

And whereas the objects 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:—

Short title.

1. This Act may be cited as the Ilfracombe Gas Act 1896.

Incorporation of Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) The Lands Clauses Acts and the Gasworks Clauses Act 1847 the Gasworks Clauses Act 1871 the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during construction the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

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

and Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and the provisions of the Harbours Docks and Piers Clauses Act 1847 except section 50 and the provisions with respect to lifeboats keeping a tide and weather gauge and with respect to buoys lighthouses and beacons unless the Board of Trade shall otherwise require.

Interpretation.

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 existing capital" means the paid-up capital of the Company as set out in the Second Schedule to this Act;

In the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions "the railway" and "the centre of the railway" mean the breakwater by this Act authorised:

And in the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act—

The expression "the harbour" means the harbour to be formed by the construction of the breakwater and works connected therewith and the area within the limits defined in the section of this Act the marginal note whereof is "Power to Company to raise deepen and dredge the foreshore and defining limits within which the Company shall have authority";

The expression "the undertakers" means the Company:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any

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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 simple contract debt and not a debt or demand created by statute.

Extension of limits of supply.

4. The limits within which the Company may supply gas are hereby extended so as to include in addition to their existing limits of supply as defined by the Act of 1872 the parishes of Morthoe Berrynarbor and Combmartin in the county of Devon and within and throughout the Company's limits of supply as by this Act extended the Act of 1872 as amended by this Act and this Act shall respectively henceforth be in force and have effect:

Provided that if for a period of eight years from the passing of this Act or four years from the time the Company shall commence to manufacture gas upon the lands described in the First Schedule to this Act whichever time shall first expire the Company shall not have carried a gas main for the supply of gas for public and private purposes as far as High Cross in the parish of Combmartin then the Company shall not be deemed to be a company authorised by or in pursuance of any Act of Parliament to supply gas within the said parish within the meaning of the Public Health Act 1875 and nothing in this Act shall prevent the Combmartin Parish Council or other the local authority within the said parish from themselves supplying gas throughout the whole or any part of the said parish.

Power to take lands.

5. Subject to the provisions of this Act the Company may enter upon take hold and use such of the lands delineated on the deposited plans and described in the deposited book of reference including the lands described in the First Schedule to this Act as they may require for any of the purposes of their undertaking or of this Act.

Power to construct new gasworks.

6. Subject to the provisions of this Act the Company may from time to time upon the lands described in the First Schedule to this Act or on any part of such lands erect make maintain and from time to time alter improve enlarge extend and renew or discontinue gasworks retorts gasholders receivers purifiers drains sewers mains pipes meters machinery and other apparatus works and conveniences for the manufacture conversion utilisation storage and supply of gas and residual products obtained in the manufacture of gas and matters producible therefrom and make store and supply gas and manufacture purchase hire store sell supply and deal in coke tar pitch lime ammoniacal liquor oil and any products or residuum resulting from any materials employed in or arising or resulting from the manufacture of gas and also meters tubes pipes burners fittings apparatus and other articles and things in any way connected with the supply of gas.

Power to discontinue existing gasworks and sell lands.

7. The Company shall not later than four years from the time when they commence to manufacture gas upon the lands described in the First Schedule to this Act discontinue and finally abandon all right to manufacture gas and residual products upon the site of the existing gasworks and may notwithstanding anything contained in the Act of 1872 or any Act incorporated therewith to the contrary from time to time sell and dispose of in such manner and to such persons as they may think fit any lands vested in them at the time of the passing of this Act including the site of their existing gasworks or any part thereof with the buildings works gasholders tanks and the machinery plant apparatus and conveniences thereon or any part thereof.

Power to construct a breakwater.

8. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the breakwater herein-after described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the said breakwater (that is to say) :—

A breakwater to be situate on that portion of the foreshore or bed of the Bristol Channel known as Hele Beach commencing at a point on or near to the western margin (at high-water mark of ordinary tides as shown on the $\frac{1}{2500}$ Ordnance map of the parish of Ilfracombe) of the said Hele Beach distant 10 chains or thereabouts measured in a straight line in a north-westerly direction from the centre of the disused limekiln situate on or near to the said Hele Beach thence proceeding seaward in a direction bearing 60 degrees east of true north or thereabouts for a distance of 5 chains 20 links or thereabouts and terminating at a point on the foreshore or in the bed of the Bristol Channel.

The said breakwater will be wholly situate in the parish of Ilfracombe in the county of Devon or on the foreshore adjoining such parish.

Power to make subsidiary works.

9. The Company may subject to the provisions of this Act from time to time make provide and maintain in connexion with the before-mentioned breakwater all proper walls piers jetties quays landing and shipping places wharves embankments piling staithes drops posts cranes approaches tram and other ways arches moorings staging watercourses channels sewers drains apparatus machinery appliances and conveniences :

Provided that if at any time hereafter the Company construct a tramway between the foreshore at Hele Beach and the site of the proposed new gasworks such tramway shall not be laid down in

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such a way as to permanently interfere with the surface of the main road known as the disturnpiked road between Combmartin and Ilfracombe but shall be carried under the said road in tunnel.

Power to stop up road.

10. If and when the Company under the powers of this Act become the owners in possession of the lands on both sides of the road extending from the disturnpiked road between Combmartin and Ilfracombe to the main road leading from the said disturnpiked road to Hele Village (which road passes through the several lands numbered 807 885 886 and 888 on the $\frac{1}{2500}$ Ordnance map of the parish of Ilfracombe and is marked on the deposited plans as intended to be stopped up) they may without substituting another road therefor permanently stop up the said road and appropriate to their own use the site and soil thereof.

Power to Company to tunnel under roads and make communications.

11. If and when the Company under the powers of this Act become the owners in possession of any lands on both sides of any public road they may tunnel under and make and maintain communications between such lands under such road and if and when the Company under the powers of this Act become owners in possession of lands on both sides of the road and adjoining footpath leading to Hele Beach from the disturnpiked road between Combmartin and Ilfracombe they may make and maintain communications between such lands over under and across the said road and footpath Provided that no such communication shall diminish the width of the said road and footpath or have a width exceeding twenty feet or leave a clear headway of less than twelve feet above the surface of the road or less than eight feet above the surface of the footpath.

Power to deviate.

12. The Company may in the construction of the breakwater by this Act authorised deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans (provided that no part of such works be constructed beyond such limits) and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding fifteen feet in respect of so much of the breakwater as lies between the point of its commencement and a point distant thirty yards therefrom in a seaward direction and in respect of other parts of the breakwater not exceeding seven feet Provided that no deviation either lateral or vertical in the construction of works situate on tidal lands shall be made without the consent in writing of the Board of Trade.

Power to take additional lands.

13. Subject to the provisions of this Act the Company may in addition to the other lands which they are authorised to acquire under the provisions of this Act enter upon take hold and use for the purposes of their undertaking the lands and hereditaments

herein-after described which are delineated on the deposited plans as additional lands and described in the deposited book of reference (that is to say) :—

Certain lands situated at Hele in the parish of Ilfracombe being part of lands numbered 805 689 801 690 and 686 on the $\frac{1}{2500}$ Ordnance map of the said parish.

Errors and omissions in plans &c. may be corrected by two justices.

14. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' clear notice to the owners lessees and occupiers of the lands in question may apply to two justices for the county of Devon for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Devon and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to Company to raise deepen and dredge the foreshore and defining limits within which the Company shall have authority.

15.—(1) The Company may for the purposes of affording facilities for the accommodation of vessels enter upon and from time to time raise excavate dredge scour and deepen that portion of the foreshore and bed of the Bristol Channel known as Hele Beach in or adjoining the parish of Ilfracombe as lies within an area comprised within a boundary formed by an imaginary straight line drawn from a point on the cliff distant one chain from the north-western side of the breakwater herein-before mentioned at the commencement thereof and proceeding thence due north-east to a point in the Bristol Channel on the seaward side of and distant two and a half chains or thereabouts measured in a northerly direction from the termination of such breakwater and thence proceeding in an imaginary straight line drawn in the direction of the intersection of the fence between the fields numbered 682 and 683 on the $\frac{1}{2500}$ Ordnance map of the said parish of Ilfracombe and the eastern side of the disturnpiked road between Combmartin and Ilfracombe to a point at or near the base of the cliff and lastly by the seashore at high-water mark between the last and first above-mentioned points including in such area so much of the Hele Stream as lies seaward of the footbridge at or near high-water mark and may deposit any

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materials and may remove carry away and dispose of any materials taken up or collected by means of such excavation dredging scouring and deepening.

(2) The limits referred to in this section shall be the prescribed limits within which the Company and any harbour master to be appointed by them under the powers of this Act shall have authority and shall be deemed the limits to which the power to levy rates and dues and to make byelaws shall extend and which limits are in this Act referred to as "the harbour limits."

Limit of time for compulsory purchase of lands.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the date of the passing of this Act except in the case of lands let on leases for years or lives or leases for years determinable on lives when the period shall be extended to five years from the passing of this Act.

Power to purchase lands by agreement.

17. The Company may from time to time for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands they have acquired or are authorised to acquire under the Act of 1872 or this Act any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking and the Company may on any lands for the time being belonging to them erect fit up maintain and let offices and houses and dwellings for their officers and servants but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or the conversion of residual products except the lands described in the First Schedule to this Act and subject to the provisions of the section of this Act the marginal note whereof is "Power to discontinue existing gasworks and sell lands" the lands described in the Second Schedule to the Act of 1872.

Gas not to be manufactured except on lands scheduled.

Power to take easements &c. by agreement.

18. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which others than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Temporary occupation of lands

19. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the

railway during the construction thereof shall apply only to the breakwater authorised by this Act Provided that for the purposes of section 32 of the said Act the prescribed limits shall be three hundred yards.

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during the construction of works.

20.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions on displacing persons of labouring class.

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons (if any) as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall contain proper covenants to secure during such period of twenty-five years the exclusive use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in

relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Board under the Public Health Act 1875.

(9) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(11) 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 sell and grant leases.

21. Subject to the provisions of sections 128 to 132 of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Company may from time to time sell lease or otherwise dispose of in such manner and to such persons as they may think fit any lands which may be acquired by them under the powers of this Act and which may not be required for the purposes of the Company together with any erections or buildings thereon.

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Prescribed period for sale of lands.

22. The prescribed period within the meaning of section 127 of the Lands Clauses Consolidation Act 1845 for the sale of superfluous lands shall be fifteen years from the passing of this Act.

Works below high-water mark not to be commenced without consent of Board of Trade.

23. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Survey of works by Board of Trade.

24. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof 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 as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

25. If a work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense 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 as a penalty is recoverable from the Company.

Company to exhibit lights.

26. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the corporation of Trinity House of Deptford Strond shall from time to time direct.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on works.

27. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

28. In case of injury to or destruction or decay of the breakwater or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Acquisition and extinguishment of manorial rights.

29. The Company may for the purpose of their undertaking acquire take and hold all easements and rights (if any) other than wreckage of Harriet Basset as lady of the manor of Watermouth or otherwise her successors or assigns at or in over affecting or in respect of all or any part of the foreshore and bed of the Bristol Channel known as Hele Beach within the harbour limits Provided that nothing herein contained shall be held to recognise or confirm any right title or claim of the said Harriet Basset as lady of the said manor in to over or in respect of the foreshore and bed of the Bristol Channel aforesaid and so soon as the Company have completed the breakwater by this Act authorised all such right or title to keelage or other dues at in over or affecting or in respect of such foreshore and bed of the Bristol Channel shall except as herein-after provided cease and determine Provided always that the Company shall make compensation to all persons injuriously affected by the exercise of the powers of this section and for the purpose of determining the amount of such compensation and the time and manner of payment of the same the provisions of the Lands Clauses Acts shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

Conversion of shares.

30.—(1.) As from and after the thirtieth day of June one thousand eight hundred and ninety-six the capital of the Company

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shall be twenty-five thousand nine hundred and twenty-four pounds eight shillings (subject to be increased as herein-after provided) and the existing share capital of the Company shall be converted into stock fully paid up not exceeding that amount whereof the sum of seventeen thousand one hundred and ninety pounds shall be preference stock bearing a preferential dividend of five pounds per centum per annum and a sum not exceeding the sum of eight thousand seven hundred and thirty-four pounds eight shillings shall be consolidated ordinary stock.

(2) The said preference stock and consolidated ordinary stock shall be divided among and vested in the several persons and corporations their executors administrators successors or assigns who on the said thirtieth day of June one thousand eight hundred and ninety-six are holders of the respective classes of shares in the existing capital of the Company in the following manner (that is to say):—

£4,240 preference stock and £4,240 consolidated ordinary stock shall be divided among the holders of the A shares in the capital of the Company at the rate of £10 of preference stock and £10 of consolidated ordinary stock in respect of each share of Class A in the capital of the Company;

£1,500 preference stock and £600 consolidated ordinary stock shall be divided among the holders of B shares in the capital of the Company on which the whole £10 per share has been paid up at the rate of £10 of preference stock and £4 of consolidated ordinary stock in respect of each such share of Class B in the capital of the Company;

£9,736 preference stock and £3,894 8*s*. consolidated ordinary stock shall be divided among the holders of B shares in the capital of the Company on which the sum of £8 has been paid at the rate of £8 of preference stock and £3 4*s*. of consolidated ordinary stock in respect of each such share of Class B in the capital of the Company;

£1,034 preference stock shall be divided among the holders of B shares in the capital of the Company on which £2 has been paid in advance of calls at the rate of £2 of preference stock in respect of each such share of Class B in the capital of the Company;

£680 preference stock shall be divided among the holders of C shares in the capital of the Company at the rate of £8 of preference stock in respect of each such share of Class C in the capital of the Company.

(3) The Company shall create and issue preference stock and consolidated ordinary stock sufficient for the purposes aforesaid.

(4) All persons in whom any such stocks shall be so vested shall stand possessed thereof upon the like trusts and subject to the like powers provisions declarations agreements charges liens and incumbrances upon or to which the shares in respect of which such stock was so vested were on the thirtieth day of June one thousand eight hundred and ninety-six so subject and every deed or other instrument and every will or testamentary disposition purporting to deal with the existing capital shall take effect with reference to the whole or a proportionate part as the case may be of the capital by this Act substituted therefor.

(5) The Company shall call in and cancel the certificates of shares in the existing capital and shall issue in lieu thereof to every shareholder new certificates stating the amount of preference stock and consolidated ordinary stock respectively held by him.

(6) Every new certificate shall be issued free of charge.

(7) No shareholder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the share certificate for which such stock or stocks are substituted or shall have proved to the reasonable satisfaction of the Company the loss thereof.

(8) Subject to the provisions of this section the provisions of the Companies Clauses Consolidation Act 1845 with respect to the consolidation of shares into stock shall extend and apply to the said consolidated stock.

As to fractions of pounds of stock.

31. Notwithstanding anything in this Act contained no person shall become entitled to any fractional part of a pound of the preference stock or the consolidated ordinary stock created by or under the provisions of this Act but in any case in which any such person would have become entitled to a fractional part of a pound of such stock in respect of his entire holding the Company may pay to such person out of the additional capital by this Act authorised to be raised a sum in cash equal to the amount of such fractional part.

Unexercised powers of raising capital extinguished.

32. All the powers of the Company to create and issue shares and make calls in respect thereof under the Act of 1872 and not actually exercised previously to the passing of this Act are except so far as is herein otherwise expressly provided absolutely cancelled extinguished and determined.

Profits of the Company limited.

33. As from the thirtieth day of June one thousand eight hundred and ninety-six section 25 (Application of profits) of the Act of 1872 shall be repealed and the following provision shall notwithstanding section 14 of the Companies Clauses Act 1863 have effect in lieu thereof (that is to say):—

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Except as by this Act provided the profits of the Company to be divided among the stockholders in any year shall not in respect of either the preference or the consolidated ordinary stock exceed the rate of five pounds in respect of every one hundred pounds actually paid up unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend or dividends on such preference or consolidated ordinary stock which shall have fallen short of the said sum of five pounds Provided that any deficiency of dividend in respect of such preference stock shall be made up and divided in preference to any dividend or deficiency of dividend in respect of the consolidated ordinary stock.

Power to Company to raise additional capital.

34. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised and may from time to time subject to the provisions of this Act and to the provisions of Part II. of the Companies Clauses Act 1863 raise additional capital not exceeding in the whole forty thousand pounds by the creation and issue of consolidated ordinary stock but any such stock shall not vest in the person or corporation accepting the same unless and until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce (including any premiums which may be obtained on the sale thereof) the sum of forty thousand pounds.

Rights of stockholders.

35. Every person who becomes entitled to any such consolidated ordinary stock shall in respect of the same be a holder of stock in the Company and shall subject to the provisions of this Act be entitled to dividends rateably with the other holders of such stock.

New stock to be offered by auction or tender.

36. Notwithstanding anything in this Act contained the Company shall when any stock in the additional capital created under the powers of this Act is to be issued and before offering the same to the holder of any other stock in the Company and whether the stock of the Company 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 stock and that the reserved price put upon such 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 stock in the Company except that if any offer by tender of any holder or holders of stock in the Company be the same in amount as any offer made by any other person the offer of such holder or holders of stock shall be accepted in preference.

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

37. It shall be one of the conditions of any sale of stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c. of stock.

38. The intention to sell any such stock by auction or by tender shall be communicated in writing to the clerk to the Ilfracombe Urban District Council 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 in Ilfracombe.

New stock not sold by auction or tender to be offered to stockholders.

39. When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same for the purpose of sale by auction or tender to the holders of consolidated ordinary stock of the Company in the manner provided by the Companies Clauses Act 1863 Provided always that any 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 stock created under the powers of this Act but at a lower reserved price and such reserved price put upon such stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any stock not then sold shall be again offered to the holders of consolidated ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such stock is sold.

Application of premium arising on issue of stock.

40. Any sum of money which shall arise from the issue of any such 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

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the capital of the Company entitled to dividend Provided that in any case where a power to raise money by borrowing is made proportionate to the paid-up capital the premiums received from the sale of stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

Multiples of stock.

41. Any transfer of stock whether preference or ordinary may be in multiples of one pound so long as thereby the holding of any stockholder of the Company is not reduced below ten pounds nominal value of stock.

Notice of this section shall be endorsed on all stock certificates.

Power to borrow on mortgage.

42. In addition to the moneys which the Company are authorised to borrow under the Act of 1872 they may from time to time borrow on mortgage any sum or sums not exceeding in the whole one third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by stock but no part thereof shall be borrowed until the whole of the stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully 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 such stock has been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

43. 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 stock instead of borrowing or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon the stock are limited to a rate not exceeding four pounds per centum per annum.

Debenture stock.

44. 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 after the passing of this Act created and issued or granted by the Company under any previous Act or this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such

mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

45. All mortgages granted by the Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act.

Priority of mortgages and debenture stock over other debts.

46. All money raised or to be raised by the Company on mortgage or by the issue of debenture stock under the provisions of the Act of 1872 and of this Act shall subject as aforesaid 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 Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock.

As to appointment of receiver.

47. The mortgagees of the Company may enforce payment of arrears of interest or principal or of principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than one thousand pounds.

Receipt in case of persons not sui juris.

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

Application of moneys.

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

Votes of stockholders.

50. Every holder of preference or ordinary stock shall have one vote for every ten pounds of such stock held by him.

Company may contract with local authority for supply in bulk.

51. The Company may from time to time contract with any local authority company corporation public body officers or persons whether within or beyond the Company's extended limits of supply (but as to any such company corporation public body officers or persons beyond the Company's existing or extended limits of supply

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only with the consent in writing of the local authority of and of any Company authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods from the making of the contract as shall be agreed upon.

Representation of the Company in bankruptcy.

52. In proceedings under any bankruptcy or assignment for the benefit of creditors or deed of composition or arrangement the secretary of the Company or any person appointed by two directors by writing under their hands may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects.

Power to levy rates and dues &c. within harbour limits.

53. Subject to the provisions of this Act the Company may from and after the date of the completion of the breakwater demand and take in respect of the vessels loading or discharging cargo or landing or embarking passengers within the harbour limits and in respect of the persons animals goods and other articles described in the Third Schedule to this Act landed embarked shipped or unshipped or delivered within the harbour limits and in respect of any services rendered or performed by the Company any sum not exceeding the sum specified in the said schedule.

Action for dues.

54. If any master of any vessel fails to pay the dues payable to the Company in respect thereof the same may be recovered by the Company by proceedings against him and against the owner of the vessel or either of them in any court of competent jurisdiction.

Power to lease harbour rates and dues.

55. The Company may from time to time lease the rates and dues authorised by this Act to the Ilfracombe Urban District Council for any period not exceeding ten years and for such rent and consideration and on such terms and conditions as they think fit and such Council shall have and may exercise during the continuance of their lease the same powers of levying and recovering rates and dues as the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Act.

Power for Company to make byelaws.

56. In addition to the byelaws which the Company may from time to time make alter and repeal under the provisions with respect to byelaws of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act the Company may also from time to time make alter and repeal such byelaws as they think fit for all or any of the following purposes (that is to say):—

For preventing and removing obstructions or impediments at or in or on the breakwater and works connected therewith;

For the control and regulation of vessels and boats using or frequenting the foreshore within the harbour limits;

For regulating the times and manner of paying and the places for payment of the rates dues and charges payable to the Company;

For preventing persons from playing or loitering upon the breakwater and works connected therewith.

Confirmation of byelaws.

57. The byelaws from time to time after the passing of this Act made by the Company shall be subject to the provisions of the Harbours Docks and Piers Clauses Act 1847 but no such byelaws nor any byelaws to be made by the Company under such Act shall have any force or effect unless and until the same be confirmed by the Board of Trade.

Power to supply gas fittings engines and other apparatus.

58. The Company may from time to time manufacture purchase provide let on hire sell deal in and fix set up alter repair maintain remove and refix stoves or ranges for lighting heating warming ventilating or cooking by means of gas and any other materials or fittings for the use of gas for domestic or other purposes and also engines and machines for domestic manufacturing agricultural industrial or any other purposes whatever to be worked by means of gas as the motive power and any materials or fittings to be used in connexion therewith and may take such charges and receive such remuneration in respect thereof as may be agreed upon between the Company and the person to whom such supply shall be given.

Power to supply gas for cooking heating and other purposes.

59. The Company may on the request of the owner or occupier of any premises within their limits supply gas for heating cooking motive power warming ventilating and other purposes and for the particular requirements of any trade industry manufacture or business and may do all things needful therefor on such terms and conditions in all respects as may be agreed on between the Company and the person to whom such supply shall be given.

Discounts.

60. The Company may if they think fit allow discounts or rebates not exceeding in any case ten per centum to consumers of gas in consideration of prompt payment of gas rents or of large consumption or in cases where gas is used for purposes other than lighting upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Company and such consumers Provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Power to hold licences under patent rights.

61. The Company may purchase take hold and use patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and such materials and residual products as herein-before mentioned.

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Gas consumers to give notice to Company before removal.

62. Not less than twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the moneys accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises Notice of the provisions of this section shall be endorsed on every demand note for gas rent.

Quality and price of gas.

63. Sections 44 and 46 of the Act of 1872 are hereby repealed and from and after the first quarter day next after the passing of this Act the prescribed number of candles shall be fifteen and the prescribed burner shall be the burner known as Sugg's Standard London Argand No. 1 Burner and the Company may charge for gas consumed by meter for private consumption any price not exceeding four shillings and sixpence for every one thousand cubic feet consumed and in proportion for any smaller quantity consumed.

Powers as to electricity.

64. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 or any other Act for the time being in force with respect to the supply of electricity make application for a Provisional Order or licence to produce and supply electricity for public and private purposes and any moneys raised under this Act may be employed in defraying the costs of any such application.

Saving rights of Crown under Crown Lands Act.

65. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

66. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS SITUATE IN THE PARISH OF ILFRACOMBE IN THE COUNTY OF DEVON.

Certain lands situate at Hele in the parish of Ilfracombe belonging or reputed to belong to Thomas Dennis Wivell Richard Lake and William Claude Rafarel being the lands numbered 804 807 885 886 and 887 on the $\frac{1}{2500}$ Ordnance map of the said parish of Ilfracombe and so much of the land numbered 888 on the said Ordnance map as lies to the west of Hele stream containing in all $5\frac{1}{2}$ acres or thereabouts and now in the occupation of David Delve and which said lands (other than the land No. 804) are bounded on the north-west by the main road known as the disturnpiked road between Combmartin and Ilfracombe on the east by the road leading from the said disturnpiked road to Hele Village on the south-east by the Hele stream and on the south-west by lands belonging to or reputed to belong to George Brown and in the occupation of the said George Brown and William Henry Tucker and as to the land numbered 804 bounded on the north-west by the said disturnpiked road between Combmartin and Ilfracombe on the east and south-east and south by the said Hele stream and on the west by the said road leading from the said disturnpiked road to Hele Village and also the site of the public road or path leading from the said disturnpiked road to the said road leading to Hele Village which public road or path passes through or is adjacent to the before-mentioned lands numbered 807 885 886 and 888 on the said Ordnance map.

THE SECOND SCHEDULE.

STATEMENT OF THE PAID-UP CAPITAL OF THE COMPANY.

No. of Shares.	Description of Shares.	Amount issued.	Amount paid up.	Maximum Rate of Dividend per Centum per Annum.
424	£10 A	£4,240	£4,240	10
150	£10 B	£1,500	£1,500	7
1,217	£10 B	£12,170	£9,736 £1,034	7
85	£10 C	£850	£850	4
Premiums on sale of shares	—	—	£1,015 2*s*.	
			£18,375 2*s*.	

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£8 per share has been paid in respect of 1,217 B shares and on 517 shares part thereof a further £2 has been paid in advance of calls amounting to £1,034 on which interest at the rate of £5 per centum per annum has been paid."

THE THIRD SCHEDULE.

PART I.

Keelage and Tonnage Dues.

	s.	d.
For every vessel loading or discharging cargo or landing or embarking passengers - - - - - - per register ton	0	2
For every ton of ballast - - - - - - -	0	2

The above dues shall not be payable in respect of fishing boats belonging to Ilfracombe except when conveying passengers or luggage from any vessel or when conveying goods chargeable with dues under this Schedule.

Dues on Goods.

	s.	d.
Bricks common - - - - - per 1,000	1	0
Coal - - - - - - - per ton gross	0	6
Limestone - - - - - - „ „	0	2
Do. for agricultural purposes - - - „ „	0	1
Manures (artificial) - - - - - „ „	1	0
Stones (other than stones belonging or consigned to the Ilfracombe District Council and to be used by them or their contractors for making or repairing roads in the district) - - per ton gross	0	4
Wood of all kinds - - - per load of 50 cubic feet	0	10
Goods not enumerated other than fish or seaweed per ton of 40 cubic feet or 20 cwt.	0	8

Animals and Carriages.

	s.	d.
Horses and ponies - - - - - - each	1	6
Oxen cows bulls mules and asses - - - - „	1	0
Calves - - - - - - - „	0	6
Dogs - - - - - - - - „	0	4
Lambs sheep pigs and goats - - - - - „	0	1½
All other animals not enumerated - - - - „	0	2
Carriages with four wheels - - - - - „	2	6
Do. do. two wheels - - - - - „	2	0

PART II.

	s.	d.
For every passenger or person who shall land or embark from or in any boat or vessel (other than fishing or open pleasure boats belonging to Ilfracombe when not conveying passengers or luggage to or from any other vessel or goods chargeable with dues under this section) for each and every time a sum not exceeding - - - - -	0	2
For every trunk box bale bag basket or parcel of luggage of such passenger or person - - - - - -	0	1

PART III.

For any service or services rendered by the Company within the harbour limits or on lands of the Company adjacent thereto in connexion with the shipping unshipping loading or weighing goods or the landing or relanding of passengers or any other work of labour performed by the Company such reasonable dues as the Company from time to time with the approval of the Board of Trade appoint.

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