CHAPTER lxxix.

An Act for incorporating and conferring powers upon the Matlock and District Gas Company and for other purposes. [22nd July 1904.]

A.D. 1904.

WHEREAS in the year one thousand eight hundred and eighty-seven certain persons formed themselves into a company under the name of the Matlock and District Gas Company Limited (herein-after referred to as "the limited company") for the purpose of supplying the parish of Matlock in the county of Derby and the neighbourhood thereof with gas and generally for carrying on the business usually carried on by gas companies and such company were duly registered on the twenty-ninth day of January one thousand eight hundred and eighty-seven under the Companies Acts 1862 to 1883:

And whereas by the Matlock and District Gas Order 1891 (herein-after called "the Order of 1891") confirmed by the Gas Orders Confirmation Act 1891 the limited company were authorised by agreement to purchase or take on lease and use such of the lands in the said parish of Matlock described in the schedule to the said Order as might be required for their undertaking and to erect and maintain on such lands gasworks and works for the manufacture or conversion of residual products and to supply gas within such part of the said parish of Matlock as is described in the Order of 1891 and the whole of the parishes of Darley (consisting of North and South Darley) of Wensley and Snitterton and of Tansley in the county of Derby:

And whereas by the Order of 1891 it was provided that the share capital of the limited company should not exceed twenty-six thousand two hundred pounds unless they should be thereafter authorised to raise additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of

A.D. 1904.

Parliament but the amount which the limited company might borrow on mortgage was limited to one-fourth of the amount of the capital of the company actually raised by the issue of shares and stock :

And whereas the present capital of the limited company consists of twenty-six thousand two hundred pounds divided into one thousand eight hundred and twenty shares of ten pounds each bearing dividend at the rate of ten per cent. per annum and five hundred and thirty shares of ten pounds each bearing dividend at the rate of seven per cent. per annum all of which shares have been created and issued and are fully paid up and the limited company have received in respect of the said five hundred and thirty shares premiums amounting to two thousand six hundred and thirty-two pounds seven shillings and sixpence so that there remains a balance of sixty-seven pounds twelve shillings and sixpence in the capital of the limited company still unissued :

And whereas the limited company have borrowed on debenture bonds six thousand four hundred and fifty pounds :

And whereas the demand for gas within the aforesaid limits has increased and is increasing and it is expedient that the limited company should be dissolved and the members thereof reincorporated with the powers herein-after conferred and that the Company so reincorporated be authorised to supply gas within the limits of supply of the limited company and to other places in the county of Derby and to maintain and continue and to extend and improve the gasworks of the limited company and that additional capital be provided for such extension and improvement :

And whereas it is expedient that the Company be authorised to lay down make and maintain the tramroad in this Act described for the purpose of the transport of coal coke and other products and materials to and from the lands of the Company and the Midland Railway :

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

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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) :—

A.D. 1904.

Short title.

1. This Act may be cited as the Matlock and District Gas Act 1904.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) Part I. (relating to 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 subsequent Acts the Lands Clauses Acts and the Gasworks Clauses Act 1847 (except sections 31 to 34) and the Gasworks Clauses Act 1871 are subject to the provisions of this Act incorporated with and form part of this Act And the said Gasworks Clauses Acts as so incorporated with this Act shall apply to the existing undertaking of the limited company by this Act vested in the Company incorporated by this Act as if the same had been authorised by this Act:

Provided that section 35 of the Gasworks Clauses Act 1847 shall be read and construed as if the words from "in case the whole" down to the words "have been paid" were omitted therefrom and as though the expression "the prescribed rate" included the standard rate of dividend or such rate as reduced or increased in accordance with the provisions of this Act together with any sum which under the provisions of this Act may be carried to the insurance fund authorised by this Act provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building."

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 And in this Act the expression "the Company" shall mean the Company incorporated by this Act the expressions "the gasworks" and "the works" and "the undertaking" shall respectively mean and include the gasworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvements extensions or enlargements thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges and effects and

A.D. 1904.

the undertaking of the Company and every part thereof respectively and the expression "power gas" shall mean any gas capable of being used for purposes of motive power and heating but not being of the illuminating quality prescribed under this Act and the Acts incorporated with this Act for gas supplied for lighting purposes.

Limits of Act.

4. The limits of this Act shall be such parts of the parishes of Matlock and Matlock Bath and of the urban districts of Matlock and Matlock Bath and Scarthin Nick as are bounded on the south by an imaginary line commencing at a point in a field at the junction of the boundaries of the parishes and urban districts of Matlock and Matlock Bath and Scarthin Nick numbered 445 on the twenty-five inch Ordnance Survey Sheet No. XXXIV. 2 of the county of Derby for the year 1899 and following the said boundary line up to a point in the field numbered 30 on the said Ordnance sheet nine yards to the north-west of an old lead mine shaft in the said parish and urban district of Matlock Bath and Scarthin Nick shown on such sheet thence in a straight line due east to the western bank of the River Derwent (but so as to leave on the northerly side of such line the Riversdale cottages and the road leading thereto) thence continuing in the same straight line in the said parish and urban district of Matlock to the eastern bank of the said river and thence in a south-easterly direction to the junction of the footpath leading from the Matlock Town end of Starkholmes Lane with the footpath leading from Starkholmes thence in a straight line in a south-easterly direction to the south-east corner of the field numbered 1307 on the twenty-five inch Ordnance Survey Sheet No. XXXIV. 7 of the said county of Derby for the year 1899 thence crossing Willersley Lane in an easterly direction to and continuing for a distance of two hundred and fifty yards along the southerly fence of the occupation road leading to Woodseats Farm and thence in a straight line due east to the easterly boundary of the said parish and urban district of Matlock the parish of Darley or Darley Dale the parish of Wensley and Snitterton and the parishes of Tansley Rowsley and Winster all in the county of Derby.

Incorporation of Company.

5. From and after the passing of this Act the limited company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purposes

herein-after mentioned and shall be incorporated by the name of "The Matlock and District Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of Company.

6. The Company shall be established for the purposes of acquiring maintaining altering improving extending and enlarging the gasworks of the limited company and of manufacturing and storing gas and of supplying gas for lighting heating motive power and other purposes to which gas whether manufactured from coal slack or other substance or liquid may be applicable within the limits of this Act and for converting or utilising and distributing materials used in and about the manufacture of gas and of residual products resulting from such manufacture and for dealing in selling and disposing of gas coke lime tar asphaltum chemicals and residual and manufactured products and any other material or substance used in or arising or to be made and obtained from or in the manufacture of gas or by the combination of any of the above-mentioned matters either with each other or with other substances and for carrying on the business usually carried on by gas companies.

Present property of limited company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately before the passing of this Act were vested in the limited company or any person in trust for them or to which the limited company were in anywise entitled and all mains and pipes plant plugs lamps irons retorts gauges meters gas-stoves lamp-posts syphons apparatus stock effects matters and things which may 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 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 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.

A.D. 1904.

Repeal of Order of 1891 and memorandum and articles of association of the limited company to be void.

8. The Order of 1891 is hereby repealed and the memorandum and articles of association of the limited company shall as to any prospective operation thereof be wholly void and the Company and the holders of shares and stock therein shall be exempted from all the provisions restrictions and requirements of the said Order or any Act which applied to the limited company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed.

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 Order of 1891 had not been repealed and the said memorandum and articles of association had not been avoided by this Act and such incorporation repeal and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the Order of 1891 were not repealed and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and the holders of shares and stock therein and the property of the Company shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

10. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the limited company or 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 any persons acting on behalf of the limited company the Company had been a party thereto. A.D. 1904.

Actions &c. not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action or other proceeding 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 or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the holders of shares and stock therein being in reference to the matters aforesaid in all respects substituted for the limited company and its members respectively.

Indemnity.

12. Every person who (being authorised so to do) has entered into any bond covenant contract or engagement on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of limited company.

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

Recovery of gas rents &c.

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

A.D. 1904.

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 &c. to remain in force.

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

Books &c. continued evidence.

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

Officers to continue until removed.

18. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

19. The books kept by the limited company for entering the names and addresses and occupations of the members thereof with the numbers of their shares and the proper distinguishing number of each share shall until some other register of shareholders or holders of stock shall be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders and of holders of stock required to be kept by the Companies Clauses Consolidation Act 1845.

Cancellation of obligations under certain indentures.

20. The obligations imposed upon the limited company and their predecessors under and by virtue of certain indentures dated the thirtieth day of September one thousand eight hundred and

eighty-seven and made between Smedley's Hydropathic Company Limited of the one part and Edward Wager Pearson of the other part and the seventh day of February one thousand eight hundred and eighty-eight made between the said Edward Wager Pearson of the first part Robert Hall of the second part and the limited company of the third part so far as the same relate to the supply of Smedley's Hydropathic Company Limited with gas of a specified candle power are hereby cancelled.

Capital.

21.—(1) The capital of the Company shall be ninety-two thousand pounds.

(2) Such capital shall consist of forty-six thousand four hundred and fifty-two pounds seven shillings and sixpence (in this Act called "the original capital") and forty-five thousand five hundred and forty-seven pounds twelve shillings and sixpence (in this Act called "the additional capital") which last-mentioned capital shall be raised in manner herein-after provided.

Original capital to vest in members of limited company.

22. The original capital shall be appropriated to and vested in the several persons who immediately before the passing of this Act were the registered members of the limited company in substitution for their shares in the limited company in the following proportions namely :—

(A) To every person holding shares in the limited company bearing ten per cent. dividend for every one such share two shares in the capital of the Company ;

(B) To every person holding shares in the limited company bearing seven per cent. dividend for every such five shares seven shares in the capital of the Company :

And every share so vested shall be 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 or shares 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.

23. The Company shall call in and cancel the existing certificates of shares in the limited company and issue in lieu thereof certificates under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates 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.

A.D. 1904.

Receipt in case of person not sui juris.

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

Power to Company to raise additional capital.

25. The Company may from time to time raise additional capital not exceeding in the whole forty-five thousand five hundred and forty-seven pounds twelve shillings and sixpence by the creation and issue of new ordinary shares or stock but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until the full price of such share or 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 premium which may be obtained on the sale thereof the sum of forty-five thousand five hundred and forty-seven pounds twelve shillings and sixpence.

Profits of Company limited.

26. Except as in this Act otherwise provided the profits of the Company to be divided among the stockholders and shareholders in any year shall not exceed the rate of five per cent. per annum in respect of every hundred pounds actually paid up of the share capital of the Company (herein-after in this Act referred to as "the standard rate of dividend").

Interim dividend.

27. The directors may in any year without calling a meeting of shareholders for the purpose declare an interim half-yearly dividend out of profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half year one half of the amount of the standard rate of dividend.

Closing of transfer books previous to declaring interim dividend.

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

A.D. 1904.

Sale of unissued shares or stock.

29.—(1) Notwithstanding anything in this Act when any shares or stock forming part of the additional capital authorised by this Act are or is to be issued and whether the same be at a premium or not the Company before offering the same to the holders of any shares or stock of the Company or for sale by public auction or tender may (with the approval of the Board of Trade to be signified in writing under the hand of an assistant secretary of that Board) offer to all the gas consumers and persons in the employ of the Company the shares or stock so to be issued at as near as may be the average market price of such shares or stock in the six months immediately preceding such offer (provided that in no case shall the price at which such shares or stock shall be offered be lower than five per centum below such market price) and if and so far as the shares or stock so issued are or is not taken by such persons the Company before offering the same to the holders of any shares or stock in the Company shall offer the same at the same reserve price for sale by public auction or by tender in such manner and at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that no single lot shall at any such offer or sale comprise more than one hundred pounds nominal value of such shares or stock and notice of the amount of the reserve price put upon such shares or stock 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.

(2) To ascertain the average market price of the shares or stock in the six months immediately preceding an offer to consumers and employees for the purpose of this section the mean price recorded in the Company's books shall be taken for the last six completed months and if no such sales shall have taken place in such time then the period of two years shall be taken in lieu thereof.

Shares or stock not sold may be offered to holders of shares or stock.

30. When any shares or stock forming part of the additional capital authorised by this Act has been offered for sale by auction or tender and not sold the same may be offered at the reserve price put upon the same for the purpose of sale by auction or tender to the holders of shares or stock of the Company in manner provided by the Companies Clauses Act 1863 Provided

A.D. 1904.

always that any shares or stock so offered and not accepted within a reasonable time may at any time within six months thereafter be again offered for sale by public auction or by tender in the manner prescribed by and subject to the provisions of this Act And any shares or stock not then sold may be again offered to the holders of shares or stock of the Company at the last-mentioned reserve price and so from time to time until the whole of such shares or stock are or is sold.

Purchase money to be paid within three months.

31. It shall be one of the conditions of any sale of shares or 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 of shares or stock by auction or tender.

32. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the respective clerks of the urban district councils of Matlock Matlock Bath and Scarthin Nick North Darley and South Darley to the clerk of the rural district council of Bakewell and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders (as the case may be) and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the urban district of Matlock.

Application of premium arising on issue of shares or stock.

33. Any sum of money which shall arise from the issue of any such shares or stock portion of the additional capital 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 Provided that in any case where a power to raise money by borrowing or to create an insurance fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

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

34. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the capital of the Company at the authorised rate 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 the like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of a court of summary jurisdiction 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 demand or charge 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 rate of dividend.

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

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

36. Where in any year the dividend on the capital of the Company shall exceed the standard rate 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 shall 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 shall 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 dividend at the authorised rate on the capital of the Company and

A.D. 1904.

save as is 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.

37. The Company may borrow on mortgage of the undertaking in respect of the original capital any sums not exceeding in the whole (including the sum of six thousand four hundred and fifty pounds already borrowed on mortgage by the limited company) eight thousand seven hundred and eleven pounds.

Power to borrow in respect of additional capital.

38. In addition to the money which the Company are authorised to borrow by the last preceding section they may borrow on mortgage of the undertaking 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 by shares or stock and at the time actually issued and accepted but no part thereof shall be borrowed until the whole of the shares or stock at the time issued and accepted 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 shares or stock and premium (if any) have 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.

Saving for existing mortgages &c.

39. All mortgages bonds and debentures granted by the limited company and subsisting at the date of the passing of this Act shall during the continuance of such mortgages bonds and debentures have priority over all mortgages and debenture stock granted or created and issued by virtue of this Act.

For appointment of a receiver.

40. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount for the time being owing by the Company on mortgage.

Debenture stock.

41. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any

subsequent Act shall subject to the provisions of any 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.

Priority of mortgages and debenture stock over other debts &c.

42. All moneys to be raised on mortgage or by debenture stock by the Company under this Act and all moneys continued on mortgage of the undertaking and the interest thereon respectively 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 the Company after the passing of this Act but this priority shall not affect any claim against the Company or their property in respect of any rentcharge 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 to be granted or made to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on such mortgages or debenture stock.

Application of moneys.

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

First ordinary meeting.

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

Quorum for general meeting.

45. The prescribed quorum for a meeting of the Company shall be five holders of shares or stock holding between them shares or stock of not less nominal amount in the whole than five thousand pounds in the capital of the Company.

Number of directors.

46. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than seven or less than four.

Qualification of directors.

47. The qualification of a director shall be the possession in his own right of shares of not less nominal value in the aggregate than five hundred pounds.

Quorum of directors.

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

First and subsequent directors.

49. William Moxon Robert Hall Charles Hose Hill Job Smith and Tom Wright shall be the first directors of the Company

A.D. 1904.

and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or 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 they continue 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 varying 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.

Directors not to be disqualified &c.

50. No person shall be disqualified from becoming or continuing a director of the Company by reason of his or any partner of his being or becoming interested in any contract with the Company either in his own behalf or as a member of any other company corporation local authority or partnership but no such person shall as a director vote in respect of any question as to any such contract or the remuneration attached to any such office or place of trust or profit.

Present secretary not disqualified as director.

51. Notwithstanding anything contained in this Act or in the Acts incorporated herewith Robert Hall shall not by reason of his being the secretary of the Company be disqualified from being a director of the Company.

Number and qualification of auditors.

52.—(1) The prescribed number of auditors shall be two or any greater number that may be ordered by resolution of a general meeting Provided that if the Company shall think fit they may appoint one or more chartered or incorporated accountants to act in place of such prescribed number of auditors.

(2) It shall not be necessary for the auditors to hold shares or stock in the capital of the Company.

Power to take lands.

53. Subject to the provisions of this Act the Company may for the purposes of the undertaking enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference and in Part II. of the Schedule to this Act as they may require for the purposes of their undertaking.

For protection of Midland Railway Company.

54. Notwithstanding anything in this Act contained the Company shall not enter upon take and use compulsorily any of the lands and property of the Midland Railway Company without the consent in writing of that company under their common seal.

Period for compulsory purchase of lands.

55. The powers granted by this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Company may sell or lease lands not required.

56. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions in each case apply the Company may from time to time sell for all their estate and interest therein or lease for any term or terms not exceeding seven years any lands now vested in them or acquired by them under the powers of this Act and which may not be required for the purposes of the Company Provided that the Company shall not erect or permit the erection on such lands as may be let or retained of any building other than buildings to be used in connexion with their undertaking.

Powers as to construction and maintenance of gasworks &c.

57. Subject to the provisions of this Act the Company may upon the lands described in Part I. of the Schedule to this Act maintain alter improve enlarge extend and renew or discontinue their existing gasworks and may upon such lands and on the lands described in Part II. of the said Schedule if and when they have acquired such last-mentioned lands and whilst they are in possession thereof erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing coal gas or power gas and for supplying such gases within the limits of supply and may make store and supply such gases accordingly and may manufacture sell provide supply and deal in coke tar asphaltum and all other products or residuum of any materials employed in or resulting from the manufacture of gas or the materials used therein.

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

58. 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 five acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the

A.D. 1904.

Company for the purpose of manufacturing gas or residual products except the lands described in the Schedule to this Act.

Power to owners to grant easements &c.

59. 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 persons other than the grantors 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.

Power to make tramroad.

60. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramroad hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers wires junctions sidings points and other works and conveniences connected therewith :—

Tramroad No. 1 (a single line three chains or thereabouts in length) commencing at a point in the north-eastern boundary fence of the Derby to Manchester main line of the said Midland Railway Company nine hundred and forty feet measured in a north-westerly direction from the west corner of the Matlock Bridge North Signal Box proceeding thence in a north-easterly direction across the said River Derwent and the said main road from Bakewell to Matlock Bridge and terminating at a point in the south-western boundary fence of the works of the Company situate four hundred and fifty feet or thereabouts measured in a north-westerly direction from the southern corner of the said works.

The tramroad will be wholly situate in the said urban district and parish of Matlock.

Gauge of tramroad.

61. The tramroad shall be constructed on a gauge of four feet eight and-a-half inches and carriages or trucks adapted for use upon railways shall be run thereon.

Motive power.

62. The tramroad shall be used solely for the purposes of the undertaking of the Company and carriages or trucks used thereon may be moved by animal power or by means of a winding engine and rope.

Period for completion of tramroad.

63. If the tramroad is not completed within five years after the passing of this Act then at the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Junctions with railways of Midland Railway Company.

64. The Company may form junctions between the tramroad and the railway of the Midland Railway Company but only with the consent of that company.

As to crossing public roads.

65. The tramroad where laid across the main road leading from Bakewell to Matlock Bridge shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the road and no truck shall be allowed to stand on any part of such road.

For protection of county council of Derbyshire.

66. The following provisions for the protection of the county council of Derbyshire (in this section referred to as "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Company :—

(1) No steam or other engine shall at any time be used on such part of the Tramroad No. 1 as shall be laid across the main road from Bakewell to Matlock Bridge :

(2) Between the first of May and the first of September such tramroad where it crosses the said road shall only be used between the hours of five and ten in the morning and during the remainder of the year between the hours of five in the morning and twelve noon and no truck or waggon of any kind shall be allowed to cross such road on the said tramroad at any other time excepting between those hours :

(3) No gate shall at any time be placed so that it can be shut or closed across the said road :

(4) During the hours in which under the byelaws of the county council vehicles are to carry lights each truck or waggon being worked on the said tramroad shall carry lights which shall be conspicuously placed on each side thereof so that persons using the said road can distinctly see such lights :

(5) All reasonable caution shall be exercised in working the said tramroad and the Company shall give due notice of the passing of a truck or waggon along the said tramroad and across the said road to persons using the said road by the display of a warning flag or otherwise as the county council shall reasonably require :

A.D. 1904.

(6) The Company shall repair and maintain to the satisfaction of the county surveyor the said road between the rails of the said tramroad and also two feet on the outside of such rails for the width of the said road including the footpath between the fences:

(7) The materials on which the lines are to be laid and the material to be used for the repair of the part of the said road to be maintained by the Company shall be such as shall be reasonably required by the county council:

(8) The provisions of section 55 of the Tramways Act 1870 shall apply to the said tramroad where it crosses the said road as if it were a tramway within the meaning of that Act:

(9) The Company shall be liable to a penalty of five pounds for each and every breach of the provisions of this section.

Deposit fund not to be repaid except so far as tramroad completed.

67. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of thirty-two pounds being five per centum upon the amount of the estimate in respect of the tramroads originally proposed to be authorised by the Bill for this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is herein-after referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid to or on the application of the person or persons or to the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the authorised tramroad have completed the same And if the Company shall make default in so completing the said tramroad the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company complete any portion of the said tramroad then on the production of a certificate of the Board of Trade specifying the length of the portion of the said tramroad completed as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the said tramroad so completed bears to the entire length of the said tramroad the High Court shall on the application of

the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

68. If the Company do not previously to the expiration of the period limited for the completion of the said tramroad complete the same then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said tramroad or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of the said tramroad and also in compensating all road authorities for the expense incurred by them in taking up any tramroad or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramroad and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors.

Dividends dependent on price charged.

69. The standard price to be charged by the Company for coal gas supplied by them for illuminating purposes shall be four shillings per thousand cubic feet :

A.D. 1904.

Provided that the Company may increase or reduce the price charged by them for such 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 half-year during any part of which the price charged by the Company shall have been one penny or part of a penny above the standard price the dividend payable by the Company shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by one shilling and threepence on every one hundred pounds of capital and so in proportion for any fraction of one hundred pounds ;

And in respect of any half-year during the whole of 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 of dividend by one shilling and threepence on every one hundred pounds of capital and so in proportion for any fraction of one hundred pounds :

Provided also that if in any half-year the dividend payable shall be a fractional amount less than one quarter per centum the Company may defer the payment of such fractional amount until the payment of the next or some succeeding dividend and shall in the discretion of the Company either add such fractional amount to and pay the same with such succeeding dividend accordingly or add the same to the reserve fund.

As to price of gas in Winster.

70. Notwithstanding anything contained in the immediately preceding section of this Act the Company shall be entitled to charge for coal gas supplied by them for illuminating purposes to consumers within the parish of Winster a special rate of sixpence per thousand cubic feet over and above the price charged by the Company to consumers under like circumstances within the remaining limits of this Act Provided that the price so charged by the Company within the said parish of Winster shall not be taken into consideration in ascertaining the price charged by the Company for the purpose of fixing the dividend payable by the Company under the powers contained in the immediately preceding section.

Pressure of coal gas.

71. All coal gas supplied by the Company for illuminating purposes to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less

than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment 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 coal gas

72. The quality of coal gas supplied for illuminating purposes shall be fifteen candles but power gas need not be of any illuminating quality.

Testing place for coal gas

73. Within twelve months from the passing of this Act a testing place for coal gas supplied for illuminating purposes shall be provided upon some part of the works or lands of the Company.

Obligation of Company to supply power gas.

74. The Company shall on being required so to do by the owner or occupier of any premises situate within one hundred yards from any power gas main of the Company give and continue to give a supply of power gas to such premises for any of the purposes for which the Company are authorised to supply such power gas and they shall furnish and lay any pipe that may be necessary for such purposes subject to the conditions following (that is to say) :—

The cost of so much of any pipe for the supply of power gas to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the Company although not on such property shall be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of power gas shall—

Serve a notice upon the Company at their office specifying the premises in respect of which such supply is required and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence and enter into a written contract with the Company (if required by them so to do)

A.D. 1904.

to take not less than one million cubic feet per period of six months and to continue to receive and pay for a supply of power gas for a period of at least two years ;

Give to the Company (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Company in respect of power gas to be supplied by them Provided that where any such security is given by way of deposit the Company shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands :

Provided always that the Company may after they have given a supply of power gas for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fails to comply with the terms of such notice the Company may if they please discontinue to supply power gas for such premises so long as such failure continues :

Provided further that the Company shall not be compelled to supply any person with power gas unless such person is willing to contract for a supply of not less than one million cubic feet in a year nor shall the Company supply power gas for use in private dwelling-houses.

Conditions as to quality of power gas supplied.

75.—(1) It shall not be lawful for the Company at any time to supply power gas—

(A) Which contains more than fourteen per centum of carbon monoxide ; or

(B) Which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their districts so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119

of the Factory and Workshops Act 1901 and by section 41 of the Coal Mines Regulation Act 1887 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively :

Provided that no proceedings shall be taken against the Company by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Supply of power gas by meter.

76. The Company may require any consumer of power gas supplied by them to consume such power gas by a proportional meter to be supplied and fixed by and at the expense of the Company instead of by a meter which is a legal meter within the meaning of the Sale of Gas Act 1859 and in every such case the provisions of this section shall apply in lieu of those of the said Act An inspector under the Sale of Gas Act 1859 may at the request of any consumer of power gas supplied by the Company by a proportional meter on giving not less than twenty-four hours written notice to the Company of his intention examine and test any proportional meter within his jurisdiction as such inspector by which power gas is supplied to such consumer and if necessary may remove the meter for that purpose doing as little damage as may be.

If upon such examination and testing it appears that the meter measures or registers incorrectly more than three per centum in favour of the Company the same shall not be refixed or used again unless and until altered and repaired at the expense of the Company so as to measure and register correctly and the fees and expenses of the inspector shall be borne and paid by the Company but if it appears that the meter measures or registers correctly or three per centum or less in favour of the Company then the fees and expenses of the inspector shall be borne and paid by the consumer Sections 21 and 22 of the Sale of Gas Act 1859 which relate to appeals from the decision of inspectors shall apply for the purposes of this section as if they were with any necessary modifications re-enacted in this Act A "proportional meter" means a meter which measures and records a constant fraction of the total quantity passing through the meter.

Power gas not to be supplied for illumination.

77. The Company shall not supply power gas for the purpose of illumination and no power gas supplied by the Company shall be used for that purpose.

A.D. 1904.

If any person supplied by the Company with power gas shall use the same for the purposes of illumination the Company shall forthwith upon becoming aware thereof discontinue the supply.

If the Company act in contravention of the provisions of this section they shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and such penalty may be recovered by the authority or company owning the gas undertaking within whose district such contravention occurs.

Penalty for failure to supply.

78. Whenever the Company make default in supplying power gas to any owner or occupier of premises to whom they may be required to supply power gas under this Act or fail to supply power gas under such adequate pressure they shall be liable in respect of each default to a penalty not exceeding forty shillings for each day on which the default occurs :

Provided that the penalties to be inflicted on the Company under this section shall in no case exceed in the aggregate in respect of any defaults not being wilful defaults on the part of the Company the sum of fifty pounds for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the Court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Testing place for power gas.

79. The Company shall cause to be provided at each of their generating stations within the limits of this Act before they shall supply power gas from such generating stations a testing place with apparatus therein for the purpose of testing—

(A) The thermal power of power gas supplied ;

(B) The presence of carbon monoxide in the power gas supplied.

The said apparatus shall be in accordance with such rules and regulations as may from time to time be prescribed by the Board of Trade and shall be so situated and arranged as to be used for the purpose of testing the thermal power and of the presence of carbon monoxide in the power gas supplied by the Company and the Company shall at all times hereafter keep and maintain such testing place and apparatus in good repair and working order All expenses incurred by the Board of Trade in prescribing such rules and regulations shall be paid by the Company.

Appointment and powers of power gas examiners.

80. The local authority of any district within the limits of this Act may from time to time appoint or may appoint and keep appointed a competent and impartial person to be a power gas examiner to test the power gas at the testing place at the generating station from which the supply in such district is derived provided in conformity with the provisions of this Act and such examiner may there test the thermal power of and the presence of carbon monoxide in the power gas supplied by the Company on any or every day between the hours of eight o'clock in the morning and six o'clock in the afternoon.

Two justices may appoint power gas examiner.

81. Where no such power gas examiner is appointed or where the testing of the power gas is imperfectly attended to by the local authority two justices on the application of consumers of the power gas of the Company not being less than five in number by order in writing may appoint some competent and impartial person to be the power gas examiner and such person may at any time within the hours aforesaid on producing the said order enter on the premises of the Company and there test the thermal power of and presence of carbon monoxide in the power gas supplied by them.

Representation of Company.

82. The Company may if they think fit on each occasion of the testing of the power gas by the power gas examiner be represented by some officer but such officer shall not interfere in the testing.

Mode of testing power gas.

83. Any test of power gas taken in pursuance of this Act shall be taken in accordance with the rules prescribed from time to time by the Board of Trade and all expenses incurred by the Board in prescribing such rules shall be paid by the Company.

Report of examiner.

84. The power gas examiner shall on the day immediately following that on which the testing of the power gas has been conducted make and deliver a report of the result of his testing to the local authority or justices by whom he was appointed and to the Company and such report shall be receivable in evidence.

Penalty for supplying power gas of inefficient quality.

85. If it shall be proved to the satisfaction of any two justices not being shareholders in the Company after hearing the parties that on any day the power gas supplied by the Company is of less thermal power than it ought to be according to the provisions of this Act the Company shall in every such case forfeit and pay to the local authority or other persons making application for testing the power gas such sum not exceeding twenty pounds as the justices shall determine.

A.D. 1904.

Maximum heating value of power gas supplied.

86. The power gas supplied by the Company shall have a minimum heating value of 125 British thermal units per cubic foot at 32 degrees Fahrenheit and 30 inches of mercury pressure the product of combustion being cooled to 60 degrees Fahrenheit.

Limiting amount of capital for power gas.

87. The Company may for the purpose of supplying power gas expend out of the additional capital by this Act authorised a sum not exceeding fifteen thousand pounds.

Charges for supply of power gas.

88. The Company may charge and receive in respect of power gas supplied by them such sums as may be agreed between them and the consumer not exceeding the following prices :—

For power gas having a calorific power of one hundred and twenty-five British thermal units sixpence per one thousand cubic feet ;

For power gas having a higher calorific power than one hundred and twenty-five British thermal units a further sum of one penny per thousand cubic feet for each additional twenty-five British thermal units :

Provided that every person entitled to demand a supply of power gas from the Company shall be entitled to such supply on the same terms as any other person who is receiving a corresponding supply for a similar purpose in like circumstances and the Company shall not in making any agreement for affording a supply of power gas show any undue preference to any person.

As to supply of power gas in Matlock Bath district.

89. The Company shall not supply power gas within that part of the Matlock Bath and Scarthin Nick Urban District as is situate within the limits of supply of the Company unless with the previous consent in writing of the council of that district.

Power to lay pipes in streets not dedicated to public use.

90. The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay pipes &c. for purposes ancillary to business of Company.

91. It shall be lawful for the Company for the purposes of their undertaking to lay down place repair alter remove and renew subways mains pipes culverts wires and other apparatus with the consent of the local authority in or under any street or place dedicated to public use within the limits of the Company for the purpose of procuring conducting or disposing of any oil or other material or for any other purpose ancillary to their business and for such purposes to enter into and carry into effect agreements with any local authority.

Burner.

92. The prescribed burner for testing coal gas supplied for illuminating purposes shall be Sugg's London Sixteen Candle Argand No. 1 Burner and in making the tests the gas shall be burnt at such a rate as to yield the maximum light for which the burner shall have been designed and the gas shall be burning for at least half an hour before any test shall be commenced Provided that in the event of the gas examiner finding any defects of illuminating power or purity in the gas he shall forthwith give notice thereof to the Company at their office.

Power to take licences for use of patents.

93. The Company may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production utilisation and distribution of coal gas or producer gas the production of coke tar pitch asphaltum sulphate of ammonia ammoniacal oil and the products from coal slack and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto but not so as to acquire any exclusive right to the working using exercising or putting in practice of any such invention.

Company may contract with local authority for supply in bulk.

94. The Company may contract with any local authority company or persons beyond the Company's limits of supply (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) for the supply to them respectively of coal gas or power gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Gas consumers to give notice

95. 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 meter by the Company and in

A.D. 1904.

to Company before removing.

default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent.

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

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

Notice to discontinue supply of gas.

97. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Company.

Period of error in defective meters.

98. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Company.

Discounts.

99. The Company may if they think fit allow discounts or rebates to consumers of gas upon such scale and subject to such conditions and regulations as may be prescribed by the Company Provided that such discounts or rebates to consumers of gas for illuminating purposes shall not exceed twenty per centum Provided also that such discounts or rebates shall be of equal amount under like circumstances to all consumers In the event of the Company allowing discounts or rebates in consideration of prompt payment of gas rents notice thereof shall be endorsed on every demand note for gas rents.

Dwelling-houses for workmen.

100. The Company may upon any lands for the time being belonging or leased to them erect fit up maintain and let houses

cottages and buildings for the officers and servants employed by the Company for the purposes of their undertaking. A.D. 1904.

Power to supply gas fittings &c. for heating and other purposes and fittings &c. not liable to distress.

101. The Company may purchase supply sell let for hire use and otherwise deal in fit up fix alter repair remove and refix but shall not manufacture meters engines dynamos stoves ranges pipes fittings and other apparatus (all of which are in this section included in the expression "apparatus") and appliances for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Company and the persons to or for whom the same are sold supplied let fixed up altered removed refixed or done.

Apparatus let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such apparatus has upon it a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Anti-fluctuators for gas engines.

102. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator and shall at all times and at his own expense keep such anti-fluctuator in proper order and in default of his so using or keeping such anti-fluctuator in proper repair the Company may cease to supply gas to such consumer The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Charges for gas supplied by means of prepayment meters.

103.—(1) The Company may not charge for any gas supplied through a prepayment meter a greater rate or rent than for gas supplied to private consumers within the limits of this Act through any other kind of meter or by any other method of supply.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than

A.D. 1904.

a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of the meter and the fittings used therewith The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Company in connexion with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter to the Company and the provisions of this Act applicable to ordinary meters shall so far as applicable apply to prepayment meters.

(4) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

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

104. 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.

Provision as to general Acts relating to power gas.

105. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to the manufacture or supply of power gas passed before or after the commencement of this Act or from any regulations which may be made under any such general Act.

Power to apply for a Provisional Order to supply electrical energy.

106. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 make application for a Provisional Order or licence to supply electrical energy for public and private purposes and may apply their funds for the purpose of such application.

No penalty in case of unavoidable cause.

107. No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognizance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Company or was of so slight or unimportant a character

as not materially to affect the value of the supply Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

Penalties not cumulative.

108. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Copy of Act to be registered.

109. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Costs of Act.

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

A.D. 1904.

The SCHEDULE referred to in the foregoing Act.

Part I.

A piece of land situate in the parish and urban district of Matlock now belonging to and in the occupation of the limited company containing by admeasurement one acre three roods thirty-two perches or thereabouts bounded on the north-west north-east and south-east sides thereof by land belonging or reputed to belong to James Potter and on the south-west by the main road leading from Bakewell to Matlock Bridge.

A piece of land situate in the said parish and urban district of Matlock now belonging to and in the occupation of the limited company containing by admeasurement one rood thirteen perches or thereabouts bounded on the north and north-east sides thereof by other land belonging or reputed to belong to the said James Potter on the east and south sides by land belonging or reputed to belong to George Harrison Moore and John Hartness Railton and on the west side by the said main road.

Part II.

A piece of land belonging or reputed to belong to the said James Potter situate in the said parish and urban district of Matlock in the county of Derby containing by admeasurement two acres one rood twenty-two perches or thereabouts bounded on the north-east by the main road leading from Bakewell to Matlock Bridge on the south-east by land belonging or reputed to belong to the said James Potter and on the north-west and west by land belonging or reputed to belong to the Midland Railway Company and on the south-west by the River Derwent.

A piece of land belonging or reputed to belong to the said Midland Railway Company situate in the said parish and urban district of Matlock containing by admeasurement one rood thirty-four perches or thereabouts bounded on the north-east by the River Derwent and on the south-east north-west and south-west by other land belonging or reputed to belong to the said railway company.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
Oliver and Boyd, Edinburgh; or
E. Ponsonby, 116, Grafton Street, Dublin.