CHAPTER cxxxii.

An Act to empower the Newcastle-upon-Tyne and Gateshead Gas Company to purchase additional Lands to make additional Works and to raise additional Capital and for other purposes. [20th July 1896.]

A.D. 1896.

WHEREAS the Newcastle-upon-Tyne and Gateshead Gas Company (in this Act called "the Company") are lighting with gas the city and county of Newcastle-upon-Tyne and the borough of Gateshead and adjacent places in the counties of Northumberland and Durham under the powers of the Newcastle-upon-Tyne and Gateshead Gas Act 1864 the Newcastle-upon-Tyne and Gateshead Gas Act 1867 the Newcastle-upon-Tyne and Gateshead Gas Act 1873 and the Newcastle-upon-Tyne and Gateshead Gas Act 1879 and the said Acts or some of them are in this Act referred to as the Acts of the years in which they were respectively passed: 27 & 28 Vict. c. cxlviii. 30 & 31 Vict. c. xxx. 36 & 37 Vict. c. cxvii. 42 & 43 Vict. c. clii.

And whereas the consumption of and the demand for gas in the district supplied by the Company has increased and is still increasing:

And whereas 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 to construct the works by this Act authorised:

And whereas it is expedient that the Company should be empowered to lay down the mains and pipes necessary for connecting the gasworks to be constructed on such of the lands specified in the schedule to this Act as are without the Company's authorised limits of supply with the gasworks and works of distribution within the said limits:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands which may be taken for the purposes or under the powers of this

A.D. 1896.

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 Northumberland and with the clerk of the peace for the city and county of Newcastle-upon-Tyne and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas according to their last audited accounts the capital of the Company consisted of seven hundred and fifty thousand pounds stock capital which represents six hundred and seventeen thousand nine hundred and forty-six pounds ordinary stock and the premiums received on the issue of parts thereof and the Company have also raised on mortgage and by debenture stock about one hundred and seventy-five thousand pounds:

And whereas it is expedient that the Company should be empowered to raise further capital and that their powers of borrowing should be enlarged:

And whereas it is expedient that such further powers should be conferred upon the Company as are herein-after mentioned:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Newcastle-upon-Tyne and Gateshead Gas Act 1896.

Incorporation of general Acts.

2. The following Acts viz.:—

The Lands Clauses Acts;

The Gasworks Clauses Act 1847; and

The Gasworks Clauses Act 1871;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act.

Extending certain provisions of Companies Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;
The consolidation of shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
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 also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing or by debenture stock and the proprietors thereof.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to take lands.

5. Subject to the provisions of this Act the Company may enter upon take and use the lands delineated on the deposited plans and described in the deposited book of reference viz.:—

(*a*) The lands described in Part I. of the schedule to this Act;
(*b*) A bridge over and an archway under the riverside branch of the North Eastern Railway connecting the lands secondly described with the lands thirdly described in Part I. of the said schedule.

Power to construct new gasworks.

6. The Company may on the lands described in Part I. of the schedule to this Act which may be acquired by them under the provisions of this Act and on the lands described in Part II. of the said schedule which now belong to the Company from time to time erect and maintain gasworks retort-houses retorts gasholders purifiers roads railways quays wharves sewers drains mains pipes meters machinery and other apparatus works and conveniences for the manufacture conversion utilisation storage shipment delivery and

A.D. 1896.

supply of gas coke tar pitch and other residual products obtained in the manufacture of gas and any substances products and matters producible therefrom and make store and convert gas and all other residual products and any other substances products or matters producible therefrom or used in relation to the production or manufacture thereof Provided that nothing herein contained shall prevent the Company from being liable to an indictment for nuisance or to any other legal proceedings to which they may be liable in consequence of the manufacture and sale of matters or things producible from the residual products arising from the manufacture of gas:

Provided also that nothing herein contained shall authorise the Company to erect or maintain any quays wharves or other works on the foreshore of the River Tyne below high-water mark without the consent of the Tyne Improvement Commissioners.

Power to construct other works.

7. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may exercise the other powers herein-after mentioned on the lands delineated on the deposited plans and described in the deposited book of reference which may be taken under this Act (that is to say):—

The Company may—

(*a*) Divert so much of the road leading from Ellison Place to Bill Point as lies within lands acquired by the Company under the powers of this Act;

(*b*) Widen the archway under the riverside branch of the North Eastern Railway connecting portions of the lands which the Company may acquire under the powers of this Act:

Provided that the Company shall not purchase or take compulsorily for the purpose of such widening any land or property of the North Eastern Railway Company but the Company may purchase and take and the North Eastern Railway Company shall sell and grant to the Company an easement or right of constructing the said widening and using the widened archway in accordance with the provisions of this Act:

When the said diversion is completed the Company may stop up and discontinue the portion of road for which the said diversion is substituted and all rights of way over the said portion of road shall cease and be extinguished and the site and soil thereof shall vest in the Company and the Company may make and use such means of crossing over under or on the level the road to be provided by them

on the said lands as they may find convenient for the purposes of their works and undertaking:

Provided that the new road to be formed by the Company shall be formed before the existing road is diverted and shall in the first instance be formed of a width of twenty feet with a footpath in addition six feet wide to the satisfaction of the local authority having jurisdiction in the district in which the road is situate but the Company shall nevertheless at any time afterwards when so required by the local authority make the road of the width prescribed for new streets in the Acts and byelaws of the local authority and complete it under section 150 of the Public Health Act 1875 when called upon by the local authority to do so under the powers of that section Provided further that any bridge or crossing over the road shall have a clear height of sixteen feet throughout the entire width of the road and that any crossing on the level shall be made in accordance with plans to be approved by the local authority and failing their approval then to be approved by some person to be agreed upon between the Company and the local authority or failing their agreement by an arbitrator to be nominated for the purpose by the Local Government Board:

The Company shall provide and maintain gates on either side of the road at any such crossing on the level and keep the same properly watched and when necessary lighted whenever they are opened across the road for the passage of traffic over the level crossing and such gates shall not be opened across the road for more than ten minutes at any one time.

For the protection of the North Eastern Railway Company.

8. The Company shall not under the powers of this Act commence the execution of any works upon or affecting any part of the North Eastern Railway until they shall have lodged plans sections and particulars of the intended works with the engineer of the North Eastern Railway Company nor until such plans sections and particulars have been approved by him in writing:

Provided that if the said engineer fail for two months after the said plans sections and particulars shall have been lodged with him to approve the same the matter shall be referred to an arbitrator to be agreed upon or in default of agreement appointed by the Board of Trade whose decision shall be final and when such plans sections and particulars have been, either approved by the said engineer or settled by an arbitrator such works shall be executed only in accordance in all respects with such plans sections and particulars except in so far as they may be modified or varied by agreement between the Company and the said engineer:

A.D. 1896.

All such works shall be carried out under the directions and superintendence of the said engineer at the cost and charges of the Company and the Company shall take all reasonable and necessary precautions in the execution of the works to prevent any interference with the free and uninterrupted and safe user of the railway and works of the railway company:

The Company shall bear and on demand pay to the railway company the expense of the employment by the railway company during the execution by the Company of any of the aforesaid works affecting the railway and works of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing so far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or any of their contractors with reference to and during the execution of any such work:

If by reason of the execution of any of the works in connexion with the widening of the said archway authorised by this Act or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors with reference to and during the execution of any of the said works by the Company the railway or other works of the railway company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the railway company may make good the same and recover the reasonable expense thereof with full costs against the Company in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic of or upon any such railway or other works of the railway company by reason of any of the matters or causes aforesaid the Company shall pay to the railway company all costs and expenses to which the railway company may be put as well as full compensation to be recoverable with full costs by the railway company from the Company in any court of competent jurisdiction:

The Company and the railway company may enter into and carry into effect any agreement for the execution by the said railway company of the said widening:

Any difference which may arise between the Company and the railway company under this section or as to the true intent and

meaning thereof or the mode of giving effect thereto shall be from time to time determined by arbitration and this section shall be deemed to be a submission under the Arbitration Act 1889.

Power to Company to lay mains between new gasworks and authorised limits of supply.

9. The Company may exercise the powers of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes (but only for through mains and not for purposes of supply) within the following area viz. An area in the township of Walker and parish of Walker or Long Benton and county of Northumberland bounded on the north by the north side of the Walker New Road on the east by the east side of Church Street on the south by the River Tyne and on the west by the parliamentary and municipal boundary of the city and county of Newcastle-upon-Tyne:

Provided always that the Company shall not break up any street within the said area under which any of the pipes of the Walker and Wallsend Union Gas Company (herein-after called "the Walker Company") may lie without first giving forty-eight hours notice to the last-mentioned company except in cases of emergency arising from defects in any of the pipes or other works of the Company and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen and the Company shall not interfere with any of the pipes of the Walker Company so as to cause any unnecessary or unreasonable interruption in the supply of gas and if any damage or injury is done or caused to the pipes or works or anything connected therewith belonging to the Walker Company the Company shall forthwith efficiently repair and make good such damage or injury to the satisfaction of the Walker Company and shall indemnify them against all damage arising to the Walker Company from any interference with their pipes by the Company Provided also that the Company shall not supply any gas to any local authority body corporate or person within or for consumption or use within the statutory limits of supply of the said Walker Company without the consent in writing of that company.

Errors and omissions in plans &c. to be corrected by two justices who shall certify the same.

10. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited book of reference the Company may after ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices acting for the county of Northumberland for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose

A.D. 1896.

from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Northumberland and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Company may take the lands in accordance with such certificate.

Power to deviate from levels &c.

11. In making the diversion of road and widening of archway by this Act authorised the Company may subject to the provisions of this Act deviate to any extent from the lines thereof within the limits of deviation defined on the deposited plans in respect of those works and may subject to the provisions of this Act deviate to any extent from the levels thereof defined on the deposited sections not exceeding six feet from the levels thereof as defined on the said sections.

Alterations of sewers and drains.

12. The Company may cause to be removed arched over or filled up any sewers or drains or parts thereof which shall be in the lands to be taken under the powers of this Act so as that no public sewer or drain (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof or otherwise) shall be in any wise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof within the said lands equally serviceable and convenient Provided always that before removing filling up or disturbing any public sewer or drain the Company shall construct to the reasonable satisfaction of the urban sanitary authority and in accordance with plans to be approved by them such other sewer or drain or other temporary or permanent works as the case may require for the purpose of maintaining without interruption the flow of sewage provided for by the sewer or drain so removed filled up or disturbed and any sewer or drain which shall be constructed in substitution for any such sewer or drain so removed filled up or disturbed shall when made and completed be under the same jurisdiction care management and direction as the existing sewer or drain Provided that if any difference shall arise touching anything to be done or not to be done under this section such difference shall be settled by an engineer as arbitrator to be appointed (unless otherwise agreed on) by the Local Government Board on the application of either party.

Limit of time for compulsory purchase of lands.

13. 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.

Power to owners to grant easements.

14. 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 other than the parties to the agreement have an interest) required for any of 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.

Prescribed period for sale of lands.

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

Restriction on taking houses of labouring class.

16. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied:

For the purpose of this section the expression "labouring class" means and 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 of such persons who may be residing with them.

Company may contract with local authorities &c. for supply in bulk.

17. The Company may from time to time contract with any council authority or person for the supply to them respectively of gas in bulk whether within or beyond the Company's limits of supply 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 and may from time to time by mutual consent vary suspend or rescind any such contract or arrangement or enter into or carry into effect other contracts or arrangements in lieu thereof or in addition thereto:

Provided that the Company shall not supply gas under the provisions of this section whenever and so long as such supply shall interfere with the sufficiency of the supply and pressure of the gas which they are for the time being required to provide within their authorised limits of supply:

A.D. 1896.

And provided also that the powers of this section shall not authorise the supply of gas by the Company in any district in which any authority or company is authorised to supply gas under any special Act or provisional order confirmed by Parliament otherwise than with the consent in writing of such authority or company.

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

18. 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 of 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 consents or approvals 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.

19. 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.

20. 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.

Lights on works.

21. The Company shall at 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.

Saving rights of the Crown in the foreshore.

22. 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 exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown.

23. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any part of the bed or foreshore of the River Team below high-water mark or any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to 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 exerciseable by the Queen's Majesty Her heirs or successors.

Power to Company to raise additional capital.

24. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and may from time to time raise (in addition to their present authorised capital) any further capital not exceeding in the whole the sum of four hundred and twenty-five thousand pounds by the creation and issue at their option of new ordinary stock or preference stock or partly ordinary and partly preference stock Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to

A.D. 1896.

produce (including any premiums which may be obtained on the sale thereof) the sum of four hundred and twenty-five thousand pounds.

Restriction on amount of capital to be issued in any one year.

25. Subject to the proviso herein-after contained the Company shall not create and issue within any one year any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid one hundred thousand pounds:

Provided that if in any year or years the Company shall not have created or issued capital to the full amount herein-before prescribed in relation to such year or years they may in any subsequent year create and issue in addition to the amount prescribed for such year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid one hundred thousand pounds in respect of any one year.

Limit of dividend on new preference capital.

26. The Company shall not in any one year make out of their profits any larger dividend than five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital to be raised under the powers of this Act as may be issued as preference capital.

Rights of holders of new ordinary stock.

27. The additional capital from time to time raised by the Company by ordinary stock shall be part of the ordinary stock of the Company and the holders of such stock shall be entitled to the like rights qualifications and privileges as the holders of the existing ordinary stock of the Company.

Power to create and issue debenture stock equal to one third of capital received.

28. The Company shall not after the passing of this Act borrow or re-borrow any money upon mortgage but they may from time to time create and issue debenture stock bearing interest at a rate not exceeding four pounds per centum per annum:

Provided that the total sum for the time being raised by the Company by debenture stock (together with the amount of any money then remaining due by the Company on mortgage) shall not exceed one-third part of the present nominal amount of the Company's stock capital and the premiums received in respect thereof and the money which the Company are authorised to raise by the creation of ordinary or preference stock under this Act:

Provided also that before raising any further capital by the issue or sale of ordinary or preference stock under this Act the Company shall create and issue debenture stock to a nominal amount sufficient to raise a sum equal as nearly as may be with the amount of any money then raised by the Company on mortgage or by debenture stock to one-third part of the present nominal amount

of the stock capital of the Company and the premiums received in respect thereof:

And provided that the aggregate amount for the time being raised by the Company by debenture stock together with the amount of any money then remaining due by the Company on mortgage shall from time to time be so maintained as to be as nearly as may be equal to one-third of the total nominal amount of the stock capital of the Company and the premiums received in respect thereof at the passing of this Act in addition to the amount of money which the Company shall for the time being have received from the issue or sale of ordinary or preference stock under this Act:

If at any time any question shall arise under this section with respect to the amount of money for the time being raised or authorised to be raised by the Company by debenture stock or remaining due by the Company on mortgage or raised by the creation of stock a certificate under the hand of the public auditor of the accounts of the Company acting under the Act of 1879 as to the amount of any such money shall for the purpose of this section be sufficient evidence of the facts therein stated.

New stock to be offered by auction or tender.

29. Notwithstanding anything in this Act contained the Company shall when any stock including debenture stock created under the powers of this Act is to be issued and before offering the same to the holder of any other stock of the Company and whether the ordinary 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.

Bid or tender of stock-holder to be declared highest in certain event.

30. Where the amount bidden or tendered by the proprietor of any stock of the Company for any stock offered for sale by auction or by tender under the provisions of this Act is equal to the highest amount bidden or tendered for such last-mentioned stock by any person not being a proprietor then and in every such

A.D. 1896.

case such proprietor shall be declared to be the purchaser of and entitled to such stock.

Purchase money for stock to be paid within three months.

31. It shall be one of the conditions of any sale of stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months thereafter.

Notice to be given as to sale of stock.

32. The intention to sell any such stock by auction or by tender shall be communicated in writing to the town clerk of the city and county of Newcastle-upon-Tyne and to the town clerk of the borough of Gateshead 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 said city and county and borough.

Stock not sold may be offered to stockholders.

33. 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 ordinary stock of the Company in 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 be again 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 than the price put upon the same at the preceding offer thereof for sale by auction or tender and the 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 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.

34. Any sum of money which shall arise from the issue of any stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Debenture stock to have priority over other debts.

35. All money to be raised by the Company by debenture stock under the provisions of this Act shall have priority against the

Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act:

Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock nor shall anything herein-before contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any of the powers of this Act.

Application of moneys.

36. All moneys raised under this Act 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.

As to public lamps.

37. Section 48 (Period for lighting public lamps) of the Act of 1864 and section 25 (Public lamps) of the Act of 1873 are hereby repealed and in lieu thereof the following provisions shall apply to the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne and to the mayor aldermen and burgesses of the borough of Gateshead respectively (herein-after in this Act called "the corporations") and to their respective districts:—

The Company shall provide and erect free of charge public lamps with proper and sufficient lanterns pillars service pipes stop-cocks and all other apparatus (except burners) necessary for the proper lighting thereof and for the supply of gas thereto from the Company's mains in such situations as the corporations respectively shall from time to time direct in their respective districts The burners used in the public lamps shall be provided by the respective corporations and so long as such lamps are maintained by the Company such burners shall be fixed by the Company and when and so soon as the public lamps are maintained by the respective corporations such burners shall be fixed by the corporations respectively and any such burners may be from time to time examined and tested by the respective corporations or the Company The Company shall remove any public lamp from one situation to another when directed by the respective corporations at a charge of fifteen shillings for each lamp so removed And the Company

A.D. 1896.

shall remove any public lamp from the situation in which it is placed (when such lamp is directed by the respective corporations to be discontinued) at a charge of seven shillings and sixpence for each lamp so removed Provided that if in the case of the city and county of Newcastle-upon-Tyne more than two hundred public lamps are discontinued in any one year or if in the case of the borough of Gateshead more than seventy-five public lamps are discontinued in any one year the corporation discontinuing such lamps shall pay to the Company in respect of every lamp discontinued by it beyond the numbers respectively above mentioned the sum of ten shillings in addition to the before-mentioned charge of seven shillings and sixpence :

The Company shall supply gas to every public lamp at the lowest price per one thousand cubic feet (after deducting the discount provided by the Act of 1879) for the time being charged to any consumer and the quantity of gas consumed in each quarter shall be ascertained by such method of computation as shall be agreed upon between the respective corporations and the Company or failing agreement by the average meter indication of such number of meters of such description placed in such positions as shall be agreed upon between the respective corporations and the Company or determined by an arbitrator to be nominated by the Board of Trade Provided that in any year in which all the public lamps in the city and county of Newcastle-upon-Tyne or the borough of Gateshead (other than any public lamps discontinued under the provisions of this section) shall be lighted throughout the year there shall be allowed to the corporation of the city or borough in which the lamps are so lighted an additional discount of two and a half per centum :

The Company shall light and extinguish the public lamps at and during such times and periods as shall from time to time be directed by the respective corporations and shall maintain clean and repair the public lamps and the corporations respectively shall pay to the Company at the end of each half year the actual expense incurred by them during that half year in such lighting extinguishing maintaining cleaning and repairing such lamps Provided that the corporations respectively may if they think fit at any time on giving to the Company six months previous notice in writing undertake the lighting extinguishing maintaining cleaning and repairing of the public lamps :

Any meters or special lamps used in connexion with the supply of gas by meter shall be provided fixed and erected by and at the expense of the respective corporations and the Company shall have power from time to time to examine and test the same or any of them.

Illuminating power.

38. With respect to the illuminating power of the gas to be supplied by the Company within the city and county of Newcastle-upon-Tyne and the borough of Gateshead and the testing thereof the following provisions shall have effect:—

(1) So much of the provisions of the existing Acts as relates to testing places and as prescribes the number of candles and the burner shall be repealed:

(2) From and after the passing of this Act—

(*a*) The existing testing place at the works of the Company at Redheugh in the borough of Gateshead shall be a prescribed testing place for the corporations both of the city and county of Newcastle-upon-Tyne and of the borough of Gateshead;

(*b*) The existing testing place at the works of the Company in the city and county of Newcastle-upon-Tyne shall be a prescribed testing place for the corporation of that city:

(3) When and so soon as gas is supplied from the new gasworks to be erected under the powers of this Act on the lands described in Part I. of the schedule to this Act—

(*a*) The Company shall provide an additional testing place at such last-mentioned gasworks which shall be a prescribed testing place for the corporation of the city and county of Newcastle-upon-Tyne;

(*b*) If and whenever the corporations respectively provide in some building at or within two hundred yards from their respective town halls and on the line of one of the Company's principal mains sufficient accommodation for the purpose the Company shall provide a testing place with proper apparatus therein in each of the buildings provided by such corporations respectively and any such testing place shall be a prescribed testing place for the corporation providing such building:

(4) From and after the passing of this Act and until gas is supplied from the new gasworks to be erected under the powers of this Act on the lands described in Part I. of the schedule to this Act the prescribed number of candles shall be fifteen and a half:

A.D. 1896.

(5) When and so soon as gas is supplied from the new gasworks to be erected under the powers of this Act on the lands described in Part I. of the schedule to this Act the prescribed number of candles shall be sixteen if the gas is tested at any testing place at any works of the Company and fifteen and a half if it be tested at any testing place in a building provided by either of the corporations under the provisions of this section:

(6) From and after the passing of this Act the prescribed burner shall be Sugg's London argand burner number 1 with a six-inch by one and three-quarter inch glass chimney but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used or any other burner which may from time to time be approved by the Board of Trade:

(7) No forfeiture shall be incurred by the Company for supplying gas of less than the prescribed illuminating power in any case with respect to which it is proved before the justices that the defect of illuminating power was occasioned by unavoidable cause or accident:

(8) In the event of the gas examiner finding any defect of illuminating power in the gas he shall forthwith give notice thereof to the Company at their office:

(9) So much of section 51 (Power to town council to test the purity of the gas) and of section 53 (Power of town council as to testing illuminating power extended to local board for Gateshead) of the Act of 1864 and of section 33 (Power to local board of health of Gateshead to test the purity of the gas) of the Act of 1867 as prescribes that the person appointed thereunder to test the illuminating power or purity of the gas shall not be a member officer or servant of the town council of the borough of Newcastle-upon-Tyne or of the local board of health of the borough of Gateshead (now the mayor aldermen and burgesses of the said borough) and that six hours previous notice in writing shall be given before any such testing takes place is hereby repealed without prejudice to anything done suffered or pending under or in relation to any of the repealed provisions.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

Lands on which the Company may manufacture Gas and Residual Products and store Gas in addition to the Lands already authorised to be used for those Purposes by the existing Acts relating to the Company.

Part I.

1. Certain lands in the township of Walker and parish of Walker or Long Benton and county of Northumberland and occupied as to part thereof as brickworks by John Elliot Middlemiss comprising twenty-two acres or thereabouts bounded on or towards the north or north-west by the riverside branch of the North Eastern Railway on or towards the east or north-east partly by Church Street and partly by dwelling-houses called Bill Point on or towards the south or south-east by the last-mentioned houses and the River Tyne and on or towards the west or south-west by the parliamentary and municipal boundary of the city and county of Newcastle-upon-Tyne.

2. Certain lands in the township of Byker in the parish or parochial chapelry of All Saints in the city and county of Newcastle-upon-Tyne comprising fifteen acres or thereabouts bounded on or towards the north or north-west by the riverside branch of the North Eastern Railway on or towards the east or north-east by the said parliamentary and municipal boundary of the city and county of Newcastle-upon-Tyne and on or towards the south and west partly by the River Tyne partly by an occupation road leading to a street called Ellison Place and partly by land belonging or reputed to belong to Lord Northbourne.

3. Certain lands in the said township of Byker and parish or parochial chapelry of All Saints and in the city and county of Newcastle-upon-Tyne known as Saint Anthony's Pottery comprising thirty-one and a half acres or thereabouts bounded on or towards the north or north-west partly by a public road called Walker New Road and partly by a back street leading from Pottery Bank to the toll-house of the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne on or towards the east or north-east by the said parliamentary and municipal boundary on or towards the south or south-east by the riverside branch of the North Eastern Railway and on or towards the west or south-west by Pottery Bank aforesaid.

Part II.

The following lands now belonging or reputed to belong to the Company in the parish of Gateshead in the county of Durham (that is to say):—

(1) Certain parcels of land bounded on the north by the Redheugh branch of the North Eastern Railway on the south and east by lands of the Company and on the west by lands of the North Eastern Railway Company; and

A.D. 1896.

(2) Certain lands bounded on or towards the north by land belonging or reputed to belong to the North Eastern Railway Company on or towards the east partly by land belonging or reputed to belong to the North Eastern Railway Company and partly by land and buildings belonging or reputed to belong to the Tyne Bolt and Rivet Company on or towards the south by a street called Team Street and on or towards the west by the high-water mark of the River Team.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen'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
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.