CHAPTER cxxii.

An Act to transfer to the Town Commissioners of Newry the undertaking of the Newry Gas Consumers Company, Limited. A.D. 1878.

[4th July 1878.]

WHEREAS the Newry Gas Consumers Company, Limited, was incorporated in the year 1857, under the provisions of the Joint Stock Companies Acts, for the purpose of supplying gas to the town of Newry and its suburbs, in the counties of Down and Armagh:

And whereas the Town Commissioners of Newry were incorporated by the Newry Improvement and Water Act, 1871, and divers powers for the better local government of the town of Newry were by that Act conferred upon the Commissioners: 34 & 35 Vict. c. cxcviii.

And whereas the Commissioners have agreed with the company for the transfer of their undertaking to the Commissioners, and it is expedient that such agreement be carried into effect:

And whereas at a special meeting of the Commissioners, held on the ninth day of November one thousand eight hundred and seventy-seven, after due notice in pursuance of the Towns Improvement (Ireland) Act, 1854, the Commissioners resolved upon the promotion of the Bill for this Act: 17 & 18 Vict. c. 103.

And whereas such resolution was published four successive weeks in the Newry Telegraph and Newry Reporter newspapers:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by the Commissioners at a further special meeting held in pursuance of the said Towns Improvement (Ireland) Act, 1854, on the eleventh day of December one thousand eight hundred and seventy-seven: 17 & 18 Vict. c. 103.

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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Newry Commissioners Gas Act, 1878.

Incorporation of parts of 10 & 11 Vict. c. 16.

2. The clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners (except sections eighty-four and eighty-five), so far as they are applicable for the purposes of and not varied by or inconsistent with this Act, are incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the following expressions have the meanings herein-after assigned to them respectively:

"The town" means the town of Newry:

"The Commissioners" means the Town Commissioners of Newry:

"The company" means the Newry Gas Consumers Company, Limited:

"Date of transfer" means the first day of January 1879:

"Newry gas fund" or "gas fund" means all rates, rents, and other moneys levied and received from time to time by the Commissioners in respect of the gas undertaking (except borrowed money):

"Newry town rate" and "Newry town fund" have the meanings respectively assigned to them by the Newry Improvement and Water Act, 1871: 35 & 36 Vict. c. cxcviii.

"Person" includes a corporation:

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings.

Defining "gas undertaking."

4. In this Act the expression "the gas undertaking" means all lands, gasworks, erections, buildings, mains, pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, apparatus, stock, effects, matters, and things, and all property, real or personal, or mixed, within the town of Newry and its suburbs which immediately before the date of transfer were vested in or belonged to the company, or to any person in trust for them, and includes the benefit of all contracts and engagements then subsisting entered into by or on behalf of the company for the purpose of the gas undertaking, but does not include any portion of the reserved fund of the company.

Limits of Act.

5. The limits of this Act shall be the limits of the municipal borough of Newry; but the Commissioners may by special contract supply gas beyond such limits.

Sale to and purchase of gas undertaking by Commissioners.

6. The company, upon payment to them of the purchase money herein-after expressed, shall sell, transfer, and convey to the Commissioners, and the Commissioners shall purchase at the price of twenty-eight thousand five hundred pounds the gas undertaking and works of the company, and the freehold and leasehold tenements and other premises in the town of Newry and counties of Down and Armagh belonging to the company.

Payment of purchase money.

7. The purchase money of twenty-eight thousand five hundred pounds shall be paid to the company, on or before the date of transfer, out of any moneys belonging to the Commissioners or to be raised by them under the provisions of this Act: Provided that the company shall, before or at that time, deduce to the Commissioners the Company's title to the real and personal estate by this Act authorised to be transferred and conveyed, freed and discharged of all liabilities and incumbrances, and the company shall also, if required by the Commissioners, make provision to the reasonable satisfaction of the Commissioners for their outstanding debts and liabilities at the date of transfer.

Commissioners to have possession at date of transfer.

8. The Commissioners shall, on payment of the purchase money herein-before expressed, receive possession of the gas undertaking, works, and premises as at and from the date of transfer.

Commissioners to pay for unconsumed material at date of transfer.

9. The Commissioners shall, on receiving possession of the gas undertaking, works, and premises as aforesaid pay to the company (in addition to the purchase price) for all coal and other material necessary for the purposes of the undertaking remaining in stock at the date of transfer at such price as shall, failing agreement, be determined by arbitration to be conducted according to the provisions of the Railway Companies Arbitration Act, 1859, which shall apply as if the Commissioners and the company were respectively railway companies.

22 & 23 Vict. c. 59.

Transfer of undertaking by deed.

10. The sale of the gas undertaking shall be carried into effect by a deed duly stamped, and truly stating the consideration, which deed may be in the form set forth in the First Schedule to this Act, or to the like effect, with such variations and additions as circumstances require; and on the execution of that deed by the company their undertaking and all causes of action, suit, or proceeding belonging to them shall, by virtue of that deed and of this Act, thenceforth be transferred to and vested in the Commissioners, subject and according to the provisions of this Act, and subject to all contracts, obligations, debts, and liabilities affecting the same, and thenceforth the Commissioners shall have and hold the undertaking, and may in the name of the Commissioners enforce the causes of action, suit, or proceeding aforesaid (which transfer and vesting is in this Act referred to as "the transfer").

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Receipt of directors of company for purchase money.

11. The receipt in writing of three of the directors of the company for the purchase money to be paid to them by the Commissioners shall effectually discharge the Commissioners from the sum which in such receipt shall be acknowledged to have been received, and from being concerned to see to the application thereof and from being answerable or accountable for the loss, misapplication, or non-application thereof.

As to application of purchase money.

12. The purchase money to be paid by the Commissioners for the transfer shall be paid by them into such bank as the directors for the time being of the company shall appoint, and to the account of the company, and shall be applied by such directors in manner following:

Firstly, in discharging, in accordance with their several priorities, all moneys due and owing by the company on mortgage, bond, or other direct charge on the undertaking of the company:

Secondly, in discharging all outstanding debts and liabilities of the company which shall not have been so secured:

Thirdly, in making a fair rateable division of the residue thereof amongst the holders of the shares of the company in proportion to their respective shares and interests in the undertaking of the company.

Payment into court by Gas Company of share of persons unknown, &c.

13. Provided that where the company are for twelve months after the period for the distribution of the purchase money unable, after diligent inquiry, to ascertain the person to whom any part thereof ought to be paid, or where any part thereof is payable to a person by or on behalf of whom an effectual receipt for the same cannot be given, the company may pay the same into the High Court of Justice, Ireland, Chancery Division, under any Act for the time being in force for the relief of trustees.

Actions, &c. not to abate

14. If at the time of the transfer any action, suit, or proceeding, or any cause of action, suit, or proceeding is pending or existing against the company, the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act, but the same may be continued, prosecuted, and enforced against the Commissioners as and when it might have been continued, prosecuted, and enforced against the company if this Act had not been passed, but not further or otherwise.

Contracts of company to be binding on Commissioners.

15. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made and subsisting at the date of transfer, and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Commissioners, and may be enforced as fully and effectually, as if instead of the company the Commissioners had been a party thereto.

Company to carry on works till date of transfer.

16. The company shall until the date of transfer continue to carry on their business in the ordinary way, and they shall maintain a sufficient supply and store of gas in their gasholders and pipes of as good a quality as at present, and keep in store the usual supply of coal, cannel, and materials necessary for maintaining such supply, and they shall maintain the gas undertaking in as good and complete working condition as at present, damage by inevitable accident and reasonable wear and tear excepted.

Winding up and dissolution of company.

17. When and so soon as the said purchase money shall have been appropriated and divided in manner herein-before directed, the directors of the company may exercise all powers necessary for winding up the affairs of the company, and when and as soon as their affairs have been wound up, and all their debts and liabilities paid and satisfied, the company shall be by virtue of this Act dissolved.

Company to carry on business if purchase not completed.

18. If from any cause whatever (except the act or default of the company) the purchase shall not be completed on or before the first day of January one thousand eight hundred and seventy-nine, the powers by this Act granted to the Commissioners to purchase the gas undertaking shall cease and determine, and the company shall thereafter continue to carry on their business as heretofore.

Power to borrow on security of rates, &c.

19. The Commissioners may from time to time, for defraying the expenses of the execution by them of this Act, in addition to any mortgage debt existing at the passing of this Act, borrow at interest on the security of the Newry gas fund, the Newry town rate, and Newry town fund, any sum not exceeding in the whole forty thousand pounds, and they may mortgage those rates and funds to secure repayment thereof with interest accordingly.

Power to borrow on cash credit.

20. The Commissioners, in the exercise of their borrowing powers under this Act, may from time to time take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company, according to the usage of bankers in Ireland, in the name of the Commissioners, or of an officer to be appointed by them, to the extent of the sum which they are by this Act authorised to borrow, or any part thereof, and may make and grant mortgages as aforesaid in security for the payment of the amount of such credit or of the sums advanced from time to time on such cash account, with interest thereon.

Power to issue debenture stock.

21. The Commissioners, if they think fit, may borrow the moneys which they are by this Act authorised to borrow on mortgage by means of a loan or loans to be raised by the issue of debenture stock, or partly by mortgage and partly by debenture stock, on the security of the Newry gas fund, the Newry town rate, and Newry town

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fund: Provided always, that the total amount so borrowed, whether by mortgage or debenture stock, shall not exceed forty thousand pounds.

As to debenture stock.

22. The Commissioners may create and issue debenture stock under and in accordance with the following provisions; (that is to say,)

(1.) The debenture stock shall bear a fixed rate of interest after a rate not exceeding five pounds per centum per annum, and the interest shall be payable half-yearly on the first day of January and the first day of July in every year, and the first of such payments shall be so made on the first day of July one thousand eight hundred and seventy-nine:

(2.) The interest on the debenture stock shall be a first charge on the Newry gas fund, and shall also be a charge on the Newry town rate and Newry town fund next after all charges subsisting thereon respectively at the passing of this Act:

(3.) The Commissioners shall, from and after the first day of January one thousand eight hundred and seventy-nine, keep a book to be called "The Register of Gas Debenture Stockholders," and in such book shall be fairly and distinctly entered from time to time the names of the several corporations, and the names and addresses of the several other holders of debenture stock, together with the amount of the debenture stock to which such holders shall be respectively entitled, and the surnames or corporate names of such holders shall be placed in alphabetical order; and every holder (and if such holder be a corporation the clerk or agent of such corporation) may at all convenient times peruse such book gratis, and may require a copy thereof, or of any part thereof, and for every hundred words so required to be copied the Commissioners may demand a sum not exceeding sixpence:

(4.) The receipt in writing of the corporations and persons in the said register, their successors, administrators, or assigns, shall be a sufficient and effectual discharge to the Commissioners for any moneys due to such corporations and persons as and when they shall respectively become payable, and if any debenture stockholder be by reason of infancy or lunacy unable to give an effectual receipt, the receipt in writing of the guardian or committee of his estate shall be in like manner a sufficient and effectual discharge to the Commissioners:

(5.) The certificate of any debenture stock may be in the form in the Second Schedule to this Act annexed, or to the like effect, and shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the debenture stock therein specified:

(6.) If the certificate of any debenture stock be worn out or damaged, then on its being produced to the Commissioners they may order it to be cancelled, and thereupon they shall issue a similar certificate to the person then entitled to the certificate so worn out or damaged, or if any such certificate be lost or destroyed, then on proof thereof to the satisfaction of the Commissioners they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made by the Commissioners in the register of debenture stock, and for every such substituted certificate the Commissioners may demand the sum of two shillings and sixpence:

(7.) Debenture stock shall be transmissible as personal estate.

Transfer of debenture stock.

23. With respect to the transfer of debenture stock the following provisions shall have effect; that is to say,

(1.) Debenture stock may be transferred in any amount, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the Third Schedule to this Act annexed, or to the like effect:

(2.) The Commissioners shall keep a book to be called "The Register of Transfers of Gas Debenture Stock," and every such deed of transfer, when duly executed, shall be delivered to and be kept by the Commissioners, and they shall enter a memorial of every such deed of transfer in such book, and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a deed of transfer with such indorsement and with or without such certificate the Commissioners may demand any sum not exceeding two shillings and sixpence, and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the debenture stock transferred instead of a new certificate being granted, and such indorsement being signed by the town clerk shall be considered in every respect the same as a new certificate; and until such deed of transfer be so delivered to the

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Commissioners the transferee shall not be entitled to receive any part of the interest on the debenture stock transferred:

(3.) The Commissioners may close the register of transfers for any period not exceeding fourteen days before the first day of January and the first day of July yearly, and any transfer made during the time when that register is closed shall, as between the Commissioners and the transferee, but not otherwise, be deemed made after that time:

(4.) If any debenture stock become transmitted in consequence of the death or bankruptcy of any holder thereof, or in consequence of the marriage of a female holder thereof, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall (if required by the Commissioners) be authenticated by a declaration in writing as by this Act provided, and until the transmission be so authenticated any person claiming by virtue thereof shall not be entitled to receive any interest on any part of the debenture stock transmitted:

(5.) Every such declaration shall state the manner in which and the party to whom the debenture stock is transmitted, and shall be made and signed by some credible person before a justice or before a Commissioner to administer oaths in Her Majesty's High Court of Justice, Ireland, and such declaration shall be left with the Commissioners, and thereupon they shall enter the name of the person entitled under such transmission in the register of transfers, and for every such entry the Commissioners may demand the sum of two shillings and sixpence:

(6.) If the transmission be by virtue of the marriage of a female debenture stockholder the declaration shall contain a copy of the register of such marriage or other particulars of the declaration thereof, and shall declare the identity of the wife with the holder of the debenture stock, and if the transmission be by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, shall with the declaration be produced to the Commissioners, who shall, upon such production in either of those cases, make an entry of the declaration in the register of transfers, and for every such entry the Commissioners may demand the sum of two shillings and sixpence.

As to interest on debenture stock.

24. The interest of any debenture stock created and issued by the Commissioners under the authority of this Act shall rank pari

passu with the interest of all mortgages at any time after the passing of this Act granted by the Commissioners, and shall have priority over all principal moneys secured by such mortgages. A.D. 1878.

Commissioners not bound to regard trusts.

25. The Commissioners shall not be bound to see to the execution of any trust, whether express or implied or constructive, to which any debenture stock may be subject, and the receipt of the party in whose name any such debenture stock stands in the said register shall from time to time be a sufficient discharge to the Commissioners for any money payable in respect of such debenture stock, notwithstanding any trusts to which such debenture stock may then be subject, and whether or not the Commissioners have had notice of such trusts, and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Interest on debenture stock, &c. recovered by suit.

26. If the interest of any debenture stock, or any part thereof being payable, be not paid upon demand thereof in writing made to the Commissioners by the holders thereof, such holders may sue for and recover the same, with full costs of suit, in any court of competent jurisdiction.

As to appointment of a receiver.

27. The mortgagees and debenture stockholders of the Commissioners may enforce the payment of the arrears of interest or of principal, or of principal and interest, due on their mortgages or debenture stock 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 and debenture stockholders by whom the application for a receiver is made shall not be less than one tenth of the sum secured by all the mortgages and debenture stock. Such application for a receiver shall be made as by this Act provided.

Mode of appointment of receiver.

28. Every application for a receiver shall be made to two justices, and on such application such justices, by order in writing, after hearing the parties, may appoint some person to receive the whole or a competent part of the rates and rents liable to the payment of the interest on the mortgages or debenture stock until the interest in arrear in respect whereof the receiver is appointed, and all costs, including the costs of receiving such rates and rents, be fully paid, and upon such appointment being made all such rates and rents as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the several mortgagees or debenture stockholders interested in the same, and shall be distributed by the receiver accordingly, and after all interest in arrear and costs shall have been paid the power of the receiver shall cease.

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Commissioners may redeem debenture stock.

29. The Commissioners may at any time, if they think fit, redeem or purchase any portion of the debenture stock, at a price not exceeding the capitalised value of the interest on such portion, calculated as follows; namely, at twenty-five years purchase if the same has been issued bearing interest at the rate of four pounds per centum per annum, at twenty-two and a half years purchase if the same has been issued bearing interest at the rate of four pounds ten shillings per centum per annum, and at twenty years purchase if the same has been issued bearing interest at the rate of five pounds per centum per annum. Such redemption or purchase shall be determined by lot, and the lots shall be drawn in the presence of the Commissioners and any owners of debenture stock who choose to be present. The Commissioners shall cause not less than one month's previous notice of the time and place at which lots are to be drawn to be given by advertisement published once at the least in each of four successive weeks in some newspaper circulating in the town of Newry, and the person entitled to the debenture stock to be so redeemed or purchased shall be bound to accept the price of such redemption (not being less than such capitalised value) when so tendered by the Commissioners, and when any portion is so redeemed or purchased, an entry of the redemption or purchase thereof shall be made in the register of debenture stockholders, and thereupon such redeemed or purchased portion shall be wholly extinguished.

Provisions as to sinking fund.

30. The Commissioners shall, after the expiration of three years from the passing of this Act, set apart out of the residue of the gas fund as a sinking fund, after making the payments herein-before directed, a sum not less than one pound per centum per annum on the amount borrowed under this Act, which sinking fund shall from time to time, with the accumulations thereof, be applied by the Commissioners to the redemption of mortgages or debenture stock granted under this Act, and not otherwise: Provided always, that, whenever any mortgages or debenture stock have been so paid off, the Commissioners shall thenceforward, until the whole of the mortgages and debenture stock have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest of the mortgages and debenture stock so paid off: Provided further, that, whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the mortgages and debenture stock then due and outstanding, the Commissioners may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums herein-before required to be paid thereto.

Investment of sinking fund.

31. All sums paid into any sinking fund by the Commissioners shall be, as soon as may be, invested by them in any manner in which trustees are by law for the time being authorised to invest trust moneys.

Annual return to Local Government Board with respect to sinking fund.

32. The clerk to the Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board for Ireland a return in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund, and the interest thereof, have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the said Local Government Board by such return, or otherwise, that the Commissioners have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the said Local Government Board may, if they think just, and after hearing the Commissioners, if desiring to be heard, by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the said Local Government Board out of the High Court of Justice, Ireland, Queen's Bench Division.

Power to re-borrow

33. If the Commissioners pay off any moneys borrowed by them otherwise than by means of the sinking fund, they may re-borrow the same, and so from time to time.

Gas rents may be collected with town rates.

34. The Commissioners may collect the gas rents with the town rates, and may apportion the cost of the collection of the foregoing rents and rates between the gas fund and town rate fund accounts as they think fit.

Officers of the company continued.

35. The secretary, manager, and collector of the company 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 attached during the period to which they would have been entitled under any agreement existing

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between them and the company on the first day of April one thousand eight hundred and seventy-eight.

Justices not disqualified by being mortgagees.

36. No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a mortgagee, or the holder of debenture stock, or of his being liable to the payment to the Commissioners of any gas rent.

Appointment of committees by Commissioners.

37. The Commissioners from time to time may appoint out of their own body a gas committee, consisting of such number of persons as they think fit, for the execution of such of the purposes of this Act as in the discretion of the Commissioners would be better regulated and managed by means of such committee, and may delegate to the gas committee such of the powers and duties of the Commissioners under this Act as they think fit, except borrowing money, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the Commissioners: Provided that the acts of every such committee shall, if the Commissioners so order, and to such extent as the Commissioners prescribe, be valid without being submitted to the Commissioners for their approval or confirmation, and the quorum of any such committee shall be such as the Commissioners direct, and the Commissioners may from time to time make any such regulations as they think fit for the guidance of any such committee, and the Commissioners may from time to time remove any members of any such committee, and appoint in the stead of them, or any of them, other members of the Commissioners, and the attendance at and conduct of business at such committee shall be limited to the members thereof and their officers.

Protection of lenders from inquiry.

38. A person lending money to the Commissioners shall not be bound or entitled to inquire as to the observance by the Commissioners of any provision of this Act, or be bound to see to the application or be answerable for any loss, misapplication, or non-application of the money lent by him, or of any part thereof.

Existing mortgages to have priority.

39. All mortgages granted by the Commissioners subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages or debenture stock granted or issued under this Act.

Application of money borrowed.

40. All moneys borrowed by the Commissioners under this Act shall be applied in the purchase of the undertaking and in carrying this Act into execution, so far as capital moneys can be properly expended for that purpose, and not otherwise.

Application of revenue.

41. The Commissioners shall keep a separate account to be called the Newry gas fund account, and they shall apply all money

from time to time received by them in respect of the gas undertaking, except borrowed money, as follows; (that is to say,)

First, in payment of the costs, charges, and expenses of and incidental to the collecting and recovering of gas rents and rates, and of the borrowing of money under this Act:

Secondly, in payment of the working and establishment expenses and cost of maintenance of the gas undertaking:

Thirdly, in payment to the several mortgagees and holders of debenture stock of the interest on the mortgage debts and debenture stock of the Commissioners according to their several priorities:

Fourthly, in providing the sinking fund under this Act:

Fifthly, in providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in Government securities, and accumulating the same at compound interest until the fund so formed amounts to one thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Commissioners from their gas undertaking, or to meet any extraordinary claim or demand at any time arising against the Commissioners in respect of that undertaking, and so that if that fund is at any time reduced, it may thereafter be again restored to the sum of one thousand pounds, and so from time to time as often as such reduction happens:

Sixthly, any balance remaining in any one year shall be applied in such manner as the Commissioners think best for the improvement of the town and the public benefit of the inhabitants:

Provided that, so long as the Commissioners charge the maximum price for gas prescribed by this Act, they shall not apply in any one year in manner herein-before fifthly specified any portion of their gas fund beyond the amount of one hundred pounds, and any surplus gas fund beyond the said amount of one hundred pounds in any year shall remain to the credit of the gas fund account, and be applied in reduction of the price charged for gas by the Commissioners: Provided always, that, if and so long as the Commissioners do not charge for gas more than five shillings per thousand cubic feet, all such surplus gas fund may be applied in the manner herein-before sixthly specified, but subject to the limitations herein-before contained with respect to the reserve fund.

Limiting price of gas.

42. The Commissioners shall not charge for gas supplied by them any higher price than seven shillings and sixpence per one thousand cubic feet.

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Application of Act. 10 & 11 Vict. c. 15.

43. The Gasworks Clauses Act, 1847, shall apply to the gas undertaking of the company when vested in the Commissioners as if that undertaking were authorised by this Act, subject and according to the following provisions; (that is to say,)

(1.) With reference to section 2 this Act shall be the special Act:

(2.) Sections 30 to 38, both inclusive, shall not apply to the Commissioners.

Application of Act. 34 & 35 Vict. c. 41.

44. The Gasworks Clauses Act, 1871, shall apply to the gas undertaking of the Company when vested in the Commissioners as if that undertaking were authorised by this Act, subject and according to the following provisions; (that is to say,)

(1.) With reference to section 3 this Act shall be the special Act:

(2.) With reference to section 5 this Act shall be the special Act, and the lands described in the Fourth Schedule to this Act shall be deemed to be described in this Act:

(3.) Sections 7 and 8 (relating to shareholders and mortgagees) shall not apply to the Commissioners:

(4.) With reference to section 11 the prescribed pressure shall be such as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and from sunset to midnight a column of water 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 by which each consumer is supplied; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of the Commissioners, or any public street, road, passage, or place, and the provisions of the Gasworks Clauses Act, 1871, relating to testing of gas and to penalties shall (with such variations as may be requisite) apply to the testing or pressure, and two hours previous notice shall be given to the Commissioners of the time and place at which the testing of pressure shall be conducted:

34 & 35 Vict. c. 41.

(5.) With reference to section 12 the prescribed number of candles shall be fourteen:

(6.) With reference to section 28 the prescribed place shall be some part of the gasworks of the Commissioners, and the prescribed time shall be six months after the passing of this Act:

(7.) With reference to Schedule (A.) the prescribed burner shall be any burner approved for that purpose by the Board of Trade, or if there be no such burner, then Sugg's London Argand Burner No. 1, with a six-inch by one-and-three-quarter-inch glass chimney; but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used.

Gas examiner may be appointed at the instance of consumers. 34 & 35 Vict. c. 41.

45. Upon the application of five consumers two justices may, by order in writing, appoint some competent and impartial person to be a gas examiner, and such person shall thereupon possess and be entitled to exercise all the powers which are conferred on a gas examiner by the Gasworks Clauses Act, 1871, and that whether a gas examiner shall or shall not previously have been appointed by the Commissioners.

Interest to be paid on security for meter rent.

46. When any owner or occupier is required by the Commissioners to give to them security for the payment of the price or rent of a meter, the Commissioners shall pay interest at 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.

Expenses of Act.

47. The costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Commissioners out of the Newry town rate and Newry town fund, but such payment shall be a debt against the Newry gas fund, and shall be repaid out of the first moneys raised under this Act.

A.D. 1878.

SCHEDULES.

THE FIRST SCHEDULE.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY TO COMMISSIONERS.

In pursuance of and subject to the provisions of the Newry Commissioners Gas Act, 1878, and in consideration of
the Newry Gas Consumers Company, Limited, do hereby convey and assign their undertaking unto the Town Commissioners of Newry, to hold the same unto them, their successors and assigns, and the Town Commissioners of Newry do hereby accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common seals this day of one thousand eight hundred and

THE SECOND SCHEDULE.

FORM OF CERTIFICATE OF DEBENTURE STOCK.

Newry Commissioners Gas Debenture Stock.

Certificate No. . Amount £
Register No. .

This is to certify that of is registered in the books of the Town Commissioners of Newry as the proprietor of pounds sterling Newry Commissioners gas debenture stock created by virtue of the Newry Commissioners Gas Act, 1878, bearing interest at the rate of £ per centum per annum, payable half-yearly on the first day of July and the first day of January in every year, the first payment to be made on the day of next.

Given under the common seal of the Town Commissioners of Newry this day of .

Entered A.D. 18 .

L.S.

Treasurer to the Commissioners.
Accountant.

NOTE.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange. All certificates will bear the common seal of the Commissioners.

THE THIRD SCHEDULE.

Form of Transfer of Debenture Stock.

I of , in consideration of pounds paid to me by of , do hereby transfer to (herein-after called the transferee) the sum of pounds Newry Commissioners gas debenture stock, with all interest due thereon, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I the transferee do hereby agree to take the same debenture stock subject to the same conditions.

As witness our hands and seals this day of in the year of our Lord one thousand eight hundred and

L.S.

L.S.

THE FOURTH SCHEDULE.

Lands in the Occupation of the Newry Gas Consumers Company and their Tenants in connexion with the Gas Undertaking at the passing of this Act.

All that portion of land comprising three roods and thirty-nine perches or thereabouts, with the buildings thereon, in the town of Newry, townland of Ballinacraig, parish of Newry, barony of Newry, and county of Down, which land is bounded on the north by Hospital Row and premises belonging or reputed to belong to and in the occupation of Felix John Grant, on the east by Chapel Street and premises belonging or reputed to belong to Charles O'Hare, on the south by premises belonging or reputed to belong to and in the occupation of Patrick Hanna and Company and George Guy, junior, and on the west by Kilmorey Street.

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