CHAPTER clxi.

An Act for incorporating and conferring Powers on the Normanton Gas Company. A.D. 1878.

[4th July 1878.]

WHEREAS in the year one thousand eight hundred and sixty-nine certain persons formed themselves into a gas company, under the name of the Normanton Gas and Water Company (Limited), herein-after referred to as the Limited Company, for the purpose of supplying with gas and water the townships of Normanton, Altofts, Woodhouse, Warmfield-cum-Heath, Kirkthorpe, and Whitwood, all in the west riding of the county of York, and the neighbourhood thereof, or (as regards gas) such district or neighbourhood as the Limited Company might thereafter agree to supply with gas, and generally for carrying on the business usually carried on by gas and water companies, and such Company was duly registered under the Companies Act, 1862: 25 & 26 Vict. c. 89.

And whereas the present share capital of the Limited Company consists of twenty thousand pounds, divided into four thousand shares of five pounds each, of which the whole has been subscribed and called up, and eighteen thousand pounds paid up, and the Limited Company have no mortgage debt:

And whereas the Limited Company purchased the piece of land described in the schedule to this Act, and erected gasworks thereon, and have from time to time improved and enlarged the same with the capital raised by them, and are now supplying gas within the limits aforesaid:

And whereas the demand for gas in the district supplied by the Limited Company has increased and is increasing, and it is expedient that the works of the Limited Company should be improved, and their mains extended, and that additional capital should be provided for such improvement and extension:

And whereas the Limited Company have not exercised any of their powers with respect to water, and the places within their limits are now supplied with water from other sources:

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And whereas it is expedient that the Limited Company should be dissolved, and re-incorporated with further powers with respect to gas:

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 as the Normanton Gas Act, 1878.

Incorporation of general Acts. 10 & 11 Vict. c. 15. 26 & 27 Vict. c. 118. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 34 & 35 Vict. c. 41.

2. The Gasworks Clauses Act, 1847, Parts I., II., and III. of the Companies Clauses Act, 1863, relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock, the Lands Clauses Consolidation Act, 1845, except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking, and the Lands Clauses Acts, 1860 and 1869, are, subject to the provisions of this Act, incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the Limited Company as if the same had been authorised by this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Company" shall mean the Company incorporated by this Act:

The expression "the works," "the gasworks," 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 improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Company, and every part thereof respectively:

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

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Limits of Act.

4. The limits of this Act shall be the townships of Normanton, Altofts, Woodhouse, and Newland, and so much of the township of Snydale as lies to the north and north-west of a straight line drawn from the footbridge over the Sewer Bridge Beck, on the north-east boundary of the township of Snydale, and leading from the new road, in the same township, to New Close Lane, in the township of Ackton, to the junction of the townships of Warmfield-cum-Heath and Sharlston, on the west boundary of the township of Snydale, two hundred yards or thereabouts to the south-west of Wench Well House, in the same township, all in the west riding of the county of York.

Company incorporated.

5. From and after the passing of this Act the Limited Company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that Company, and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose herein-after mentioned, and shall be incorporated by the name of "the Normanton 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.

Property of Limited Company vested in Company incorporated by this Act.

6. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them, or to which the Limited Company were in anywise entitled, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, apparatus, stock, effects, matters, and things which have been by them purchased, provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of the Limited Company, and all moneys, securities, credits, effects, and other property whatsoever, which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for and recovered,

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maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Memorandum and articles of association of Limited Company to be void without prejudice.

7. Subject to the provisions of this Act, 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 shareholders shall be exempted from all the provisions, restrictions, and requirements of any Act which applied to the Limited Company, and the members thereof as such; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Not to affect previous rights and liabilities.

8. 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 said memorandum and articles of association had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to 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 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 its shareholders and property shall to all intents and purposes represent the Limited Company, and the members thereof as such, and the property of the Limited Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Existing contracts to be binding.

9. 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 any trustees or persons acting on behalf of the Limited Company, or by, to, or with any other person to whose rights and liabilities they have succeeded and now in force, shall be as binding and of as full force and effect

in every respect against or in favour of the Company, and may be enforced as fully and effectually as if, instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company, the Company had been a party thereto.

Actions, &c. not to abate.

10. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the Limited Company, or any member thereof in relation to the affairs of the Limited Company, or to which the Limited Company, or any member thereof in relation to such affairs, were parties immediately before the passing of this Act, but such action, suit, or other 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 shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Trustees of Limited Company to be indemnified.

11. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the Limited Company were vested immediately before the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the Limited Company, shall be 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.

12. 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.

13. 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.

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As to payment of existing debts.

14. 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.

15. 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 they had not been avoided.

Books, &c. continued evidence.

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

Officers to continue until removed.

17. 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.

18. Subject to the provisions of this Act, the books kept by the Limited Company for entering the names and designations of the members thereof, with the numbers of their shares, and the proper distinguishing number of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 16.

Capital.

19. The capital of the Company shall be sixty-five thousand pounds, whereof twenty thousand pounds is in this Act called the original capital, and shall consist of stock, and forty-five thousand pounds is in this Act called the additional capital, and shall be raised in manner herein-after mentioned, and the Company may

convert into stock the whole or any part of their additional capital when fully paid up. A.D. 1878.

Vesting of original capital in present shareholders.

20. The original capital shall be vested in the several persons who immediately before the passing of this Act were the registered members of the Limited Company in substitution for the existing shares of the Limited Company, and in the proportion of five pounds of stock for each such existing share, and every sum of stock 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 for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing share certificates and issue stock certificates in lieu thereof.

21. The Company shall call in and cancel the existing certificates of shares in the Limited Company, and issue certificates of stock in lieu thereof, but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Company may raise additional capital.

22. The Company may from time to time raise (in addition to their present capital) any further capital, not exceeding in the whole forty-five thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares and stock, or wholly or partially by one or more of those modes respectively, subject nevertheless to the following provisions; (that is to say,)

(A.) No share shall be issued of less nominal value than ten pounds:

(B.) No share or stock shall vest in the person or corporation accepting the same unless and until the full nominal amount thereof, together with any premium obtained upon the sale thereof, shall have been paid in respect thereof:

(C.) The Company shall not create and issue a greater nominal amount of capital than shall be sufficient to produce, including the premiums obtained on the sale thereof, the sum of forty-five thousand pounds:

(D.) The Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce, in manner aforesaid, ten thousand pounds, or within any one subsequent year five thousand pounds:

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(E.) If in any year or years the Company have not created and 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, ten thousand pounds in respect of the year following the passing of this Act, and five thousand pounds in respect of every subsequent year then expired.

Receipt in cases of persons not sui juris.

23. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Profits of Company limited.

24. The Company shall not, except as herein-after mentioned, in any one year make out of their profits any larger dividend on the original capital than ten pounds, nor on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital, which rates are respectively in this Act referred to as the standard rates of dividend.

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

25. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the standard rates of dividend on each class of ordinary stock or shares in the capital of the Company, a proportionate deduction shall be made in the dividend of each class.

New shares or stock to be offered by auction or tender.

26. Notwithstanding anything in this Act contained, the Company shall, when any shares or stock created under the powers of this Act are to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine, subject nevertheless to the following provisions; (that is to say,)

(A.) The intention to sell any shares or stock by auction or tender shall be communicated in writing to the clerk to the local board of Normanton, 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:

(B.) Notice of such intention shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the district of Normanton:

(C.) It shall be one of the conditions of sale that the whole nominal amount of the shares or stock to be sold, together with any premiums to be given by any purchaser at the sale, shall be paid to the Company within three months after the sale:

(D.) No single lot shall comprise more than one hundred pounds nominal value of shares or stock:

(E.) The reserved price put upon the shares or stock to be sold shall not be less than the nominal amount thereof:

(F.) Notice of the amount of the 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:

(G.) The letter so sent may be opened after the day of auction or last day for the reception of tenders, but not sooner:

(H.) No priority of tender shall be allowed to any holder of shares or stock in the Company.

Shares or stock not sold by auction or tender to be offered to shareholders. 26 & 27 Vict. c. 118.

27. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of ordinary shares or ordinary stock of the Company, in manner provided by the Companies Clauses Act, 1863: Provided always, that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act; except that the reserved price put upon such shares or stock may, if the directors think fit, be less than the nominal amount thereof, and except also that at any such auction a bidder who holds shares or stock in the Company shall, in the event of equal biddings, be declared the purchaser in preference to another bidder who is not a holder of shares or stock in the Company.

Application of premium arising on issue of shares or stock.

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

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be considered as part of the capital of the Company entitled to dividend.

Excess of profits may be invested and form an insurance fund.

29. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the rates of dividend by this Act authorised, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Company from accident, strikes, or other circumstances which, in the opinion of a justice, due care and management could not have prevented; and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen: Provided that, when and so often as the said fund shall reach one-twentieth part of the paid-up capital, the interest thereon shall be carried to the credit of the fund available for dividend; provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

Application of excess of profits over standard rate of dividend.

30. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the rates of dividend by this Act authorised, and to form or make up the insurance fund by this Act authorised, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Power to create a reserve fund out of dividends in excess, and application thereof.

31. Where in any year the amount of the standard rates of dividend of the Company on the ordinary share capital or stock of the Company shall, by reason of a diminution of the standard price charged by the Company in such year, be increased, then, out of the amount of the divisible profits of the Company applicable to the payment of such increase, the Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company, and any reserve or other fund of the Company existing at the passing of this Act, may be invested in Government or other securities, and the dividends and interest arising from such

securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called "the Reserve Fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the rates of dividend authorised by this Act, and, save as in this Act otherwise provided, no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow in respect of original capital.

32. The Company may at any time, and from time to time after the passing of this Act, borrow on mortgage, in respect of the original capital of twenty thousand pounds, any sums not exceeding in the whole five thousand pounds.

Power to borrow in respect of additional capital.

33. In addition to the sum of five thousand pounds which the Company are authorised to borrow by the last preceding section, they may from time to time borrow on mortgage as is herein-after mentioned, in respect of the additional capital of forty-five thousand pounds by this Act authorised to be raised by shares or stock, any sums not exceeding in the whole eleven thousand pounds; (that is to say,) when fifteen thousand pounds of the new capital of forty-five thousand pounds by this Act authorised to be raised has been issued, accepted, and one half thereof has been paid up and certified as herein-after mentioned, they may borrow on mortgage any sums not exceeding three thousand seven hundred pounds, and when a further sum of fifteen thousand pounds of the said new capital of forty-five thousand pounds has been issued, accepted, and one half thereof has been paid up and certified as is herein-after mentioned, they may borrow on mortgage three thousand seven hundred pounds, making, with the first-mentioned sum of three thousand seven hundred pounds, seven thousand four hundred pounds, and when the remaining fifteen thousand pounds of the new capital of forty-five thousand pounds has been issued, accepted, and one half thereof has been paid up and certified as herein-after mentioned, they may borrow on mortgage the remaining sum of three thousand six hundred pounds of the said sum of eleven thousand pounds; but no such borrowing power shall be exercised by the Company until they shall 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 all the additional capital in respect whereof the borrowing powers are in each case sought to be exercised has been issued and accepted and one half thereof paid up, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and also, so far as the said capital is raised by shares, that such persons or corporations, their executors, administrators, successors, or assigns,

8 & 9 Vict. c. 16.

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are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a receiver.

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

As to conversion of borrowed money into capital.

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

Debenture stock.

26 & 27 Vict. c. 118.

36. 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 at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

37. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Scale of voting.

39. At all meetings of the Company every proprietor of capital of the Company, whether ordinary or preference, shall have one vote for every ten pounds of such capital held by him, whether in shares or stock or partly in shares or partly in stock.

Number of directors.

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

Qualification of directors.

41. The qualification of a director shall be the possession in his own right of not less than four hundred pounds of the capital of the Company in shares or stock.

Quorum.

42. The quorum of a meeting of directors shall be three, unless the number is reduced to three, when the quorum shall be two.

First directors.

43. William Statter, George Hudswell Westerman, John Connor, Samuel John Walker, and Joseph Lodge, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the holders of shares or stock present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the holders of shares or stock present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Election of directors.

8 & 9 Vict. c. 16.

Power to construct and maintain gasworks, &c.

44. Subject to the provisions of this Act the Company may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue their existing gasworks upon the land on which the same are erected, or any part thereof, and which is described in the schedule to this Act; and they may also 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, stop-cocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper for making and storing gas, and for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal liquor, oil, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks, or with the supply of gas, as they may from time to time think fit.

Pipes, &c. crossing any railway to be laid down under inspection of engineer.

45. Any mains, pipes, culverts, or other works which the Company may lay down or execute under or over or which may affect any railway or works of any railway company shall be so laid down and executed, and subsequently maintained and repaired, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the company owning

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the railway or works, and in accordance with plans and sections previously submitted to and approved of by him.

For protection of Aire and Calder navigation.

46. Notwithstanding anything in this Act, or in the Acts wholly or partially incorporated with this Act, it shall not be lawful for the Company, without the previous consent in writing of the undertakers of the navigation of the rivers of Aire and Calder, to lay or maintain any mains or pipes across, over, under, or along any canal, or any part of the River Calder forming part of the Aire and Calder navigation, or any towing-path thereof, otherwise than by means of any public bridge across such canal or river or towing-path, and in such manner only as that no part of such mains or pipes shall be at a lower level than the highest point of the soffit or underside of such bridge, and that the clear opening under such bridge shall not be diminished, or the permanent structure or masonry of such bridge interfered with, and the Company shall not interfere with such canal or river, or the navigable waterway, banks, or towing-path thereof, or any lands belonging to the said undertakers. And it shall be lawful for the said undertakers at any time or times, after giving to the Company three months notice in writing of their intention so to do, to remove, alter, or renew any such bridge over or along which any of the mains or pipes of the Company may be laid or carried, in the same manner as they might have removed, altered, or renewed the same if this Act had not been passed and such mains and pipes had not been laid or carried over or along the same, without making any compensation to the Company for any expense or loss to which the Company may be subjected in consequence of such removal, alteration, or renewal; and in the event of any such bridge over or along which any of the mains or pipes of the Company are carried being altered or renewed as aforesaid, the Company shall at their own expense alter the position of such mains and pipes, and replace the same, in such manner only as is herein-before prescribed with respect to carrying mains and pipes along public bridges, and all works of the Company affecting such canal or river or towing-path as aforesaid, or any bridge over the same, shall be executed, at the expense of the Company, under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said undertakers, according to plans and specifications previously submitted to such engineer; and if the engineers of the Company and of the said undertakers differ concerning the said plans and specifications, or concerning the execution of the said works, every such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either party; and if by reason of the construction or maintenance of any such works the navigation of the said canal or river or towing-path, or the traffic thereon, shall

be impeded or injured, the Company shall compensate the said undertakers for any loss or expense occasioned to them thereby: Provided always, that the Company shall acquire only such an easement in and upon such of the works, lands, and property of the said undertakers as may be necessary for constructing and maintaining the mains and pipes hereby authorised to be laid, and the amount to be paid to the said undertakers for the acquisition of any such easement, and the compensation (if any) for damage or injury to the said undertakers, or their navigation and works, shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

8 & 9 Vict. c. 18.

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

47. 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 seven acres, which the Company may from time to time require for the purposes of their works and undertaking; but no lands shall be used by the Company for the purpose of manufacturing gas or residual products, except the land described in the schedule to this Act.

Power to lay pipes against buildings.

48. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Standard price of gas, and scale of dividend.

49. The standard price to be charged by the Company for gas supplied by them shall be four shillings and sevenpence per one thousand cubic feet; provided that the Company may increase or diminish such standard price subject to a decrease or increase in the standard rates of dividend upon the ordinary capital, as defined by this Act, to be calculated as follows:

For every penny charged in excess or in diminution of such standard price in any year, the standard rates of dividend upon the ordinary capital shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

Pressure of gas.

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

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34 & 35 Vict. c. 41.

of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

51. The prescribed number of candles shall be fourteen.

Testing place.

52. Within six months from the passing of this Act a testing place shall be provided at some part of the works or within two hundred yards thereof.

Burner.

53. The prescribed burner shall be the burner known as Sugg's London Argand Burner, Number 1, to be used with a chimney six inches long, and having a diameter of one inch and three quarters outside measure; provided that if at any time the gas flame tails over the top of the glass, a chimney six inches long, with a diameter of two inches outside measure, shall be used.

Interest to be paid on money deposited as security for gas meter, &c.

54. 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.

Power to hold licenses under letters patent.

55. The Company may take, hold, and use patent rights or licenses or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture, conversion, utilisation, or distribution of gas or inflammable air, and of such materials and residual products as aforesaid.

Contracts for supplying gas for public purposes.

56. The Company may enter into and carry into effect any agreement with any local board of health, urban or rural sanitary authority, or other local authority, and the trustees of any turnpike or other road, or any highway board, or any surveyors of any highway and any railway company, and any other companies, bodies, or persons, for the supply of gas or inflammable air by the Company for public purposes within the limits of this Act, for any period not exceeding under any one such contract or arrangement seven years, and may vary, suspend, or rescind any such agreement, and enter into or carry into effect other agreements in lieu thereof or in addition thereto.

Contracts not to disqualify for office of director.

57. Any contract to be made by the Company with any board, public body, or company under this Act shall not disqualify any of the members of any such board, public body, or company for the office of director; but no director being a member of any such board, public body, or company shall vote on any question as to any contract with such board, public body, or company.

Limit of charge for public lamps.

58. The Company shall not charge a higher price by the one thousand cubic feet for the gas supplied to any local authority than the lowest rate by the one thousand cubic feet from time to time charged by them, otherwise than by special contract in writing to any private consumers.

Notice of discontinuance of use of gas.

59. No notice to the Company to discontinue the use of any gas supplied by them shall be of any effect unless such notice shall be in writing, and shall be left at the principal office for the time being of the Company.

Justices not disqualified by being creditors, &c. of Company.

60. No justice or judge shall be disqualified from acting in the execution of this Act by reason of his being a creditor of the Company, or by reason of his being liable to the payment of any gas rent, meter rent, rate, or charge under this Act.

Expenses of Act.

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

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SCHEDULE referred to in the foregoing Act.

Lands forming the site of the Company's existing gasworks, containing three acres or thereabouts, situate at Normanton, and bounded as follows: on the south by a brick wall, separating the site of the Company's works from a grass field, also belonging or reputed to belong to the Company; on the north by Buckle Lane, in the township of Normanton; on the west by an arable field belonging, or reputed to belong, to Sir Charles Edward Dodsworth, of Thornton Watlass, near Bedale, in the county of York, and in the occupation of Benjamin Shillito, farmer, of Altofts; and on the east by Gas-house Lane, in the township of Normanton.

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