CHAPTER cxxvii.

An Act for the granting of further powers to the Oxford Gaslight and Coke Company. [12th July 1882.]

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WHEREAS by the Oxford Gaslight and Coke Company's Act 1869 (herein-after referred to as "the Act of 1869") the Oxford Gaslight and Coke Company (herein-after referred to as "the Company") were incorporated and were empowered to supply with gas the city and University of Oxford and certain neighbouring parishes and by that Act the share capital of the Company was fixed at twenty-four thousand pounds whereof eighteen thousand pounds was to be divided into shares to be called "A shares" entitled to a dividend not exceeding ten pounds per centum per annum and six thousand pounds was to be divided into shares to be called "B shares" entitled to a dividend not exceeding five pounds per centum per annum and the Company were also by the said Act authorised to raise an additional capital of thirty thousand pounds to be divided into shares to be called "C shares" entitled to a dividend not exceeding seven pounds per centum per annum if issued as ordinary and not exceeding six pounds per centum per annum if issued as preference shares: 32 & 33 Vict. c. cxxii.

And whereas the whole of the share capital of the Company has been issued as ordinary capital and has been fully paid up:

And whereas by the Act of 1869 the Company were required to grant and have granted to the local board of health acting for the districts of Oxford Cowley and North Hincksey (in this Act called the local board) mortgage debentures for six thousand pounds and were also authorised to borrow on mortgage seven thousand five hundred pounds which they have borrowed and now owe:

And whereas the demand for gas within the limits of the Act is increasing and it is expedient that the Company be authorised to acquire additional lands and to erect thereon additional works for the manufacture and storage of gas and in order the better to utilize those lands to close a portion of certain streets and back lanes no

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longer or which will then become no longer required for public use and to make the new works herein-after described:

And whereas it is expedient that the Company be authorised to make the railway herein-after described for affording better facilities to their works:

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

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

And whereas plans and sections showing the lines situations and levels of the railway by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county of Oxford and are herein-after referred to as the deposited plans sections and book of reference:

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 Oxford Gas Act 1882.

Acts to be read as one Act.

2. This Act and the Act of 1869 as altered and amended by this Act shall be read and construed together as one Act and may be cited as the Oxford Gas Acts 1869 and 1882.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 15.
8 & 9 Vict. c. 16.

3. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Gasworks Clauses Act 1847 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayments of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

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;

The provisions to be made for affording access to the special Act by all parties interested; and

Part I. "cancellation and surrender of shares" Part II. "additional capital" and Part III. "debenture stock" of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869; 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

are so far as the same respectively are applicable for the purposes of and not varied by or inconsistent with the provisions of this Act incorporated with and form part of this Act And the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the undertaking of the Company as if the same had been authorised by this Act Provided that sections 24 to 27 (both inclusive) of the Gasworks Clauses Act 1871 shall not be applicable within the district of the local board. 34 & 35 Vict. c. 41.

Interpretation.

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

"Superior courts" or "court of competent jurisdiction" or any other like expression 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 and shall include a county court.

Power to make railway &c.

5. Subject to the provisions of this Act the Company may in the lines and situation and according to the levels shown on the deposited plans make and maintain in the parishes of Saint Ebbe and Saint Thomas in the city of Oxford in the county of Oxford the railway and works connected therewith shown on the deposited plans among which are the following namely:

A railway (two furlongs 1·9 chains in length) commencing in the said parish of Saint Thomas by a junction with the Great Western Railway crossing the River Thames by means of a bridge and terminating in the said parish of Saint Ebbe in the existing gasworks of the Company Provided always that the Company shall not take or acquire any part of the railway lands works or property numbered on the deposited plans 1 in the parish of Saint Thomas Oxford without the previous consent in writing of the Great Western Railway Company first had and obtained.

All necessary bridges arches sidings junctions turntables walls piers embankments piling scaffolding drains works and conveniences connected with the said railway and works.

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The junction with the siding of the Great Western Railway Company to be constructed according to a certain plan.

6. The junction between the railway by this Act authorised shall be by means of a siding to be constructed by the Great Western Railway Company and according to a plan signed in duplicate by William George Owen on behalf of the Great Western Railway Company and Charles Hawksley on behalf of the Company one of which plans is deposited with the secretary of the Great Western Railway Company and the other with the secretary of the Company.

Conditions on which junction is to be constructed.

7. If and when the Company shall require the said junction to be constructed they shall pay to the Great Western Railway Company towards the cost of constructing such junction so far as it shall be on the lands or property of that Company the sum of seven hundred pounds and shall also convey to the Great Western Railway Company free of charge for the purpose of effecting the junction and of laying thereon a line or lines of rails a strip of land fourteen feet in width part of the property numbered on the deposited plans 2 in the parish of St. Thomas Oxford which land is coloured pink on the said plan and the Great Western Railway Company shall at all times thereafter maintain at their own cost the line or lines of rails before referred to in this section to be constructed by them.

As to connecting junction with the existing sidings of the Great Western Railway Company.

8. The Great Western Railway Company if they can do so without further powers being obtained from Parliament enabling them to do so shall if and when required by the Company construct all necessary works for and lay down a line of rails to connect the said line or lines of rails referred to in the last preceding section to be constructed by them with their existing sidings on the north side of the River Thames so as to afford a communication between the railway by this Act authorised and their railway by means of those sidings and if they cannot do so without further powers being obtained for that purpose they shall make application to Parliament for such powers in some Bill promoted by them in the next or next following session of Parliament after such requirement as aforesaid shall have been made and shall bonâ fide prosecute such application.

Power to deviate.

9. In making any of the works shown on the deposited plans the Company may deviate to any extent not exceeding five feet from the levels shown on the deposited sections and may deviate laterally within the limits of deviation shown on the deposited plans.

Power to take lands.

10. Subject to the provisions of this Act the Company may enter upon take hold and use all or any of the lands and hereditaments shown on the deposited plans and described in the depo-

sited book of reference and may stop up and appropriate the site and soil of such portions of any of the streets and lanes shown on the deposited plans as are within the limits of the lands purchased by the Company and as are marked on the deposited plans as intended to be stopped up Provided that the Company shall not for the purposes of the said railway and works connected therewith enter upon take or use otherwise than by agreement any lands not being public roads or highways or railways or the bed banks and shore of the River Thames. A.D. 1882.

Correction of errors as to lands.

11. If any omission misstatement or wrong description of any land or of any owner lessee or occupier of any lands described in or intended or purporting to be described in the deposited plans and book of reference be discovered the following provisions shall have effect (that is to say) :—

The Company may apply to two justices for the correction thereof giving ten days notice in writing to the owners lessees and occupiers of the lands affected by the proposed correction If it appears to such justices that the omission misstatement or wrong description arose from mistake they shall certify the same stating in the certificate the particulars of the omission misstatement or wrong description The certificate shall be deposited with the clerk of the peace for the county of Oxford who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference :

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and the Company may enter on take and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate as if there had not been any omission misstatement or wrong description :

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

Period for the compulsory purchase of lands.

12. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Notice to be given of taking houses of labouring classes.

13. The Company shall not less than eight weeks before they take in any one city town or parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in

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public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Power for Company to appropriate lands for the erection of dwelling-houses for the labouring classes.

14. The Company may from time to time if and when they think fit appropriate any lands acquired by them under the powers of this Act and which may not be required for the works for the purpose of the erection of dwelling-houses or buildings for persons belonging to the labouring classes whose dwellings may be required for the works by this Act authorised and before displacing any person or persons belonging to the labouring classes who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire the Company shall procure sufficient accommodation elsewhere for such person or persons unless the Company and such person or persons otherwise agree Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice.

Period for completion of railway.

15. If the said railway and works connected therewith are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Construction of bridge maintenance of towing-path dredging river &c.

16. The bridge over the River Thames by this Act authorised shall unless otherwise agreed between the Conservators and the Company be a girder bridge crossing by one span the whole width of the river and in addition thereto twelve feet of land on the Berkshire side of the river which is used as a towing-path The bridge shall also have a clear headway above the surface of the water in the river not less than that of the existing Boney Bridge of the Great Western Railway Company The Company shall not in any manner interfere with the free use of the towing-path but shall during the construction of the bridge and for ever afterwards maintain such portion of the towing-path as shall be under the bridge for the full width of twelve feet.

The Conservators of the River Thames shall be at liberty from time to time and at all times after the passing of this Act to dredge the river under the bridge to a depth of one hundred and sixty-eight feet above the level of Ordnance datum.

Works on the River Thames to be executed

17. The bridge over the River Thames by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be

executed according to a plan and elevation to be approved by the Conservators of the River Thames and deposited at their office and the works in the River Thames shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators and the traffic of the River Thames shall not be interfered with more than may be absolutely necessary in the construction of the bridge and the works connected therewith and the Company shall within fourteen days after notice from the Conservators so to do remove any materials for temporary works which may have been placed in the river by the Company and on their failing to do so the Conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the Conservators all expenses so incurred.

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under the direction of the Conservators of the River Thames.

18. The Company shall not make or commence any work on the shore or bed of the River Thames without the consent of the Conservators of the River Thames until the expiration of one calendar month after notice to the Conservators of the River Thames.

Company not to commence any work on shore of River Thames until notice given to Conservators.

19. The Company during the construction of the bridge by this Act authorised shall every night from sunset to sunrise hang out and exhibit at or near any temporary works or materials which may be placed on the river by the Company during the making of the said bridge or works connected therewith lights to be kept burning by and at the expense of the Company and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Conservators of the River Thames by writing under the hand of their secretary shall approve and direct and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds.

Lights to be exhibited upon temporary works during construction of bridge.

20. Nothing in this Act contained shall authorise or empower the Company to embank or encroach upon or interfere with any part of the soil or bed of the River Thames except according to the plan to be approved by the Conservators.

Company not to interfere with the bed of the river.

21. The Company shall not (except so far as shall be necessary in the construction of the said bridge and the works connected therewith) take any gravel soil or other material from the bed of the river without the previous consent of the Conservators of the River Thames signified in writing under the hand of their secretary.

Company not to take gravel &c. from river without consent of Conservators.

22. Except as herein expressly provided nothing contained in this Act shall extend to or be construed to extend to prejudice or

Saving rights of the Conser-

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vators of the River Thames.

derogate from the estates rights interests privileges liberties or franchises of the Conservators of the River Thames or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of passing this Act the said Conservators did or might lawfully claim use or exercise.

Power as to construction and maintenance of gasworks &c.

23. Subject to the provisions of this Act the Company may upon the lands described in Part II. of the schedule to this Act from time to time erect lay down provide and from time to time construct maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp posts burners stopcocks machinery approaches and other works apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas and may make store and supply gas accordingly and may store sell provide supply and deal in coke tar ammoniacal liquor and all other products resulting from any materials employed in the manufacture of gas and also meters tubes and pipes and may purchase sell provide supply and deal in fittings gas engines stoves boilers and other articles and things in any way connected with the supply and use of gas as they may from time to time think fit and may also from time to time erect fit up maintain and let houses cottages and dwellings for the officers and servants employed by the Company for the purposes of their undertaking Provided that nothing in this Act 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 such operations.

Gas not to be manufactured except on lands scheduled.

24. No lands shall be used by the Company for the purpose of manufacturing gas except the lands described in the schedule to this Act.

Company not to manufacture or convert residual products.

25. The Company shall not upon any of the lands described in the schedule to this Act manufacture or convert any products resulting from any materials employed in the manufacture of gas.

As to cost of alterations of sewers.

26. The Company shall pay to the local board the reasonable cost incurred by them in making all such alterations of the sewers and flushing shafts of the local board as may be rendered necessary by the stopping up by the Company of any streets or lanes under the powers of this Act such cost in case of difference to be settled by an engineer to be appointed (unless otherwise agreed on between the local board and the Company) by the president for the time being of the Institution of Civil Engineers on the application of the local board or the Company and the costs of the arbitration shall be borne as he shall direct.

Power to Company to raise additional capital.

27. 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 sums not exceeding in the whole sixty thousand pounds by the creation and issue of new ordinary and preference shares or stock or wholly or partially by any one or more of those modes respectively but no share 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 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 produce including any premiums which may be obtained on the sale thereof the sum of sixty thousand pounds Provided also that the Company shall not create and issue any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid within the year one thousand eight hundred and eighty-two or within any subsequent years fifteen thousand pounds.

If authorised capital for any year be not raised the amount may be made up.

28. If in any year or years the Company shall not have 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 in respect of the year one thousand eight hundred and eighty-two and every subsequent year the sum of fifteen thousand pounds.

New shares or stock to form part of capital.

29. The capital in new shares or stock created under the powers of this Act shall for all purposes form part of the C capital of the Company.

Rights of new shares or stock.

30. Every person who becomes entitled to any such shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall subject to the provisions of this Act be entitled to a dividend with the other holders of shares or stock and if in any year the net revenue of the Company be insufficient to pay the full amount of the maximum dividend to which each class of ordinary stock is entitled a proportionate diminution shall be made for the time being in the rate of the dividend then to be paid in respect of each class.

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

31. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are or is to be issued and before offering the same to the holder of any other shares or stock in the Company and whether

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the shares or 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 Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or 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 shares or stock in the Company.

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

32. It shall be one of the conditions of any sale of shares or 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 after such sale.

As to notice to be given as to sale &c. of shares or stock.

33. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the local board 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 city of Oxford.

Where shareholder bids or tenders for stock the same amount as any other person shareholder to be declared the purchaser.

34. Where the amount bidden or tendered by the proprietor of any shares or stock of the Company (in this Act referred to as a "proprietor") for any shares or 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 shares or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such shares or stock.

Shares or stock not sold by auction or by tender to be offered to shareholders.

35. When any shares or 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 respectively for the purpose of sale by auction or tender to the holders of shares or stock of the Company in manner provided by the Companies Clauses Act 1863 Provided 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 or stock created under the powers of this Act except that at such second offer such shares or stock may be sold at the best price that can be obtained.

Application of premium arising on issue of shares or stock.

36. 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 or bond by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Application of moneys.

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

Standard rates of dividend.

38. Except as in this Act provided the Company shall not in respect of any one year make out of their profits any dividend in respect of every one hundred pounds of their capital actually paid them after a greater rate than—

Ten pounds in respect of the A capital :

Five pounds in respect of the B capital :

Seven pounds in respect of the C ordinary capital : and

Six pounds in respect of the C preference capital :

and such rates are in this Act referred to as the standard rates of dividend.

Price of gas.

39. Section 59 (limit of price of gas) of the Act of 1869 is hereby repealed as from the thirteenth day of June one thousand eight hundred and eighty-two but without prejudice to the recovery of any moneys then due to the Company in respect of a supply of gas or to any existing contracts or agreements with respect to such supply and from and after that date the standard price to be charged by the Company for gas supplied by them shall (subject to the provisions of this Act) be the following (that is to say) :—

For gas consumed within the district of the local board three shillings and twopence per one thousand cubic feet.

For gas consumed without the said district three shillings and eightpence 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 rate of dividend on the ordinary shares or stock as defined by this Act to be calculated as follows :

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For every penny charged in excess or in diminution of such standard price in any year the standard rate of dividend on the ordinary shares or stock shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

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

40. In case in any half year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate 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.

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

41. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend and the dividends on the preference capital of the Company (if any) 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 accidents strikes or other circumstances which in the opinion of a justice reasonable 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 the full limited amount of 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.

42. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend and the dividends on the preference capital of the Company (if any) the excess or such portion of it as is not carried to the insurance fund shall be paid over to the local board to be by them applied in aid of the general district rates made or levied by them in the district of Oxford.

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

43. 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 standard rates of dividend on the share capital or stock of the Company and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund.

As to conversion of borrowed money into capital.

44. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the creation of debenture stock 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 the shares or stock so created are limited to a rate not exceeding five pounds per centum per annum.

Receipt of guardians &c. to be sufficient discharge.

45. If any money be 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 for the same.

Power to borrow on mortgage.

46. In addition to the moneys which the Company are authorised to borrow under the recited Act they may from time to time borrow on mortgage in respect of the additional capital of sixty thousand pounds by this Act authorised to be raised by shares or stock any sums not exceeding in the whole the sum of fifteen thousand pounds and the Company may as each portion of ten thousand pounds of such additional capital to be from time to time issued has been issued and accepted and one half the amount of such portion has been paid up borrow on mortgage in respect of each such portion of ten thousand pounds any sum or sums not exceeding in the whole two thousand five hundred pounds but in no case shall any part of any of the said respective portions of two thousand five hundred pounds be borrowed until shares for so much of the said portion as is to be raised by shares are issued and

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accepted and one half of such portion is paid up and the Company 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 shares for the whole of so much of the portion in respect of which the borrowing powers are so sought to be exercised as is to be raised by shares have been issued and accepted and that one half of so much of such portion has been paid up and that not less than one fifth of the amount of each of such shares has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said portion as is to be raised by stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be was issued and accepted and paid up bonâ fide and are or is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and also that so far as such portion is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Priority of existing mortgages.

47. All mortgages granted by the Company in pursuance of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created by the Company.

Power to create debenture stock.

48. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such securities were respectively authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages over other debts.

49. All moneys to be borrowed on mortgage or raised by debenture stock under the powers of this Act and the interest thereon 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 But 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 Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 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 in respect of land taken used or occupied by them for the purposes of this Act or injuriously affected by the exercise of any of the powers of this Act.

For appointment of a receiver.

50. Section 27 (arrears to be enforced by the appointment of receiver) of the Act of 1869 is hereby repealed but without prejudice to any (if any) appointment heretofore made or to any (if any) proceedings pending at the passing of this Act and in lieu thereof 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 and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than five thousand pounds.

Pressure of gas.

51. 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 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 and at any 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.

As to purity and illuminating power.

52. With respect to the purity and illuminating power of the gas supplied by the Company and for the purposes of the application of the Gasworks Clauses Act 1871 to the undertaking of the Company the following provisions shall have effect (that is to say):—

(1) The prescribed number of candles shall be sixteen:

(2) The prescribed burner shall be the burner known as "Sugg's London Argand No. 1" having twenty-four holes each hole of 0·045 of an inch in diameter and with a glass chimney six inches long and one and seven eighths of an inch in diameter:

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(3) The prescribed testing places shall be those prescribed by the Act of 1869:

(4) From and after the first day of June one thousand eight hundred and eighty-four the gas shall not contain more than twenty grains of sulphur in one hundred cubic feet of gas If in any one day the gas be of less purity than that prescribed by this Act the average of all the testings under this Act made on that day and on the preceding and on the following day shall be deemed to represent the purity on that day:

(5) If by such average of testings the purity of the gas be found to be defective the corporation shall forthwith give notice of such defect in writing to the Company by letter addressed to the Company specifying therein the nature and extent of the defect:

(6) The Company shall be liable to a penalty not exceeding five pounds for every case of defect in illuminating power or purity under this Act:

(7) The Company shall not be liable to any penalty if the defect in illuminating power or purity arise from unavoidable cause or from accident:

(8) The Company shall not be liable to any penalty for any defect in illuminating power or purity unless the complaint respecting such defect shall have been made before the justices within thirty days next after the happening of the defect complained of:

(9) The Company may if they think fit on any occasion of the testing of the illuminating power purity and pressure of the gas supplied by them be represented by some officer but such officer shall not interfere in the testing unless requested by the testing officer so to do but may in the presence of the testing officer make duplicate testings:

(10) In order to enable the Company to be so represented as aforesaid the local board shall give to the Company at their principal office not less than two hours notice in writing of their intention to make such testings.

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

53. 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.

Saving certain powers of local board.

54. Provided always that except as is by this Act provided this Act or anything therein contained shall not affect prejudice abridge or take away any right of the local board to erect gasworks and to

light the district of Oxford or to require the Company to raise sink or otherwise alter the situation of any of the mains or pipes of the Company or any other the powers and authorities of the local board.

Saving the rights of the chancellor masters and scholars &c.

55. Saving always to the chancellor masters and scholars of the university of Oxford and to all persons matriculated therein or being members thereof their rights and privileges of civil and criminal judicature and trial in the courts of the said university alone as the same have been granted by the charters of the said university and confirmed by divers Acts of Parliament and saving always to the chancellor masters and scholars of the said university and their successors the several bodies politic corporate collegiate or sole of the said university and their successors their respective rights privileges and franchises.

Saving rights of corporation of Oxford.

56. Except as is in this Act expressly provided nothing in this Act shall extend or be construed to extend to take away prejudice or lessen any of the powers rights privileges exemptions or authorities of the mayor aldermen and citizens of the city of Oxford granted by the several Acts relating to or affecting the said mayor aldermen and citizens.

Saving rights of the Thames Valley Drainage Commissioners.

57. Except as herein expressly provided nothing contained in this Act shall extend to or be construed to extend to prohibit defeat alter or diminish the powers or authority of the Thames Valley Drainage Commissioners.

Expenses of Act.

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

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The SCHEDULE referred to in the foregoing Act.

PART I.

The lands now belonging or reputed to belong to the Company and on which they are authorised to erect gasworks and to make gas.

PART II.

Certain lands containing about one acre one rood and twenty perches situate in the said parish of Saint Ebbe and lying between and bounded by the River Thames Dale Street Sadler Street Pike Street and the gasworks of the Company.

A plot of land containing about seven acres and twenty-eight perches situate in the said parish of St. Thomas and lying between and bounded by the River Thames the Great Western Railway Hog Acre Brook and the stream or ditch separating the said plot from land belonging or reputed to belong to University College Oxford.

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