CHAPTER clxxv.

An Act for conferring further Powers on the Preston Gas Company. [17th August 1894.]

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WHEREAS by the Preston Gas Act 1865 (herein-after called "the Act of 1865") the Preston Gas Company (herein-after called "the Company") was dissolved and re-incorporated for the purpose of supplying gas within the parliamentary borough of Preston and the several neighbouring townships and parishes in that Act mentioned all in the county of Lancaster:

And whereas by the Preston Gas Act 1879 (herein-after called "the Act of 1879") the Company's limits of supply were extended so as to include the township of Broughton in the parish of Preston in the said county:

And whereas it is expedient to further extend the Company's limits of supply so as to include within such limits the township of Brindle in the parish of Brindle and the township of Grimsargh-with-Brockholes in the parish of Preston all in the county of Lancaster:

And whereas it is expedient that the Company be empowered to acquire additional lands and to erect additional works for the manufacture and storage of gas and to construct the other works by this Act authorised:

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

And whereas the authorised share capital of the Company amounts to the sum of three hundred and sixty thousand pounds and their authorised loan capital amounts to the sum of ninety thousand pounds nearly the whole of which has been raised by

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shares or stock or borrowed on mortgage and the Company have not created any debenture stock:

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

And whereas it is expedient that some of the provisions of the Acts of 1865 and 1879 should be amended and that such further powers should be conferred upon the Company as are herein-after mentioned:

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

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

Short title.

1. This Act may be cited as the Preston Gas Act 1894 and the Acts of 1865 and 1879 and this Act may be cited together as the Preston Gas Acts 1865 to 1894.

Incorporation of Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) The Lands Clauses Acts the Gasworks Clauses Act 1847 the Gasworks Clauses Act 1871 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) 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 non-payment 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 the 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 and the provision to be made for affording access to the special Act by all parties interested and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

Interpretation.

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

The expression "the corporatiou" means the mayor aldermen and burgesses of the county borough of Preston;

The expression "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 simple contract debt and not a debt or demand created by statute. A.D. 1894.

Errors and omissions in plans may be corrected by two justices.

4. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Lancaster for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Extension of limits of supply.

5. The limits within which the Company may supply gas and exercise the powers conferred upon them by the Acts of 1865 and 1879 and this Act shall extend to and include in addition to the places specified in the fifth section of the Act of 1865 and in the fifth section of the Act of 1879 the following places (that is to say) The township of Brindle in the parish of Brindle and the township of Grimsargh-with-Brockholes in the parish of Preston all in the county of Lancaster.

Limiting price of gas in added area.

6. The price to be charged by the Company for the supply of gas in the township of Brindle and the township of Grimsargh-with-Brockholes to persons supplied by meter shall not exceed five shillings per thousand cubic feet.

Power to construct new gas-works.

7. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as are described in the schedule to this Act (in this Act referred to as "the gas lands") and may on the gas lands from time to time make construct erect and lay down and may continue maintain improve alter and extend and may abandon and discontinue or renew all or any buildings retorts gasometers receivers engines plant and

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machinery mains pipes and apparatus cuts drains watercourses and roads and works and conveniences generally and may manufacture store and supply gas and do all such other acts in connexion with and in relation to the manufacture supply and use of gas as they may think proper and convenient and they may manufacture store sell provide supply and deal in coke lime tar pitch asphaltum ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas or which can or may be compounded or produced from the coal or other materials employed in or resulting from the manufacture of gas and may manufacture store sell let or deal in fittings tubes meters pipes and all other articles and things connected with gas-works or with the supply or use of gas and they may for the purposes aforesaid appropriate and use the waters of the stream forming part of the property numbered on the said plans and in the said book of reference 7 in the parish of Preston Provided that nothing herein contained shall prevent the Company from being liable to an indictment for nuisance or to any other legal proceedings to which they may be liable in consequence of the manufacture and sale of matters or things producible from the residual products arising from the manufacture of gas.

For the protection of Montague Joseph Feilden.

8. If the Company shall enter upon take or use any of the lands shown on the deposited plans and described in the deposited book of reference and belonging or reputed to belong to Montague Joseph Feilden they shall if required by Montague Joseph Feilden take the whole of the lands in Lea and Ashton belonging or reputed to belong to him and consisting of the Chain House and Chain Farm and estimated to contain fourteen acres or thereabouts.

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

9. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to any other lands they have acquired or are authorised to acquire under the Acts of 1865 and 1879 or this Act any lands and hereditaments not exceeding in the whole ten acres which the Company may from time to time require for the purposes of their works and undertaking and the Company may on any lands for the time being belonging to them erect fit up maintain and let offices and houses and dwellings for their officers and servants but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to the Act of 1879 and the gas lands described in the schedule to this Act.

Power to construct road and other works.

10. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown

on the deposited plans and sections the road herein-after described and may exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the said road (that is to say):—

They may make a new road in the township of Lea Ashton Ingol and Cottam in the parish of Preston in the county of Lancaster commencing at or near the south-eastern corner of the gas lands and terminating at or near the southern extremity of Pedder's Lane and may lay mains and pipes along and under such road.

Power to deviate.

11. The Company may in the construction of the road by this Act authorised deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation marked on those plans and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet:

Provided always that where the said road is proposed to be constructed on lands of the corporation the Company shall deviate from the lines thereof so that the northern boundary thereof as shown on the deposited plans shall not on any part of the said lands be south of the northern limit of deviation marked on the said plans.

Corporation to have use of road.

12. The corporation may from time to time use for the purposes of their traffic the road by this Act authorised when completed paying a reasonable proportion of the cost of keeping the same in repair such proportion in default of agreement between the corporation and the Company to be settled by arbitration in manner provided by the Arbitration Act 1889 and the arbitrator in determining the amount to be paid by the corporation shall take into account any sums received by the Company for the use or repair of the said road from any other company or person.

For the protection of railway companies.

13. Section 7 of the Act of 1879 is hereby incorporated with and shall form part of this Act and shall extend and apply to works to be executed by the Company under the powers of this Act and shall enure for the benefit and protection of the Lancashire and Yorkshire Railway Company as well as of the London and North Western Railway Company as if both those companies had been named in the said section.

For the protection of the Leeds and Liverpool Canal Company.

14. In laying down or in effecting the repairs or renewals of any mains or pipes or in executing any other works under or in exercise of the powers conferred by this Act across under or over or in any way affecting any canal or lands wholly or jointly belong-

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ing or leased to or occupied by the Leeds and Liverpool Canal Company (herein-after called "the canal company") or any of the bridges towing-paths or other works of the canal company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the canal company and except in case of emergency according to plans to be previously submitted to and reasonably approved by him and shall be executed by and in all things at the expense of the Company and so as not to injure any such canal bridges towing-paths works or lands or interrupt the passage or conduct of traffic over any such canal or towing-path or at any wharf in connexion therewith and if any such injury or interruption shall arise the Company shall make full compensation to the canal company in respect thereof the amount of such compensation together with full costs to be recoverable by the canal company from the Company by all and the same means as any simple contract debt If any difference arise between the Company and the canal company touching such plans as aforesaid or anything to be done or not to be done under this section such difference shall be determined by an engineer to be agreed on between the parties in difference or in default of agreement to be appointed on the application of either of them by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration shall be borne as the arbitrator shall direct.

For the protection of Sir James de Hoghton Baronet and Robert Ireland Blackburne.

15. For the protection of Sir James de Hoghton Baronet and Robert Ireland Blackburne and other the devisees under the will of Sir Henry de Hoghton Baronet deceased of the estates in the township of Lea Ashton Ingol and Cottam now subject to the trusts of the said will and their heirs and sequels in estate and assigns (all of whom are referred to and included under the expression "the owners" where used in this section) the following provisions shall have effect (that is to say):—

(1) The Company may within but shall not after eighteen months from the passing of this Act serve a notice to treat upon the owners for the purchase of such parts of their estates situate in the township of Lea Ashton Ingol and Cottam in the parish of Preston as the Company are by this Act authorised to acquire and failing agreement the amount of compensation to be paid by the Company to the owners in respect thereof shall be determined in the manner provided by the Lands Clauses Acts;

(2) The owners their lessees tenants agents and workmen and all other persons authorised by the owners shall in common with any other persons authorised by the Company for ever

be entitled free from all dues and charges whatsoever to pass and repass at all times on foot and for agricultural manufacturing or other purposes with or without horses carts or carriages over and along the new road by this Act authorised when completed paying a reasonable proportion of the cost of keeping the same in repair such proportion to be settled by arbitration as herein-after provided in case the parties differ and the arbitrator in determining the amount to be paid by the owners shall take into account any sums received by the Company for the use or repair of the said road from the corporation or any company or person;

(3) The Company shall at all times give the owners their lessees tenants agents and workmen and all other persons authorised by the owners such rights of access to and facilities for crossing the said road from the portions of the estates of the owners adjoining the said road at such point or points on both sides respectively of the said road as may be reasonably required by the owners or as in case of difference shall be settled by arbitration as herein-after provided;

(4) The owners may at any time hereafter carry any road siding or railway they may construct on their own lands to the Preston Docks or the River Ribble on the level across the new road by this Act authorised at a point to be agreed upon between the owners and the Company and any difference between them with respect to the construction point of crossing or use of such road siding or railway shall be from time to time determined by arbitration as herein-after provided;

(5) The Company shall to the reasonable satisfaction of the owners reinstate and make good and maintain from subsidence all drains and fences outside the gas lands which may be interfered with by the Company and shall if required by the owners during the construction of the road by this Act authorised fence off the said estates with suitable fencing from the said road;

(6) If at any time or times hereafter by reason or in consequence of the construction of the works of the Company by this Act authorised or any of them or any operations of the Company under this Act or the exercise of any of the powers therein contained the waterway of the stream or watercourse known as the Little Savick shall be rendered less deep than heretofore or be otherwise affected or interfered with or the overflow or discharge of water from the said estates shall be in any way impeded or obstructed as it flows down the said watercourse or if the drainage of any lands forming any part of the said estates or the outfalls thereof or the passage or escape of flood water

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therefrom as freely as heretofore shall be impeded or prejudicially affected the Company shall at their own expense and at the request of the owners and as often as occasion shall require restore and make good such watercourse drainage and outfalls and provide for the passage or escape of such flood water and remedy any such impediment and obstruction to the outflow or discharge of the water as aforesaid so as to secure for the future the escape of such water in as effectual a manner as heretofore to the reasonable satisfaction of the owners and their lessees and tenants and the owners shall retain in as good condition and at the same level as at present such portion of the said watercourse or any conduit in substitution therefor as lies within their lands to the south of the gas lands And if the Company shall make default in so doing they shall pay the owners and their lessees or tenants or if the owners make default they shall pay the Company as the case may be full compensation for any damage or injury sustained by them or any of them respectively by or in consequence of such default the amount of such compensation if not agreed to be settled by arbitration in the manner provided by this section ;

(7) If any question or difference shall at any time arise between the owners and the Company touching the construction of this section or anything to be done thereunder or as to any of the works herein-before provided or as to the reasonableness or sufficiency thereof the same shall be settled and determined by the engineer of the owners and the engineer of the Company or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive ;

(8) Nothing in this section contained shall prejudice abridge or defeat any right of the owners or their lessees or tenants to compensation under this Act or any Act incorporated herewith Provided that in estimating any compensation payable for injury occasioned to them or either of them in consequence of the works of the Company the accommodation and other works constructed or provided by the Company for their protection shall be taken into account.

Limit of time for compulsory purchase of lands.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the date of the passing of this Act.

Power to owners to grant easements.

17. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provi-

sions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for any of the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

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

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Agreements for supply of gas in bulk.

19. The Company may enter into and carry into effect agreements for the supply of gas in bulk without their limits of supply to any county council urban or rural sanitary authority or any company authorised by Parliament to supply gas or any railway company Provided that nothing in this section shall authorise the Company to supply gas to any railway company for consumption within the limits within which any urban or rural sanitary authority or company are supplying gas under the authority of Parliament.

Power to Company to raise additional capital.

20. The Company may from time to time raise additional capital not exceeding in the whole one hundred and twenty thousand pounds by the creation and issue of new ordinary shares and stock or new preference shares and stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers

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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 one hundred and twenty thousand pounds.

Except as is otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

21. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

New capital to form part of capital of Company.

22. The capital in new shares or stock so created shall form part of the capital of the Company.

Profits of the Company limited.

23. Except as by this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (which are in this Act referred to as the standard rates of dividend) that is to say on the sum of one hundred and twenty thousand pounds of Stock A the rate of ten pounds in respect of every one hundred pounds of such capital on the sum of one hundred and twenty thousand pounds of Stock B and on the sum of one hundred and twenty thousand pounds of stock authorised to be raised under the powers of the Act of 1879 (which shall be hereafter also designated as Stock B) the rate of seven pounds in respect of every one hundred pounds of such capital and on the additional capital of one hundred and twenty thousand pounds authorised to be raised under the powers of this Act (which shall if created as ordinary stock be designated as Stock C) the rate of five pounds in respect of every one hundred pounds actually paid up of such capital.

As to dividends on different classes of stock or shares.

24. Section 12 of the Act of 1879 is hereby repealed The holders of the various classes of ordinary stock or shares in the capital of the Company shall be entitled to receive dividends thereon pari passu up to and until the respective standard rates of dividend on each class of stock or shares have respectively been reached.

Restriction as to votes in respect of preferential shares or stock.

25. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

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 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 reserved 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.

27. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after each sale.

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

28. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the county borough of Preston and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

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

29. 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 but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

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Application of premium arising on issue of shares or stock.

30. 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 be considered as part of the capital of the Company entitled to dividend Provided that in any case where a power to raise money by borrowing is made proportionate to the paid-up capital the premiums received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

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

31. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital (if any) and dividend on the ordinary capital at the authorised rates 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 two justices 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 authorised rates of dividend.

32. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividends on the preference capital (if any) and dividends at the authorised rates on the ordinary capital of the Company the Company shall out of the excess or such portion of it as is not carried to the insurance fund in the first place pay to the holders of the

ten per centum ordinary stock of the Company the difference between the dividend actually received by them for the year one thousand eight hundred and ninety-three and a dividend at ten per centum per annum and shall carry the residue to the credit of the divisible profits of the undertaking for the next following year.

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

33. Where in any year the divisible profits of the Company applicable to the payment of dividends on the ordinary capital of the Company shall by reason of the price charged by the Company for gas in such year being below the price of three shillings and fivepence halfpenny per thousand cubic feet be more than sufficient to pay the standard rates of dividend then out of the amount of the divisible profits of the Company applicable to the payment of any excess of dividend above such standard rates 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 dividend at the authorised rates on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow in respect of additional capital.

34. The Company may in respect of the additional capital of one hundred and twenty thousand pounds which they are by this Act authorised to raise from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any additional sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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Power to create debenture stock.

35. 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 created and issued or granted by the Company at any time after the passing of this Act under the Act of 1865 or the Act of 1879 or this Act 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 stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages:

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

As to conversion of borrowed money into capital.

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

Mortgages to have priority over other debts.

37. All money to be borrowed by the Company on mortgage or debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by the Company after the passing of this Act:

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

Existing mortgages to have priority.

38. All mortgages granted by the Company under the powers of any Act of Parliament before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under

which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act.

Application of moneys.

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

Power to apply funds.

40. The Company may apply to any of the purposes of this Act to which capital is properly applicable any money which they have raised or which they have power to raise by the Acts of 1865 and 1879 and which may not be required for the purposes to which it is by such Acts made specially applicable.

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

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

Notice by consumers of intention to discontinue gas supply.

42. Any consumer desiring to discontinue a supply of gas to any premises where a meter has been fixed for his use shall give to the Company notice of his desire and shall be liable to pay and shall pay to the Company for all gas registered by such meter up to and until the expiry of forty-eight hours from the giving of such notice Any such notice shall be in writing and shall be left at or sent by post to the principal office of the Company.

Prepayment of gas rates in certain cases.

43. Where the Company deem it necessary so to do they may require prepayment for gas required to be supplied for a period of six months or any shorter period and in such case may refuse to supply gas unless the estimated cost thereof for such period as the Company may from time to time fix be prepaid and at the end of each such period the Company shall be paid or shall repay any excess or deficiency of money actually payable for gas so supplied and the Company shall pay or allow interest after the rate of not less than four pounds per centum per annum on every sum of ten shillings so prepaid during each such period as aforesaid.

Power to refuse to supply persons in debt

44. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by them without paying to them all gas meter rent or other moneys

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due from him to the Company they may refuse to furnish to him a supply of gas until he pay the same.

for other property.

Period of error in defective meters.

45. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the current quarter of the year in which the said meter shall be so tested unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act:

The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company in pursuance of the certificate of the inspector shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in like manner as gas rates are recoverable by the Company.

Discounts to be allowed to consumers.

46. Section 58 (Discounts to be allowed to consumers) of the Act of 1865 is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say):—

Every consumer shall be entitled to the following discounts in respect of the gas supplied to him during the period of twelve months ending in April in every year namely:—

On a consumption not exceeding two million cubic feet fifteen pounds per centum;

On a consumption exceeding two million cubic feet twenty pounds per centum:

Provided that no consumers shall be entitled to such discount in respect of any account which shall not have been paid to the Company within twenty-one days after the delivery thereof.

Standard price under sliding scale.

47. Subject to the provisions of the section of this Act of which the marginal note is "Discounts to be allowed to consumers" the standard price to be charged by the Company for gas supplied by them within the county borough of Preston shall be three shillings and tenpence farthing per thousand cubic feet subject to the provisions herein-after contained (that is to say):—

The Company may increase or reduce the price charged by them for gas above or below such standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary capital as follows:—

In respect of any year during which the price charged by the Company shall have been one penny or more above the standard price the dividend payable by the Company shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rates of dividend by five shillings on every

hundred pounds of Stock A and three shillings and sixpence on every hundred pounds of Stock B and two shillings and sixpence on every hundred pounds of Stock C and so in proportion for any fraction of one hundred pounds;

And in respect of any year during which the price charged by the Company shall have been one penny or more below three shillings and fivepence halfpenny per thousand cubic feet the dividend payable by the Company may in respect of each penny by which the price shall have been reduced below such price of three shillings and fivepence halfpenny per thousand cubic feet be increased above the standard rates of dividend by five shillings on every hundred pounds of Stock A and three shillings and sixpence on every hundred pounds of Stock B and two shillings and sixpence on every hundred pounds of Stock C and so in proportion for any fraction of one hundred pounds:

Provided always that if the standard rates of dividend shall not have been paid on any class or classes of stock in any previous year or years any sums which might otherwise have been applied by the Company in the payment of dividends in excess of the standard rates shall in the first place and notwithstanding the provisions of this Act with reference to the creation of a reserve fund be applied in or towards making good any such arrears of dividend up to the standard rates:

And notwithstanding anything contained in sections 56 and 57 of the Act of 1865 or in section 30 of the Act of 1879 or in the section of this Act of which the marginal note is "Limiting price of gas in added area" the price to be charged by the Company for the supply of gas within the township of Fulwood shall be the same as the price for the time being charged for the supply of gas within the county borough of Preston and the price to be charged within any part of their limits of supply which is outside the said borough and the said township shall not exceed by more than twopence halfpenny per thousand cubic feet the price for the time being charged in the said borough and township.

Quality of gas and burner.

48. Section 50 of the Act of 1865 and section 26 of the Act of 1879 are hereby repealed and from and after the passing of this Act the following provisions shall have effect in lieu thereof (that is to say):—

The prescribed number of candles shall be eighteen and the prescribed burner shall be a Sugg's London Argand Burner F consuming five cubic feet per hour with a seven inch by one

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and three-quarter inch glass chimney measured outside but if at any time the gas flame rises above the top of that glass an eight inch by one and three-quarter inch chimney measured outside shall be used or the prescribed burner may be any other burner which the Company may from time to time adopt with the approval of the Board of Trade.

Powers as to electricity.

49. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 or any other Act for the time being in force with respect to the supply of electricity make application for a Provisional Order or licence to produce and supply electricity for public and private purposes and if such Provisional Order or licence be obtained may subject to and in accordance with the provisions thereof produce and within the limits authorised thereby supply electricity for public and private purposes and construct and acquire such works patented or protected processes inventions licences rights machinery apparatus methods materials and things and enter into such contracts and generally do all such acts and things as may be necessary and incidental to such production and supply and the Company if any such Provisional Order be obtained may make and carry into effect agreements with any other Company or person owning or possessing works powers rights and privileges for the supply of electricity within the limits of the Company for the supply of gas with reference to the acquisition by the Company of the works powers rights privileges and obligations of such other Company or person but no such acquisition shall take effect unless or until the same is authorised or confirmed by a Provisional Order under the said Electric Lighting Acts Any moneys raised under this Act may be employed in giving effect to the purposes of this section including the defraying of the costs of any such application as aforesaid but nothing in this section shall empower the Company to create or permit any nuisance.

Power to supply gas fittings &c. for heating and other purposes.

50. The Company as they from time to time think fit may manufacture purchase provide supply sell let for hire use and otherwise deal in fit up alter repair remove and refix fittings engines stoves ranges pipes and other apparatus and appliances for lighting for motive power for the warming and ventilating of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all works necessary or proper in that behalf Any such letting for hire may be for such rent or remuneration in money and on such terms with respect to the repair of fittings and other articles let for hire and for securing the safety and return to the Company of such

fittings and other articles and otherwise as may be agreed upon between the Company and the persons to or from whom the same are sold supplied let fixed up altered or removed and the Company may supply gas for heating cooking motive power warming ventilating and other purposes and for the particular requirements of any trade industry manufacture or business and may do all things needful therefor on such terms and conditions in all respects as may be agreed on between the Company and the party to whom such supply shall be given.

Power to hold licences under patent rights.

51. The Company may take hold and use patents rights or licences 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 and such materials and residual products as herein-before mentioned.

Representation of the Company in bankruptcy &c.

52. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors the secretary of the Company or any person appointed in that behalf by writing under the hands of two directors may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects.

Form and service of notices by Company.

53. Any notice to be served by the Company on a person supplied with gas may be in writing and shall be sufficiently authenticated by the signature of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of gas by the signature of the collector of the Company being affixed thereto or by a stamp and any such notice may be served on such person in manner provided by section 45 of the Gasworks Clauses Act 1871.

Costs of Act.

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

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SCHEDULE referred to in the foregoing Act.

Certain lands in the hamlets of Lea and Ashton in the township of Lea Ashton Ingol and Cottam in the parish of Preston in the county of Lancaster containing twenty-five acres or thereabouts bounded on the north by the authorised railway and lands belonging or reputed to belong to the Blackpool Railway Company on the south by the south side of the existing flood-bank on the north side of the River Ribble on the east by lands belonging or reputed to belong to the trustees of John France and to the trustees of Sir Henry de Hoghton Baronet and to Montague Joseph Feilden and to the trustees of Mary Kenworthy and on the west partly by an occupation road to Greaves Town and partly by a stream running from the said road into the River Ribble and including the said stream and the banks thereof.

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