ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xiv.

An Act for incorporating "The *Scarborough* Gas Company," for enabling the Company to raise a further Sum of Money for better supplying the Borough of *Scarborough* with Gas, and for other Purposes. [20th *May* 1851.]

WHEREAS in or about the Year One thousand eight hundred and thirty-four certain Persons formed themselves into a Company, under the Name of "The *Scarborough* Gas Company," for the Purpose of supplying the Town of *Scarborough* in the County of *York* and its Vicinity with Gas, and generally of carrying on the Business usually carried on by Gas Companies: And whereas the Affairs of the said Company are now regulated by a Deed of Settlement bearing Date the Thirty-first Day of *December* One thousand eight hundred and forty-two, and made between the several Persons whose Names and Seals are thereunto subscribed and affixed (other than the several Persons who are Parties thereto of the Second and Third Parts respectively) of the First Part; *Robert Tindall* Shipbuilder, *William Bottomley* Gentleman, *Edward Hopper Hebden* Banker, *Thomas Purnell* Grocer, *William Reed* Gentleman, *William Rowntree* Draper, *William Harland* Doctor of Physic, *John Woodall* Banker, *William Harrison* Gentleman, *Isaac Stickney* Draper,

Company regulated by Deed of Settlement, dated 31st Dec. 1842.

John Hesp Gentleman, *Thomas Weddell* Surgeon, and *George Fenwick Brown* Shipowner, all of *Scarborough* in the County of *York*, of the Second Part; and Sir *John Vanden Bempde Johnstone* of *Hackness* in the said County of *York*, Baronet, Sir *George Cayley* of *Brompton* in the same County, Baronet, the said *Edward Hopper Hebden*, *Robert Tindall*, and *George Fenwick Brown*, *Samuel Standidge Byron*, late of *Scarborough* aforesaid, but then of *West Ayton*, in the said County of *York*, Esquire, the said *William Harland* and *Thomas Weddell*, *William Duesbery Thornton Duesbery*, lately called *William Duesbery Thornton*, and late of *Scarborough* aforesaid, but then of *Skelton*, in the said County of *York*, Esquire, the said *John Hesp*, *John Uppleby* of *Scarborough* aforesaid, Gentleman, *William Sagon Page* of the same Place, Gentleman, *Henry Hetherington* of the same Place, Gentleman, the said *Isaac Stickney* and *William Harrison*, *Joseph Brogden Baker* late of the same Place, Druggist, but then of *Hovingham* in the said County of *York*, Farmer, *Edward Smith* of *Scarborough* aforesaid, Plumber and Glazier, *John Rowntree* of the same Place, Grocer, *Henry Fowler* of the same Place, Collector of Her Majesty's Customs, and *James Lord* of the same Place, Ironmonger, of the Third Part; and also by a Supplemental Deed of Settlement bearing Date the First Day of *January* One thousand eight hundred and forty-six, and made between the several Persons whose Names and Seals are thereunto subscribed and affixed (other than the several Persons who are Parties thereto of the Second and Third Parts) of the First Part; *Robert Tindall* and *James Tindall* Shipbuilders, *William Bottomley* Gentleman, *Edward Hopper Hebden* Banker, *Thomas Purnell* Grocer, *William Reed* Gentleman, *William Rowntree* Draper, *William Harrison* Gentleman, *Isaac Stickney* Draper, *John Hesp* Gentleman, *Thomas Weddell* Surgeon, and *George Fenwick Brown* Shipowner, all of *Scarborough* in the County of *York*, of the Second Part; and Sir *John Vanden Bempde Johnstone* of *Hackness Hall* in the said County, Baronet, Sir *George Cayley* of *Brompton* in the said County, Baronet, the said *Edward Hopper Hebden*, *Robert Tindall*, *George Fenwick Brown*, *Thomas Weddell*, *John Hesp*, *John Uppleby* of *Scarborough* aforesaid, Gentleman, and *Henry Fowler* of the same Place, Collector of Her Majesty's Customs, of the Third Part: And whereas by the said Deed of Settlement it was provided that the Capital of the Company should be Seven thousand and ten Pounds, divided into Seven hundred and one Shares of Ten Pounds each, and that the same might be increased to any Amount not exceeding Two thousand nine hundred and ninety Pounds additional, divided into Shares of Ten Pounds each: And whereas on the Sixth Day of *August* One thousand eight hundred and forty-five the Capital of the Company was, in pursuance of the Power for that Purpose contained in the said Deed of Settlement, increased to the Extent of Two thousand six hundred and twenty Pounds, by the Creation of

Supplemental Deed of Settlement, dated 1st Jan. 1846.

Two hundred and sixty-two Shares of Ten Pounds each, and the Proprietors of such Shares were Parties to the said Supplemental Deed of Settlement: And whereas on the Fourteenth Day of *October* One thousand eight hundred and forty-eight the Capital of the Company was, in further pursuance of the Power for that Purpose contained in the said Deed of Settlement, increased to the Extent of Three hundred and seventy Pounds, by the Creation of Thirty-seven Shares of Ten Pounds each: And whereas the whole Amount of Capital by the said recited Deed of Settlement authorized to be created has now been raised, and the same consists of the Sum of Ten thousand Pounds, divided into One thousand Shares of Ten Pounds each, all of which Shares have been paid up in full: And whereas the said Company have erected in or near the Town of *Scarborough* Gasworks and other Works connected therewith, and have laid down Mains and other Pipes in the Streets and Thoroughfares of the said Town, and the said Company now supply the said Town and the Inhabitants thereof with Gas; And whereas the existing Mains and Pipes of the Company do not extend beyond the Boundaries of the Township of *Scarborough*, and the Company are desirous of supplying with Gas the adjoining Township of *Falsgrave*, and the extra-parochial Precinct of *Scarborough Castle*, which, with the said Township of *Scarborough*, constitute the Municipal Borough of *Scarborough*: And whereas the said Company have expended the whole of their Capital in the Establishment of their said Undertaking and in the Construction of their Gasworks, and the great Increase of the said Town having rendered necessary an Extension of Works, they have incurred certain Liabilities in extending and improving the same: And whereas the Extension of the Supply of Gas to the whole of the said Borough will be beneficial to the Inhabitants thereof: And whereas additional Capital is required by the Company to enable them to discharge their existing Liabilities, and to meet the Outlay necessary for enlarging their existing Works, and for effectually lighting the whole of the said Borough with Gas: And whereas the said Company are desirous of being incorporated, and of being empowered to raise such additional Capital, and of having certain Powers granted to them for the Purpose of more efficiently carrying on their said Undertaking, and of lighting the whole of the said Borough with Gas: And whereas the Objects and Purposes 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 Parliament assembled, and by the Authority of the same,

I. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," and "The Gasworks

8 & 9 Vict. c. 16. and 10 & 11 Vict. c. 16. incor-

porated with this Act.

works Clauses Act, 1847," shall be incorporated with and form Part of this Act.

As to the Term "Quarter Sessions."

II. That the Expression "Quarter Sessions" in the Acts incorporated with this Act shall be construed to mean the Quarter Sessions for the Borough of *Scarborough*.

Short Title.

III. That in citing this Act in other Acts of Parliament, in legal Instruments or Proceedings, and in Notices, Advertisements, or other like Documents, it shall be sufficient to use the Expression "The *Scarborough* Gas Company's Act, 1851."

Certain Parts of 8 & 9 Vict. c. 18. incorporated with this Act.

IV. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the Undertaking hereby authorized, except as herein-after mentioned.

Nothing to authorize Company to take Lands without Consent.

V. Provided always, That nothing in the said Lands Clauses Consolidation Act contained shall authorize the Company to take or use any Land unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Limits of Act.

VI. That the Limits of this Act shall extend to and include the Borough of *Scarborough* as enlarged and extended by the Act, Five and Six *William* the Fourth, Cap. Seventy-six, to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

Proprietors incorporated.

VII. That *Robert Tindall*, *William Bottomley*, *Edward Hopper Hebden*, *Thomas Purnell*, *William Rowntree*, *Thomas Weddell*, *George Fenwick Brown*, *John Barrett*, *John Bury*, and all Persons who now are Shareholders in the said Undertaking, and all such other Persons as shall hereafter become Shareholders in the said Undertaking, and their respective Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purposes hereinafter mentioned, and for such Purposes shall be incorporated by the Name of "The *Scarborough* Gas Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall and may sue and be sued, and shall have Power from Time to Time to purchase and take on Lease and hold Lands for the Purposes of the said Undertaking, and shall also have such other Powers as are in this Act contained, and shall be governed and regulated by and in accordance with the Provisions of this Act and the Acts incorporated therewith.

Objects and Purposes of the Company.

VIII. That the Company shall be established for the Purpose of making and supplying Gas within the Limits of this Act, and for making

making and maintaining Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this and in the Acts incorporated herewith contained, and also for selling and disposing of Coke, and of every Product, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, and for carrying on the Business usually carried on by Gas Companies, so far and in such Manner as the Company may think proper.

The present Property of the Company vested in the Company incorporated by this Act.

IX. That all and every the Lands, Erections, and Buildings purchased by or for the said Company, or conveyed to the said Company, or to any Trustees on their Behalf, for the Purposes of the said Undertaking, and now belonging to the said Company, and all and every the Gasworks, Gasometers, and other Works, Mains, and Pipes, Plugs, Pedestals, Pillars, Posts, Lamp Brackets, Lamp Burners, Apparatus, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed in any Street within the Limits of this Act, or which at the Time of the passing of this Act shall be the Property of or belonging to the Company, and all other Property whatsoever belonging to the Company, or to any Trustees on their Behalf, for the Purposes of the Company, shall be and the same and each and every of them are hereby vested in the Company incorporated by virtue of this Act.

Deeds of Settlement to be void, without Prejudice to Remedies for antecedent Breaches thereof.

X. That, subject to the Provisions of this Act, the said Deed of Settlement and Supplemental Deed of Settlement shall, as to any future or prospective Operation thereof, from and after the passing of this Act, be wholly void and of non Effect, and that the several Persons who shall have executed the same or either of them, or any Deed accessory thereto, and their Heirs, Executors, and Administrators, shall immediately from and after the passing of this Act stand and be by virtue thereof released and discharged from any future Obligation to observe, perform, abide by, fulfil, or conform to the said Deeds of Settlement, or the Covenants or Agreements therein contained, or any or either of them: Provided always, that nothing herein contained shall release or discharge any Person from any Liability or Obligation in respect of any Breach of the Provisions of the said Deeds of Settlement or either of them which may have been incurred prior to the Date of the passing of this Act, but such Liability or Obligation in respect of any Breach of the Provisions of the said Deeds of Settlement or either of them which may have been committed prior to the passing of this Act shall subsist and continue, and may be enforced accordingly, under and according to the Provisions of the said Deeds or Deed respectively.

Company may waive antecedent

XI. Provided also, That it shall be lawful for the Company to waive or dispense with the Enforcement of or Compliance with the Provisions of

Breaches or not, at their Discretion.

of the said Deeds of Settlement respectively, or any or either of them, in respect of any Act, Default, Matter, or Thing which, prior to the Date of the passing of this Act, shall have been done, made, executed, committed, or omitted in breach of the Provisions of the said Deeds, or any or either of such Provisions.

All Contracts, &c. made before passing of this Act to be binding.

XII. That all Deeds, Contracts, Bonds, and Agreements entered into or made before the passing of this Act by the said Partnership acting by the Name of the *Scarborough* Gas Company, or entered into or made by any Trustees for or Committee of the said Company, or by any Persons acting on behalf of the said Company, and now in force, shall be as binding upon the said Company hereby incorporated, and be of as full force and effect in Law, in all respects, against and upon the Company hereby incorporated, as if the same respectively had been entered into or made by the said Company after the passing of this Act; and all Bodies Politic or Corporate, and all Persons whomsoever, who at the Time of the passing of this Act shall be Parties to any such Deed, Bond, Contract, or Agreement as aforesaid, shall be answerable to the Company hereby incorporated for the full Performance thereof, and of every Condition of any such Deed, Contract, or Agreement therein stipulated to be done or performed by any such Parties, in like Manner as if such Deeds, Contracts, or Agreements respectively had been made or entered into with the said Company in pursuance of this Act; and all Bodies Politic and Corporate, and all Persons whosoever, who at the Time of the passing of this Act shall stand indebted to the said Company or to the Trustees or Committee, or any other Persons acting on behalf of the said Company, in any Sum of Money, shall be liable for the Payment thereof to the said Company hereby incorporated, and in case of Nonpayment thereof or of any Part thereof the Company may proceed for the Recovery thereof, and recover the same, in such and the same Manner, and the Company shall have and possess the same Remedies in respect thereof, as are provided by this Act and the Acts incorporated herewith for enforcing the Performance of Bonds, Covenants, Contracts, or Agreements made and entered into with the Company under the Powers of this Act.

Actions pending at the passing of this Act not to abate.

XIII. Provided always, That nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending against the Company, or to which the Company shall be Party, at the Date of the passing of this Act, but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company, as the Case may be, in the same Manner, and as effectually and advantageously, as if this Act had not been passed.

XIV. That

Debts due by Company at passing of this Act may be enforced.

XIV. That all Debts due and owing by the Company at the Time of the passing of this Act may be enforced against them in the same Manner as if such Debts had been incurred by the Company after the passing of this Act.

Judgments in respect of existing Liabilities may be enforced against individual Shareholders.

XV. Provided always, That if any Judgment shall at any Time after the passing of this Act be obtained against the Company in respect of any Debt or Liability owing or incurred by them at the Time of the passing of this Act, and such Judgment shall not, after due Diligence for that Purpose shall have been used, be fully satisfied out of the Property and Effects of the Company, then and in every such Case such Judgment may be enforced, and Execution thereon issued, against the Person, Property, and Effects of any Person who shall have been a Shareholder of the Company at the Time of the passing of this Act, or who shall have been a Shareholder in the said Company at the Time at which the Contract shall have been made or Tort committed in respect of which such Debt or Liability shall have accrued or have been incurred, in the same Manner in all respects as if this Act had not been passed.

Reimbursement of Shareholders against whom Execution issued in respect of existing Liabilities.

XVI. Provided also, That every Person against whom or against whose Property or Effects Execution upon any such Judgment as aforesaid shall have been issued shall be entitled to recover against the Company all Loss, Damages, Costs, and Charges which such Person may have incurred by reason of such Execution, and that, after due Diligence used to obtain Satisfaction thereof against the Property and Effects of the Company, such Person shall be entitled to Contribution for so much of such Loss, Damages, Costs, and Charges as shall remain unsatisfied from the several other Persons against whom Execution upon such Judgment obtained against the Company might also have been issued under the preceding Section, and that such Contribution may be recovered from such Persons as aforesaid in like Manner as Contribution in ordinary Cases of Copartnership.

Trustees of the Company to be indemnified.

XVII. That every Trustee or other Person in whom or in whose Names any Lands, Erections, Buildings, or Property belonging to the *Scarborough* Gas Company shall be vested at the Time of the passing of this Act, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Erections, Buildings, or Property, or who shall have entered into any other Contract on behalf of the Company, shall be indemnified and saved harmless, out of the Funds or Property of the Company, from all Liability, and against all Loss, Costs, Charges, and Expenses which he or they may sustain, incur, or be put unto by reason or in consequence of his or their having entered into any such Bond, Covenant, Contract, or Engagement.

XVIII. That

Amount of existing Capital and Shares.

XVIII. That in the meantime, and until the Capital of the Company shall be increased under the Powers of this Act, the Capital of the Company shall be Ten thousand Pounds, and shall be divided into One thousand Shares of Ten Pounds each.

Existing Capital to vest in the present Shareholders.

XIX. That the existing Capital of the Company shall be and is hereby vested in the several Persons who at the Time of the passing of this Act hold Shares in the said Undertaking, their several and respective Executors, Administrators, Successors, and Assigns, proportionally to the Number of Shares which they may severally possess therein; and every Person who is now entitled to and in the actual Possession of any of the Shares in the said Undertaking, and every Person who after the passing of this Act shall become entitled to and shall be in the actual Possession of One or more such Share or Shares in the Capital of the Company, shall be deemed to be a Proprietor of the said Undertaking, and a Shareholder of the Company, subject to the Provisions and Regulations in this Act and in the said Acts incorporated herewith contained.

Power to raise additionalCapital.

XX. That it shall be lawful for the Company, from Time to Time, by an Order of any Extraordinary Meeting thereof, to raise by the Creation of new Shares, in addition to the existing Capital for the Time being, any further Sum or Sums of Money, for the Purposes of the Company, not exceeding in the whole the Sum of Ten thousand Pounds, over and above the present Capital of Ten thousand Pounds.

Amount of new Shares.

XXI. That the Amount of each Share of any such additional Capital shall be such Sum not exceeding Ten Pounds as the Meeting authorizing the Creation of such additional Capital shall direct.

Calls.

XXII. That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders of such additional Capital, and that Seven Pounds Ten Shillings of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share, and that Three Months at the least shall intervene between successive Calls.

Shares may be issued upon such Terms as Company think fit.

XXIII. That, subject to the Provisions of this Act, the new Shares which may be created under the Powers thereof may be issued at such Price, payable at such Times and in such Manner as the Company shall think fit.

A Portion of new Shares may be allotted to Gas Consumers

XXIV. That upon the Creation of any new Shares under the Powers of this Act it shall be lawful for the Company to set aside any Portion of such Shares, not exceeding One Half Part thereof, to be appropriated to large Consumers of Gas supplied by the Company, who

are not then Holders of Shares in the Capital of the Company, or to be otherwise disposed of for the Benefit of the Company in such Manner as the Company may think proper. not being Shareholders.

XXV. That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company; and all the Clauses and Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, shall, so far as the same are applicable, apply to such new Capital and new Shares in the same Manner in all respects as if the same were original Capital and original Shares, except that upon each Creation of new Shares such Shares shall be numbered in arithmetical Progression, beginning with the Number following the highest Number of the existing Shares for the Time being in the Capital of the Company. New Shares to be Part of general Capital.

XXVI. That if at the Time of any Augmentation of Capital taking place by the Creation of new Shares the then existing Shares of the Capital of the Company shall be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the same, or the Portion thereof to be allotted amongst the Shareholders of the Company, to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter under the Hand of the Secretary of the Company, given to or sent by Post addressed to each Shareholder according to his Address as entered in the Shareholders Address Book, or left at his usual or last known Place of Abode in *England*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the due Course of Delivery ought to reach the Place to which it shall be addressed. If old Shares at a Premium new Shares to be offered to original Shareholders.

XXVII. That such new Shares so to be created shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time or Times and by the Instalments which shall be fixed by the Company; and if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, and to pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same. Shares to vest in Parties accepting, otherwise to be disposed of by the Company.

Directors may permit Shareholders to take new Shares after Time specified, in case of their Absence abroad, &c.

XXVIII. Provided always, That it shall be lawful for the Directors, in case they shall think proper so to do, but not otherwise, to permit any Shareholder who, from Absence abroad or from any other Cause satisfactory to the Directors, may have omitted or neglected (within the Time limited by this Act) to signify his Acceptance of the new Share or Shares which may have been offered to him, or to which he may be entitled by virtue of this Act, to accept such Share or Shares, and to pay for each Share the Sum at which the same shall have been allotted to him, notwithstanding the Time limited for such Acceptance or for the Payment of such Sum may have expired.

If not at a Premium, to be issued as Company may think fit.

XXIX. That if at the Time of any such Augmentation of Capital taking place the existing Shares of the Capital of the Company shall not be at a Premium, then such new Shares may be of such Amount, and may bear such annual Sums for Interest or Dividends on the same, not exceeding the Rate of Six Pounds *per Centum per Annum*, either in perpetuity or for such Period, and may confer such Privileges on the Holders thereof, and may be issued in such Manner, and may be sold and disposed of at such Price, payable at such Times and by such Instalments, as the Company shall think fit: Provided always, that it shall not be lawful for the Company to create or issue any new Shares conferring a Preference or Priority in the Payment of Dividend or Interest, unless with the Approbation of Four Fifths at least of the Proprietors present, in Person or by Proxy, at the Meeting of the Company authorizing the Creation or Issue of such Preference Shares.

Rights of new Shareholders to be in proportion to the Value of new Shares.

XXX. That every Person who shall become entitled to any new Share to be created under this Act shall in respect of the same Share be a Shareholder in the Undertaking, and shall, unless the Rate of Interest or Dividend payable in respect of such Share shall be stated thereon, be entitled to a Share of the Dividends of the Company in the Proportion which the Amount paid up on such new Shares shall bear to the aggregate Amount of the paid-up Capital of the Company for the Time being in respect whereof such Dividends shall be payable; and such new Shares shall also confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number thereof, and for such Purposes every entire Sum of Ten Pounds of such nominal Value shall be considered as equivalent to One Share of Ten Pounds in the original Capital of the Company; and no Shareholder shall vote in respect of any Number of Shares unless such Shareholder shall in the whole be possessed of Shares of the nominal Value of Fifty Pounds in the Capital of the Company.

XXXI. That

Power to borrow Money on Mortgage or Bond.

XXXI. That it shall be lawful for the Company, if the Capital of the Company shall be increased under the Power for that Purpose in this Act contained, to borrow on Mortgage or Bond such further Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole One Third of the additional Capital which at the Time of exercising such borrowing Powers shall have been created under the Authority of this Act; but no Part of such Sums shall be borrowed until the whole of the said additional Capital in respect of which such Powers are to be exercised shall have been subscribed for, and One Half thereof actually paid up.

Arrears to be enforced by Appointment of a Receiver.

XXXII. That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

First and other Meetings of the Company.

XXXIII. That the First Ordinary Meeting of the Company under the Provisions of this Act shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Month of *August* in every Year; and all Meetings of the Company, whether ordinary or extraordinary, shall be held in *Scarborough*, at such Place as the Directors shall from Time to Time appoint.

Quorum for General Meetings.

XXXIV. That the Quorum for every General Meeting of the Company shall be Thirteen Shareholders holding in the aggregate not less than One hundred Shares in the Capital of the Company.

Number of Shareholders who may convene Extraordinary Meetings.

XXXV. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Seven or more Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Scale of voting at Meetings.

XXXVI. That the Scale according to which Shareholders may vote in respect of their Shares shall be as follows; that is to say,

For Five Shares or more, but not exceeding Fourteen Shares, One Vote:

For more than Fourteen Shares, but not exceeding Twenty-four Shares, Two Votes:

For more than Twenty-four Shares, but not exceeding Thirty-four Shares, Three Votes:

For more than Thirty-four Shares, Four Votes.

XXXVII. That

Notice of Meetings.

XXXVII. That at least Seven Days and not more than Twenty-one Days Notice of all Meetings of the Company, whether ordinary or extraordinary, shall be given by Advertisement, or by a Circular Letter directed to each Shareholder at his Place of Residence or Business as entered in the Shareholders Address Book; and every Letter so directed and put into any Post Office or Receiving Office for Letters shall be deemed to have reached the Shareholder to whom the same shall be addressed.

Number and Qualification of Directors.

XXXVIII. That (subject to the Provisions herein contained for increasing or reducing the Number of Directors) the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Five Shares in the Undertaking.

Power to vary Number of Directors.

XXXIX. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors of the Company, and afterwards to increase or reduce the same, but the whole Number of Directors after such an Increase or Reduction as aforesaid shall not be greater than Twelve nor less than Seven.

First Directors.

XL. That *George Fenwick Brown*, *William Bottomley*, *John Bury*, *John Barrett*, *Henry Fowler*, *Edward Hopper Hebden*, *John Hesp*, *Thomas Purnell*, *William Rountree*, *Robert Tindall*, *Thomas Weddell*, and *Robert Ward* shall be the First Directors of the Company under the Provisions of this Act.

Prescribing the Number of which Committees may consist.

XLI. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Nine.

A Managing Director may be appointed.

XLII. That it shall be lawful for the Directors for the Time being, from Time to Time, if they shall think fit, to appoint One of their Number to be a Managing Director of the Company, and to allow to such Managing Director for the Time being such Salary or Remuneration as they may think sufficient, and from Time to Time to remove such Managing Director from his Office of Managing Director, and (if they shall see fit) to appoint another in the Place of the Managing Director so removed, or of any Managing Director who shall die, resign, or cease to be a Director; provided that no Person shall be capable of holding the Office of Managing Director after he shall have ceased to be a Director of the Company.

Period for Balance of Books, and for Inspection of the same.

XLIII. That the Period to which the Books of the Accounts of the Company shall be balanced shall be the Thirtieth Day of *June* in each Year, and the Periods at which the Shareholders and Loan Creditors of the Company shall be entitled to the Inspection of such

Books shall be Fourteen Days before and Fourteen Days after each of the Ordinary Meetings of the Company.

Power to purchase or lease additional Land.

XLIV. That it shall be lawful for the Company to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Undertaking, for the absolute Purchase, for a Consideration in Money, or for a Lease on such Terms as may be agreed on, of any such Lands, and of all subsisting Leases therein, and of all Rentcharges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what kind soever: Provided always, that the Term to be granted by any such Lease shall not exceed Sixty Years, and that the Consideration for any Lease which shall be granted of any such Lands in which any Person under Disability shall be interested shall be the best yearly Rent, payable half-yearly or oftener, that can be reasonably obtained without taking any Money by way of Fine or Premium; provided also, that when any Land shall have been taken on Lease by the Company by virtue of this Act, the Company shall afterwards have Power to purchase the Reversion of such Land, or the Discharge thereof from the Rents and Covenants reserved and payable in and by such Lease.

Limiting Quantity of Land to be held by Company.

XLV. Provided also, That it shall not be lawful for the Company, in addition to the Lands now belonging to them, to purchase or hold for the Purposes of the Undertaking more than Three Acres of Land.

Power to construct Gasworks and supply Gas.

XLVI. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to construct and maintain such additional Gasworks, Gasometers, and Apparatus, and such Buildings, with Approaches thereto, upon the Lands belonging to and by this Act vested in the Company, or which may be purchased by them under the Powers of this Act, or any Part thereof respectively, and to do all such other Acts as they shall think necessary for supplying the Inhabitants within the Limits of this Act with Gas, and to supply such Gas upon such Terms as shall be agreed upon between the Company and the Persons supplied therewith, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper.

Works for Manufacture of Gas not to be erected on certain Grounds.

XLVII. Provided always, That nothing in this Act contained shall authorize or enable the Company to construct, erect, or maintain any Works for the Manufacture of Gas upon the Ground and Premises belonging to the Company situate on the East Side of *Dumple Street* in *Scarborough*, or upon any Land or Ground which may be purchased or leased by the Company under the Powers for those Purposes in this Act contained.

Power to Company to lay Pipes for lighting Buildings.

XLVIII. That, subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipes into, through, or against any Building for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Commissioners acting under 45 G. 3. c. 94. may prohibit Company from burning Coal Tar, &c. in their Gasworks.

XLIX. And whereas by an Act passed in the Forty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for paving and otherwise improving the Streets and other Places in the Township of* Scarborough *in the North Riding of the County of* York, *and for licensing Hackney Coaches and establishing other Regulations in the said Township*, certain Commissioners were appointed or elected for putting in execution the Powers and Provisions of the said Act: Be it enacted, That if the Commissioners for the Time being acting in execution of the said Act shall at any Time or Times hereafter receive a written Complaint, signed by not less than Twenty Householders of the Town of *Scarborough*, alleging that the Company burn Coal Tar in their Gasworks, and that the Smoke, Smut, and Dirt thence arising are a Nuisance and Annoyance to such Inhabitants, and the said Commissioners shall, within Ten Days after receiving such Complaint, send a Copy thereof to the Company, the Company shall, upon receiving such Copy, permit the Surveyor of the said Commissioners to enter upon the Gasworks of the Company, and to inspect the same for the Purpose of ascertaining whether such Complaint be well founded, and if the Commissioners shall upon any such Investigation be of opinion that the Smoke, Smut, or Dirt arising from the burning of Coal Tar by the Company is a Nuisance or Annoyance to the Inhabitants who have signed such Complaint, and that such Nuisance or Annoyance ought to be abated, the Company shall, within Twenty-four Hours after being required by the said Commissioners by any Notice in Writing signed by their Clerk by their Direction, abate such Nuisance and Annoyance as aforesaid; and if the Company shall, after the Expiration of such Twenty-four Hours, continue to burn any Coal Tar within such Works so as to create any such Nuisance or Annoyance as aforesaid, they shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding One Pound for every Day on which the Company shall continue such Nuisance or Annoyance after the Day in respect of which the First Penalty shall have been incurred.

Penalty on Company for continuing the Nuisance after Notice.

Drainage into the Harbour to be discharged only at cer-

L. And whereas the Gas Water and other Water or Drainage from the Gasworks of the Company is discharged into the Harbour, and it is expedient to prevent the Discharge thereof, except at a certain State of the Tide: Be it therefore enacted, That if the Company shall

after the passing of this Act discharge any Gas Water or any other Water or Drainage from the Gasworks of the Company into the Harbour of *Scarborough*, except during the last Quarter of the Flood of any Spring Tide, the Company shall for every such Offence be liable to a Penalty not exceeding Five Pounds. tain State of the Tide.

LI. That all the Costs, Charges, and Expenses of and attending the applying for and passing of this Act and incidental thereto shall be paid by the Company or the Directors thereof out of the Funds or Property of the Company, or out of the First Monies which shall be received by the Company or the Directors under the Authority of this Act. Expenses of Act.

LII. That in the Construction of this Act the Expression "the Company" shall mean "The *Scarborough* Gas Company," unless there be something in the Subject or Context repugnant to such Construction. Interpretation of the Term "the Company."

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