CHAPTER cxxxiv.

An Act for the granting of further powers to the South Shields Gas Company. [21st July 1879.]

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WHEREAS by the South Shields Gas Act, 1857, (herein-after referred to as "the Act of 1857,") the South Shields Gas Company (herein-after referred to as "the Company") were incorporated and were empowered to supply with gas the borough of South Shields and the parish of Jarrow, and by that Act the share capital of the Company was fixed at £40,000, whereof £20,000 was to be called "original capital" and £20,000 "additional capital," and they were authorised to borrow on mortgage or bond to the extent of £5,000 in respect of the said share capital of £20,000, and to the further extent of £4,800 in respect of the additional capital of £20,000: 20 & 21 Vict. c. vi.

And whereas by the South Shields Gas Act, 1867, (herein-after referred to as "the Act of 1867,") the limits of the Company for the supply of gas were extended to the neighbouring parish of Boldon, and were restricted to the portions of the parish of Jarrow in that Act defined, and the Company were authorised to raise an additional share capital of £40,000, and to borrow on mortgage or bond an additional sum of £10,000: 30 & 31 Vict. c. xxiv.

And whereas it is provided by section 24 of the Act of 1867 that the Company shall not hold for the purposes of their undertaking more than ten acres of land, and by section 26 of that Act that the Company shall not erect any works for the manufacture of gas elsewhere than on the lands specified in the schedule to the Act of 1857 and in Schedules A. and B. to the Act of 1867, or immediately adjoining thereto, respectively:

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

And whereas the demand for gas within the limits of the recited Acts is increasing, and there is also a demand for gas in the neighbouring parish of Whitburn and places beyond those limits, and it is expedient that those limits be extended as by this Act provided:

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And whereas it is expedient that the Company be authorised to acquire additional lands and to erect thereon additional works for the manufacture of gas and of the residual products resulting therefrom, and in order the better to utilise those lands, to close a portion of certain streets and back lanes no longer required for public use, and to make the new works herein-after described:

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

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

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

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

Short title.

1. This Act may be cited as the South Shields Gas Act, 1879.

Incorporation of general Acts.

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

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices;

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

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

are, so far as the same respectively are applicable for the purposes of and not varied by or inconsistent with the provisions of this Act, incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall, subject to the provisions of this Act, apply to the undertaking of the Company as if the same had been authorised by this Act; provided that section 24 of the Gasworks Clauses Act, 1871, shall not be applicable within the boroughs of South Shields or Jarrow. 34 & 35 Vict. c. 41.

Interpretation of terms.

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

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute:

The expression "fittings" shall include any apparatus, fittings, articles, or things provided by the Company for the use of any person for or in relation to the supply by them to him of light, heat, or motive power.

Extending limits of gas supply.

4. The limits within which the Company may supply gas are hereby extended, so as to include, in addition to their existing limits as defined in the Act of 1867, so much of the parish of Whitburn, in the county of Durham, as lies to the west and north of the following boundary line shown on a map signed in duplicate by Henry Cecil Raikes, Esquire, the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred. The said boundary line is as follows; (that is to say,)

A line drawn along the south side of Moor Lane from the point where that side intersects the boundary between the parishes of Whitburn and Boldon to the point marked B on the said map, opposite the south end of the western boundary wall of "West House," thence following that wall north and east and then north to the point in the footpath leading from Cleadon Lizards to Whitburn, and marked C on the said plan, and thence in a straight line due east to Rockley Way Goit;

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Plan of limits to be deposited.

5. The said plan so signed in duplicate shall, within one month after the passing of this Act, be deposited as to one copy in the Private Bill Office of the House of Commons, and as to the other copy with the clerk of the peace for the county of Durham, and shall be deemed part of the deposited plans.

Repeal of certain enactments.

6. The following enactments; (namely,)

The proviso to section 39 (purchase of other lands by agreement) of the Act of 1857, whereby the Company is restricted from holding more than five acres of land;

Section 40 (gasworks to be erected only on lands specified in schedule) of the Act of 1857;

Section 24 (limiting quantity of land to be held) of the Act of 1867, whereby the Company is restricted from holding more than ten acres of land; and

Section 26 (restriction as to erection of works) of the Act of 1867,

are hereby repealed.

Meetings of Company.

7. From and after the passing of this Act, it shall not be incumbent on the Company to hold any meeting other than the annual meeting.

Power to make works, &c.

8. Subject to the provisions of this Act, the Company may, in the lines and situation and according to the levels shown on the deposited plans, make and maintain wholly in the parish of Jarrow, in the county of Durham, the works shown on the deposited plans, among which are the following; namely,

(A.) A bridge and approaches in the township of Hedworth Monkton and Jarrow across Tyne Street for the use of the Company, commencing at the north-western corner of Ferry Street, and terminating 43 yards east of the road leading to the ferry across the River Tyne:

(B.) A new street or back lane in the said township to commence out of the lane at the back of Ferry Street at its junction with the said back lane, and terminating in Ferry Street about 106 yards south of its junction with Tyne Street:

(C.) An embanking in the said township of the south shore of the River Tyne, commencing at a point 40 yards east of the road leading to the ferry across the River Tyne, and terminating at a point 188 yards east of the said road:

(D.) A landing stage in the said township, commencing at a point 40 yards east of the road leading to the ferry across

the River Tyne, and terminating at a point 188 yards east of the said road and extending 20 yards over the foreshore:

(E.) A jetty or landing stage in the said township, to commence at a point 80 yards east of the road leading to the ferry across the River Tyne, and terminating at a point 20 yards northward of the said commencement:

(F.) All necessary walls, piers, embankments, piling, arches, scaffolding, sewers, drains, works, and conveniences, with the said several works, or any or either of them, connected or requisite therefor.

Company not to construct certain works without previous approval of Board of Trade.

9. It shall not be lawful for the Company to construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work without the previous consent of the Board of Trade, to be signified in writing under the hand of the secretary or one of the assistant secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the said Board of Trade may approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed, it shall not be lawful for the Company at any time to alter and extend the same without obtaining, previously to making any such alteration or extension, the like consent or approval; and if any such work shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said Board of Trade to abate and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof may be recovered in the same manner as a penalty is recoverable against the Company.

Lights on works.

10. The Company shall, during the whole time of the constructing, altering, extending, or removal of the works described in section 8, sub-sections (C.),(D.),(E.), exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves, and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the work, when completed, always maintain, exhibit, and keep burning at their own expense, every night from sunset to sunrise, such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves. If the Company fails to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

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Abatement of work abandoned or decayed.

11. If a work constructed by the Company on, in, over, through, or across tidal lands or a tidal water is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it, and restore the site thereof to its former condition, at the expense of the Company, and the amount of such expense shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Survey of works by Board of Trade.

12. If at any time the Board of Trade deems it expedient to order a survey and examination of a work constructed by the Company on, in, over, through, or across tidal lands or tidal waters, or of the intended site of any such work, the Company shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Works in River Tyne to be approved by the Tyne Commissioners.

13. The Company shall, before interfering with the bed or the foreshore of the River Tyne within the flow of the tide, obtain in writing the consent of the Tyne Improvement Commissioners, and before constructing any works in the said river or on the foreshore thereof within the flow of the tide submit plans and sections of the intended works to the said commissioners, and obtain in writing their approval of such plans and sections and their sanction to the construction of such works.

Limits of deviation.

14. In making any of the works shown on the deposited plans the Company may deviate to any extent, not exceeding three feet, from the levels shown on the deposited sections, and may deviate laterally within the limits of deviation shown on the deposited plans, and beyond those limits with the consent of the person in whose lands such deviation is to be made.

Power to take lands.

15. Subject to the provisions of this Act, the Company may enter upon, take, hold, and use all or any of the lands and hereditaments shown on the deposited plans and described in the deposited book of reference, and may stop up and appropriate the site and soil of such portions of streets and lanes shown on the deposited plans as are within the limits of the lands compulsorily purchased and as are marked on the deposited plans as intended to be stopped up.

Correction of errors, &c. in plans, &c.

16. If any omission, mis-statement, or wrong description of any land, or of any owner, lessee, or occupier of any lands, described in or intended or purporting to be described in the deposited plans and book of reference, be discovered, the following provisions shall have effect; (that is to say,)

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

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

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

Period for the compulsory purchase of lands.

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

Period for completion of works.

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

Power as to construction and maintenance of gasworks, &c.

19. Subject to the provisions of this Act, the Company may, upon the lands described in Part I. of the schedule to this Act, from time to time erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue, gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, approaches, and other works, apparatus, and conveniences, and may do all such acts as they may think proper for making and storing gas and for supplying gas, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, tar, ammoniacal liquor, and all other products resulting from any materials employed in the manufacture of gas, and also meters, tubes, and pipes, and may purchase, sell, provide, supply, and deal

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in fittings, gas engines, stoves, boilers, and other articles and things in any way connected with the supply of gas as they may from time to time think fit, and may also from time to time erect, fit up, maintain, and let houses, cottages, and dwellings for the officers and servants employed by the Company for the purposes of their undertaking.

Power to purchase lands by agreement.

20. The Company may for the purposes of their undertaking purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the schedule to this Act, any lands and hereditaments, not exceeding in the whole ten acres, which the Company may from time to time require for the purposes of their works and undertaking, but no lands shall be used by the Company for the purpose of manufacturing gas or residual products resulting therefrom, except the lands described in the schedule to this Act.

Gas not to be manufactured except on lands scheduled.

Pipes, &c. crossing North-eastern Company's railways to be laid down under superintendence of their engineer.

21. Any mains, pipes, culverts, or other works which the Company may lay down or execute under or over or which may affect any railway or works of the North-eastern Railway Company shall be so laid down and executed, and subsequently maintained and repaired, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that company, and in accordance with plans and sections previously submitted to and approved of by him.

Existing capital converted into stock.

22. The existing capital of the Company is hereby converted into stock, which stock shall be called "The South Shields Gas Consolidated Stock," and shall consist of ninety-one thousand five hundred pounds, and the following provisions shall have effect with respect thereto; (that is to say,)

(1.) The dividend on such stock shall not in respect of any one year exceed seven pounds in respect of every one hundred pounds of such stock:

(2.) The said stock shall be issued by the directors, and shall be divided amongst and vested in the shareholders of the Company according to their respective interests in the existing capital, having regard to the rate of dividend payable on the shares for which such stock is substituted:

(3.) All persons in whom any such stock shall be so vested shall stand possessed thereof upon the like trusts, and subject to the like powers, provisions, declarations, agreements, charges, liens, and incumbrances, upon or to which the shares in respect of which such stock was so vested were at the passing of this Act so subject, and so as to give effect to and not to revoke any will or testamentary or other instrument disposing of the same:

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(4.) Every bequest of any shares in the existing capital shall be deemed to be a bequest of so much of the said stock as shall be substituted for the shares mentioned in the bequest:

(5.) The Company shall call in and cancel the certificate of shares in the existing capital, and shall issue in lieu thereof to every shareholder a new certificate stating the amount of stock held by him:

(6.) Every such new certificate shall be issued free of charge:

(7.) No shareholder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the share certificate for which such stock is substituted, or shall have proved to the reasonable satisfaction of the Company the loss thereof:

(8.) The Company may receive or pay, as the case may be, such sums of money as may be needed on account of any excess or deficiency in any amount of one pound:

(9.) Subject to the provisions of this section, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the consolidation of shares into stock, shall extend and apply to the said consolidated stock.

Power to Company to raise additional capital.

23. The Company may apply to the purposes of this Act any moneys they may have already raised or are authorised to raise, and may from time to time raise (in addition to their present authorised capital) any further sums, not exceeding in the whole eighty thousand pounds, by the creation and issue of stock, but such stock shall not vest in the person or corporation accepting the same unless and until the full nominal amount thereof, together with any premium obtained upon the sale thereof, shall have been paid in respect thereof; provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of eighty thousand pounds.

Restriction on amount of capital to be issued in any one year.

24. Subject to the proviso herein-after contained, the Company shall not create and issue within any one year any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid twenty thousand pounds; provided that if in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years, they may in any subsequent year create and issue, in addition to the amount prescribed for such year, such a nominal amount of capital as shall be sufficient, together with the amount then raised,

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to produce in manner aforesaid twenty thousand pounds in respect of any one year.

New stock form part of capital.

25. The capital in stock created under the powers of this Act shall for all purposes form part of the capital of the Company.

Rights of new stock.

26. Every person who becomes entitled to any such stock shall in respect of the same be a holder of stock in the Company, and shall, subject to the provisions of this Act, be entitled to a dividend with the other holders of stock.

New stock to be offered by auction or tender.

27. Notwithstanding anything in this Act contained, the Company shall, when any stock created under the powers of this Act is to be issued, and before offering the same to the holder of any other stock in the Company, and whether the stock of the Company 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 the reserve price put upon such 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 stock in the Company.

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

28. It shall be one of the conditions of any sale of stock under this Act that the whole nominal amount thereof, together with any premiums given by any purchaser at such sale, shall be paid to the Company within three months after such sale.

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

29. The intention to sell any such stock by auction or by tender shall be communicated in writing to the town clerk of the borough of South Shields 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.

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

30. Where the amount bidden or tendered by the proprietor of any stock of the Company (in this Act referred to as a "proprietor") for any stock offered for sale by auction or by tender under the provisions of this Act is equal to the highest amount bidden or tendered for such last-mentioned stock by any person not being a proprietor, then and in every such case such proprietor shall be declared to be the puchaser of and entitled to such stock.

Stock not sold by auction or by tender to be offered to shareholders.

31. When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold, the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of stock of the Company in manner provided by the Companies Clauses Act, 1863: Provided always, that any 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 stock created under the powers of this Act.

Application of premium arising on issue of stock.

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

Standard rate of dividend.

33. Except as in this Act provided, the profits of the Company to be divided among the shareholders in respect of any one year shall not exceed the rate of seven pounds in respect of every one hundred pounds of stock, and such rate is in this Act referred to as the standard rate of dividend.

Price of gas.

34. Section 30 (maximum charge for gas) of the Act of 1867 is hereby repealed as from the twenty-ninth day of September one thousand eight hundred and seventy-nine, but without prejudice to the recovery of any moneys then due to the Company in respect of a supply of gas or to any existing contracts or agreements with respect to such supply, and from and after that date the standard price to be charged by the Company for gas supplied by them shall (subject to the provisions of this Act) be the following; (that is to say,)

For gas consumed within the boroughs of South Shields and Jarrow and the district of the local board of health of Hebburn, three shillings and threepence per one thousand cubic feet:

For gas consumed without the said boroughs and district, four shillings per one thousand cubic feet:

Provided that the Company may increase or diminish such standard price, subject to a decrease or increase in the standard rate of dividend as defined by this Act, to be calculated as follows:

For every penny charged in excess or in diminution of such standard price in any half year, the standard rate of dividend

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shall for such half year be reduced or increased by five shillings in the hundred pounds per annum.

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

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

Application of excess of profits over standard rate of dividend.

36. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend on the stock of the Company, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of the undertaking for the next following year.

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

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

fund so formed shall be called "The Reserve Fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the standard rate of dividend on the share capital or stock of the Company, and, save as in this Act otherwise provided, no sum shall in any year be carried by the Company to any reserve fund: Provided also, that the reserve fund shall never exceed the sum of eight thousand pounds.

As to conversion of borrowed money into capital.

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

Receipt of guardians, &c. to be sufficient discharge.

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

Power to borrow on mortgage.

40. In addition to the moneys which the Company are authorised to borrow under the recited Acts, they may from time to time borrow on mortgage, in respect of the additional capital of eighty thousand pounds by this Act authorised to be raised by stock, any sums not exceeding in the whole the sum of twenty thousand pounds, and the Company may as each sum of twenty thousand pounds of such additional capital has been issued and accepted, and one half the amount of such sum has been paid up, borrow on mortgage in respect of each sum of twenty thousand pounds any sum or sums not exceeding in the whole five thousand pounds; but in no case shall any part of any of the said respective sums of five thousand pounds be borrowed until the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that stock for one half of that part of the additional capital in respect of which the borrowing power is to be exercised is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such stock was issued and accepted and paid up bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns; 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.

Priority of existing mortgages.

41. All mortgages and bonds granted by the Company in pursuance of any Act of Parliament before the passing of this Act,

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and subsisting at the passing hereof, shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created by the Company.

Priority of mortgages over other debts.

42. All moneys to be borrowed under the powers of this Act and the interest thereon shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act; but this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock, nor shall anything herein-before contained affect any claim in respect of land taken, used, or occupied by them for the purposes of this Act or injuriously affected by the exercise of any of the powers of this Act.

Appointment of receiver.

43. Section 14 (for appointment of receiver) of the Act of 1867 is hereby repealed, but without prejudice to any (if any) appointment heretofore made or to any (if any) proceedings pending at the passing of this Act, and in lieu thereof mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than five thousand pounds.

Power to create debenture stock.

44. The Company may create and issue debenture stock, but the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

45. All moneys raised under this Act by the Company, whether by stock, debenture stock, or borrowing, shall be applied only for the purposes by the recited Acts or this Act authorised.

Discounts.

46. The Company, with respect to gas consumed after the twenty-ninth day of September one thousand eight hundred and

seventy-nine, shall make to consumers who shall pay their gas rates and charges at the office of the Company within six weeks after the same shall have become due a discount on such rates and charges after the following rates; that is to say,

To consumers whose consumption of gas for the quarter shall not have exceeded 50,000 cubic feet, seven and a half per centum net;

To consumers whose consumption of gas for the quarter shall have been—

Above 50,000 and under 100,000 cubic feet, ten per centum net:

Above 100,000 and under 200,000 cubic feet, fifteen per centum net:

Above 200,000 cubic feet, twenty per centum net.

Pressure of gas.

47. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch, in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time and at any time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure.

As to purity and illuminating power.

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

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

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

(3.) The gas shall be so far free from sulphuretted hydrogen as not to discolour moistened test-paper imbued with acetate of lead when such test-paper is exposed for one minute to a current of gas issuing at the rate of five cubic feet per hour:

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(4.) The gas shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet of gas:

(5.) The prescribed apparatus for ascertaining the amount of sulphur shall be that known as the Metropolitan Gas Referees Sulphur-testing Apparatus. The gas to be tested shall be burnt in this apparatus in an atmosphere containing carbonate of ammonia at the rate of about half a cubic foot per hour, and the sulphur contained in the condensed products of combustion shall be ascertained according to the best chemical method applicable in that behalf: Provided that the Company and lighting authorities may from time to time agree upon any other mode of test by which to ascertain the amount of sulphur contained in the gas, and the Company shall be liable during the continuance of every such agreement to have their gas tested in the manner prescribed by the agreement instead of in the manner herein-before specially prescribed:

(6.) The prescribed testing-places shall be at each of the works of the Company at which the supply of gas for the time being is manufactured, and all necessary apparatus for testing the illuminating power and purity shall be provided therein by the Company within six months of the passing of the Act:

(7.) The hours during which the gas may be tested shall be between nine o'clock in the forenoon and eleven o'clock in the afternoon.

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

49. If any person is required by the Company to give to them security for the payment of the price or rent of a meter, the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to draw and accept bills of exchange.

50. The secretary may, in the name and on behalf of the Company, draw or accept such bills of exchange as the directors may at any meeting by resolution direct, and such drawing or acceptance shall be binding upon the Company.

Saving rights of Tyne Commissioners.

51. Nothing in this Act shall extend or be construed to extend to take away, prejudice, or lessen any of the powers, rights, privileges, exemptions, or authorities of the Tyne Improvement Commissioners granted by the several Acts relating to or affecting the said commissioners.

Expenses of Act.

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

The SCHEDULE referred to in the foregoing Act.

PART I.

Land adjoining the Company's works at Jarrow, 2a. 1r. 19p. in extent, and bounded on the north by Tyne Street; on the east in part by West Ferry Road, in part by the back lane parallel therewith, and in part by Hood Street; on the south in part by Scott Street, in part by Chaytor Street, in part by Hood Street, in part by Saint Paul's Schools, and in part by vacant ground belonging or reputed to belong to Mrs. Drewett or her trustees situate at the corner of Chaytor Street and West Ferry Road, and in part by land in lease to Robert Haswell, and situate between West Ferry Road and the back lane parallel therewith.

Land 3a. 2r. 25p. in extent, and bounded on the north by the River Tyne, on the south by Tyne Street, on the east by the chemical works of John Lomas and Company, and on the west by land occupied as a public quay.

PART II.

Lands situate at South Shields, in the parish of Jarrow, in the county of Durham, 3r. 16p. in extent, and bounded by a public street called Coronation Street on the north, by a public street leading from Coronation Street to Oyston Street on the east, by a public street called Oyston Street on the south, and by lands of or reputed to belong to the Tyne Plate Glass Company on the west.

A piece of land situate at South Shields aforesaid, 1r. 10p. in extent, and bounded by Oyston Street on the north, by property or reputed property of the Harton Colliery Company on the east, the south, and part of the west, and on remaining part of the west by certain glassworks.

A piece of land situate in the township of Hedworth Monkton and Jarrow, in the parish of Jarrow, in the county of Durham, 1r. 39p. in extent, and bounded by a back lane parallel to Tyne Street, formerly known as Dunkirk Place, on the north; by land of or reputed to belong to the said company on the east, and partly by other lands of or reputed to belong to the said company, and partly by Hood Street, on the south, and by other lands of or reputed to belong to the said Company on the west.

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