## CHAPTER ccxvii.

An Act to confer further powers upon the South Shields Gas Company. A.D. 1904.

[15th August 1904.]

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 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 forty thousand pounds whereof twenty thousand pounds was to be called "original capital" and twenty thousand pounds "additional capital" and the Company were authorised to borrow on mortgage or bond to the extent of five thousand pounds in respect of the original capital and to the further extent of four thousand eight hundred pounds in respect of the additional capital: 20 & 21 Vict. c. vi.

And whereas by the South Shields Gas Act 1867 (herein-after referred to as "the Act of 1678") the limits of the Company for the supply of gas were extended to the neighbouring parish of Boldon and were as to the parish of Jarrow restricted to the portions of that parish in that Act defined and the Company were authorised to raise additional capital to the extent of forty thousand pounds and to borrow on mortgage or bond an additional sum of ten thousand pounds: 30 & 31 Vict. c. xxiv.

And whereas by the South Shields Gas Act 1879 (herein-after referred to as "the Act of 1879") the limits of the Company for the supply of gas were extended to part of the neighbouring parish of Whitburn in that Act defined and the Company were authorised to raise additional capital to the extent of eighty thousand pounds inclusive of premiums and to borrow on mortgage an additional sum of twenty thousand pounds and the then 42 & 43 Vict. c. cxxxiv.

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existing capital of the Company was by that Act converted into and made to consist of stock of the nominal amount of ninety-one thousand five hundred pounds:

49 & 50 Vict. c. lxix.

And whereas by the South Shields Gas Act 1886 (hereinafter referred to as "the Act of 1886") the Company were empowered to construct and maintain certain works including the embanking of portions of the River Tyne and the construction of a landing-stage and were empowered to raise additional capital to the extent of one hundred and twenty thousand pounds by the creation and issue of ordinary stock bearing dividend at the rate of seven per centum per annum:

And whereas the capital of the Company now consists of—

(A) Ninety-one thousand five hundred pounds of ordinary stock known as consolidated stock entitled to dividend at the rate of seven per centum per anuum;

(B) Fifty thousand two hundred and twenty pounds of ordinary stock known as new stock entitled to a dividend of seven per centum being the amount of stock issued under the powers of the Act of 1879 to raise the sum of eighty thousand pounds;

(C) Sixty thousand pounds of ordinary stock known as new stock entitled to a dividend of seven per centum being the amount of stock issued under the powers of the Act of 1886 to raise the sum of one hundred and seven thousand four hundred and eighty-five pounds four shillings and ninepence:

And whereas the Company were under the provisions of the said Acts authorised to borrow on mortgage of the undertaking or to raise by the creation and issue of debenture stock the sum of sixty-nine thousand eight hundred pounds and of that sum the Company have borrowed on mortgage of the undertaking and now owe a sum of fifty-seven thousand five hundred and twenty-two pounds but the Company have not created any debenture stock:

And whereas the dividend payable by the Company upon their ordinary capital is dependent upon the price charged by the Company for gas under the system known as the sliding scale of price and dividend:

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

And whereas it is expedient that the Company should be empowered to construct the works by this Act authorised:

And whereas it is expedient that the Company should be authorised to acquire additional lands and to use lands for the manufacture of gas and for the extension of their gasworks:

And whereas by the Act of 1867 it was provided that notwithstanding anything contained in the Newcastle-upon-Tyne and Gateshead Gas Act 1864 so much only of the parish of Jarrow as was situate to the west of a line described in the Act of 1867 should be within the limits of supply of the Newcastle-upon-Tyne and Gateshead Gas Company and that that company should not exercise any of the powers of their said Act of 1864 in the part of the parish of Jarrow east of that line and it was also provided that notwithstanding anything in the Act of 1857 so much only of the said parish of Jarrow as was situate east of the said line should be within the limits within which the Company might supply gas and corresponding provisions are contained in the Newcastle-upon-Tyne and Gateshead Gas Act 1867: 27 & 28 Vict. c. cxlviii. 30 & 31 Vict. c. xxx.

And whereas it has been agreed between the Company and the Newcastle-upon-Tyne and Gateshead Gas Company and is expedient that the provisions of the Act of 1867 and the said Newcastle-upon-Tyne and Gateshead Gas Act 1867 should be amended and the boundary between the area of supply of the Company and the area of supply of the Newcastle-upon-Tyne and Gateshead Gas Company should be altered as by this Act provided:

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 the 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 herein-after respectively 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 King'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):—

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*Preliminary.*

Short title.

**1.** This Act may be cited as the South Shields Gas Act 1904 and the recited Acts and this Act may be cited together as the South Shields Gas Acts 1857 to 1904.

Incorporation of Acts.

**2.** The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not expressly varied by or inconsistent with the provisions of this Act are hereby incorporated with this Act namely :—

The Lands Clauses Acts;

The Gasworks Clauses Act 1847 as amended by the Gasworks Clauses Act 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building":

And 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 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 consolidation of the shares into stock;

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 subsequent Acts shall extend and apply to the additional capital by this Act authorised to be raised :

And for the purposes of Work No. 3 by this Act authorised—

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the construction of the railway and the works connected therewith and with respect to mines lying under or near the railway and of the

Railways Clauses Act 1863 relating to junctions shall be incorporated with and form part of this Act. A.D. 1904.

Interpretation.

**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:

The expression "the recited Acts" means and includes the Act of 1857 the Act of 1867 the Act of 1879 and the Act of 1886;

"The Jarrow Corporation" means the mayor aldermen and burgesses of the borough of Jarrow;

"The South Shields Corporation" means the mayor aldermen and burgesses of the borough of South Shields.

*Works.*

Power to make works.

**4.** 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 and sections make and maintain the works shown on the deposited plans together with all necessary or convenient approaches walls piers embankments viaducts piling arches scaffolding sewers drains works and conveniences connected therewith or requisite or convenient therefor.

The works herein-before referred to comprise—

In the parish and borough of Jarrow:

Work No. 1.—A retaining wall and embankment on the south shore of the River Tyne commencing at a point about forty yards east of the road leading out of Tyne Street to the Jarrow landing-stage of the Tyne General Ferry Company and terminating at a point about one hundred and eighty-eight yards east of that road;

Work No. 2.—A jetty or landing-stage commencing at a point about forty yards east of the said road and terminating at a point about one hundred and eighty-eight yards east of the said road:

In the parish and county borough of South Shields:

Work No. 3.—A railway siding 9·10 chains in length commencing by a junction with the South Shields Branch Railway of the North-Eastern Railway Company at a

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point thereon about 13 chains south of the South Shields Low Station and terminating in the Shields Gasworks of the Company at or near the easternmost corner of the store sheds for coal.

Works in River Tyne to be approved by Board of Trade.

**5.** It shall not be lawful for the Company under the powers of this Act 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 works 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 shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Lights on works during construction.

**6.** The Company shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade and the Tyne Improvement Commissioners or either of them from time to time require or approve If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

**7.** The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond and the Tyne Improvement Commissioners or either of them shall from time to time direct If the

Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Abatement of work abandoned or decayed.

**8.** 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 as a Crown debt or summarily.

Survey of works by Board of Trade.

**9.** 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 Tyne Commissioners.

**10.**—(1) The Company shall before interfering with the bed or the foreshore or the waterway 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.

(2) Before altering or extending any such work as previously referred to in this section such consent as therein mentioned shall be obtained by the Company.

(3) All responsibility in connection with any works of the Company on the bed or foreshore of the River Tyne both temporary or permanent and whether of construction or maintenance and for damage occasioned thereby shall be and remain with the Company and the Tyne Improvement Commissioners shall not be liable for any damage or injury to any of such works resulting from any of the operations of the said commissioners for the improvement or maintenance of the said river or otherwise unless such damage or injury shall arise from the wilful or negligent conduct of the said commissioners.

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(4) All material excavated by the Company from the bed or foreshore of the river in the construction of any works authorised by this Act shall be carefully removed by and at the expense of the Company and shall not be allowed to fall or to be washed into the river.

For protection of North Eastern Railway Company.

**11.** For the protection of the North Eastern Railway Company (herein-after called "the North Eastern Company") the following provisions shall have effect (that is to say) :—

Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Company shall not in constructing the railway siding by this Act authorised make any junction between such railway siding and the railway of the North Eastern Company without the consent in writing of the North Eastern Company under the hand of their secretary Nor without the like consent shall the Company purchase or take under the powers of this Act any land or property of the North Eastern Company.

For protection of Harton Coal Company Limited.

**12.** For the protection of the Harton Coal Company Limited their successors and assigns (together in this section called "the coal company") the following provisions shall have effect unless otherwise agreed between the Company and the coal company (that is to say) :—

(1) In this section the expression "the signed plan" means the Ordnance plan signed in duplicate by Thomas Hindle Duxbury on behalf of the Company and George May on behalf of the coal company :

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not except with the consent in writing of the coal company enter upon take or use any lands of the coal company other than those delineated and coloured blue on the signed plan :

(3) The Company shall not enter upon take use or interfere with any of the said lands coloured blue on the signed plan until they shall have constructed to the reasonable satisfaction of the coal company the portions of a new entrance road from Garden Lane to the coal depôts of the coal company in the position shown upon the signed plan by being hatched black and marked respectively "new road" and until the Com-

pany shall for the space of one month have given to the coal company possession of the property intervening between the said two portions of the said new road so as to enable the coal company to continue such new road by completing the same at their own cost upon or under the said intervening property:

(4) The portions of the said new road to be constructed by the Company shall be constructed of a width of twenty-two feet with an entrance from Garden Lane twenty feet wide and shall be made up and completed by and at the cost of the Company so as to be in all respects of the same character as the existing entrance road:

(5) The Company shall not interfere with the existing offices of the coal company shown on the signed plan until the Company shall have constructed in the position shown upon the signed plan and to the reasonable satisfaction of the coal company new offices of similar design and equal accommodation to the existing offices and the Company shall forthwith on the construction of such new offices remove the existing weigh-bridge and refix the same in proper working order in the position shown upon the signed plan so that no interruption shall be caused to the business carried on by the coal company at their coal depôts The Company shall thereupon pull down the existing offices and complete the formation of the remaining portion of the new entrance road shown on the signed plan by being hatched red and marked "new road" in the same manner as the other portions of the said road herein-before provided to be formed by the Company:

(6) On the completion by the Company of the works herein-before provided to be carried out by them the Company shall erect a brick or concrete wall not less than eight feet high along the boundary of the lands to be acquired by the Company from the coal company and also between the narrow strip of land belonging to the Company and the lands belonging to them coloured red on the signed plan so as to form a continuous boundary wall in the line shown on the signed plan by the letters A B C D E

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and F and such wall shall at all times thereafter be maintained by the Company and until the Company shall have constructed such wall the Company shall not take use or interfere with the said lands coloured blue further than may be necessary for the purpose of carrying out any of the works herein provided to be carried out by them If the Company shall fail for a period of three months after the completion of the new entrance road to erect the said wall the coal company shall be at liberty to erect the same and the Company shall repay to the coal company the cost incurred by them in so doing :

(7) The Company shall in constructing the new entrance road take down the existing gates at the eastern end of the existing entrance road and properly re-erect such gates at the eastern end of the new entrance road :

(8) On the completion by the Company of all the works herein-before provided to be carried out by them the coal company shall convey to the Company the lands coloured blue on the signed plan and the Company shall in exchange therefor convey to the coal company so much of the lands coloured red on the same plan belonging to the Company as shall be equal in area to the said lands coloured blue The Company shall also convey to the coal company the remainder of the said lands coloured red at the price of twenty-five shillings per square yard Every conveyance to be made in pursuance of the provisions of this subsection shall be made subject to a reservation unto the owners or lessees thereof including the coal company of all mines and minerals with such powers in relation thereto as such owners or lessees are entitled to :

(9) Nothing in this Act shall empower the Company to enter upon take use or interfere with the existing road leading from Garden Lane to Garden Street and numbered on the deposited plans 6 in the parish of South Shields without first providing in lieu thereof to the reasonable satisfaction of the coal company a public road affording an equally convenient and direct

access between the entrance to the coal depôts of the coal company in Garden Lane and the existing point of junction of the said road numbered 6 with Garden Street :

(10) The Company shall previously to commencing any works to be executed by them under this section submit to the coal company for their reasonable approval plans specifications and particulars of the works and such works shall be carried out to the reasonable satisfaction of the coal company and in accordance with such plans specifications and particulars Provided always that if for one month after the submission of such plans specifications and particulars the coal company fail to disapprove of the same they shall be deemed to have approved thereof :

(11) All drains existing within the said lands coloured blue on the signed plan shall at all times be efficiently maintained by the Company and the coal company shall at all times continue to be as fully entitled to drain their property by means of those drains into and through the adjoining property of the Company as if the said lands had not been acquired by the Company :

(12) If the Company shall at any time desire to divert such drainage for the purpose of discharging the same into the public sewer in Garden Lane they shall be at liberty so to do and for such purpose to lay a new drain within the lands of the coal company and the proposed new entrance road from the point marked "B" on the signed plan to Garden Lane so always that such new drain shall be of sufficient capacity to efficiently drain the property of the coal company and that the Company shall in such manner and position as may be reasonably approved by the coal company properly lay such new drain and connect the same with such public sewer and do not thereby cause any interruption in the use of the said entrance road or impede the traffic between the said depôts and Garden Lane and shall forthwith restore any land disturbed in laying such new drain to the state the same was

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in before being disturbed by the Company On the completion of any such new drain all liability of the Company under subsection 11 of this section shall cease :

(13) Any difference which may arise between the Company and the coal company under this section shall be determined by arbitration in the manner provided by the Arbitration Act 1889 :

(14) The provisions of this section shall be accepted by the coal company in satisfaction of any compensation to which they would otherwise be entitled in respect of the said lands coloured blue or in respect of any of their remaining lands having been injuriously affected by the taking of the said lands coloured blue but nothing herein shall prejudice or affect the rights of the coal company in respect of any damage or injury which may be caused by the Company or their contractors in constructing the railway siding Work Number 3 by this Act authorised.

For protection of Sunderland and South Shields Water Company.

**13.** For the protection of the Sunderland and South Shields Water Company (in this section referred to as "the water company") the following provisions shall unless otherwise agreed between the Company and the water company have effect in regard to all streets whether dedicated to the use of the public or not (that is to say) :—

In the execution of any work authorised by this Act the Company shall do as little damage as possible and shall make compensation for any damage which may be done to the water company in the execution of such work:

If any difference shall arise between the Company and the water company or their respective engineers with respect to any matter arising under this section the matter in difference may be referred to and settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers :

In settling any question under this section an arbitrator shall have regard to any duties or obligations which the water company or the Company may be under in respect of their mains pipes and other works and may if he thinks fit require the Company or the water company to execute any temporary or other works so as to avoid any interference with any purpose for which the said

mains pipes or other works are used so far as may be possible:

Nothing in this section shall be taken to lessen or curtail the benefit of any protection enjoyed by the water company or the Company under any Act of Parliament for the time being in force or otherwise.

Plans of works to be submitted to Jarrow Corporation.

**14.** The Company shall submit to the Jarrow Corporation a copy of the plans and sections of the intended works which they are by this Act required to submit to the Tyne Improvement Commissioners and such works shall subject to the requirements of the said Tyne Improvement Commissioners be carried out in accordance with such plans and sections as may be approved by the Jarrow Corporation and in the event of any difference as to the reasonableness of any requirement of the Jarrow Corporation such difference shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

As to construction of bridge over Garden Lane.

**15.** In the construction of Work No. 3 by this Act authorised the following provisions shall have effect:—

(1) The bridge to be constructed over Garden Lane shall have a span of not less than thirty feet and a height of not less than fifteen feet throughout its entire length and the width between the parapets thereof shall not be greater than is required for a double line of railway:

(2) The bridge to be erected over the back street behind Garden Lane shall have a span of not less than ten feet and a height throughout its entire length of not less than fifteen feet and its width between the parapets shall not be greater than is required for a double line of railway:

(3) The Company shall not use or allow the said bridges to be used for advertising purposes:

(4) The Company shall construct the same in such a manner as to prevent water dripping therefrom on to the public streets:

(5) The construction of the said bridges shall be carried out according to such plans drawings and specifications and mode of construction as shall be reasonably approved by the borough engineer for the time being of the South Shields Corporation and under the

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superintendence and to the reasonable satisfaction of such engineer Provided that if the borough engineer shall for a period of two months neglect to signify his approval or disapproval or shall unreasonably disapprove of the said plans drawings specifications or mode of construction then the said works shall be constructed according to plans sections and specifications to be submitted to and approved by an engineer to be agreed upon or in default of agreement to be appointed by the Board of Trade at the request of the Company or the said corporation.

Power to deviate.

**16.** 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 Provided that no deviation of such work shall be made from the lines thereof as marked on the deposited plans within the limits of deviation shown on such plans in such manner as to diminish the navigable space available in the River Tyne without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Period for completion of railway siding.

**17.** If the railway siding Work No. 3 by this Act authorised be not completed within five years from the passing of this Act the powers by this Act granted for the construction of the same shall cease.

*Lands.*

Power to take lands.

**18.** The Company may enter upon take and use all or any of the lands delineated upon the deposited plans and described in the deposited book of reference required for or in connection with the purposes of this Act Provided that 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 First Schedule to this Act and the lands which the Company are authorised by the recited Acts to use for such purposes:

Provided also that nothing in this Act contained shall authorise the Company without the consent in writing of John Foreman Wann Dinah Wann and Margaret Foreman Wann to enter upon take or use any greater quantity of the land

belonging to the said John Foreman Wann Dinah Wann and Margaret Foreman Wann and numbered on the deposited plans 3 in the parish of South Shields in the county borough of South Shields and described in the deposited book of reference as "stable shed land and yard" than is shown by pink colour upon the plan signed in duplicate by Thomas Hindle Duxbury on behalf of the Company and by Ralph Watson Graham on behalf of the said John Foreman Wann Dinah Wann and Margaret Foreman Wann.

Correction of errors &c. in deposited plans and book of reference.

**19.** If any omission mis-statement or wrong description of any lands 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 compulsory purchase of lands.

**20.** 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.

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Lands by agreement.

**21.** The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now belonging to them and the lands which they are by this Act authorised to acquire any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of their works and undertaking Provided that 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 First Schedule to this Act and the lands which the Company are authorised by the recited Acts to use for such purposes.

Powers as to construction and maintenance of gasworks &c. on lands described in schedule.

**22.** The Company may upon the lands described in the First Schedule to this Act erect and maintain gasworks retort-houses retorts gas-holders purifiers mains pipes machinery and other apparatus works and conveniences and do all such acts as they may think proper for the manufacture storage conversion and supply of gas coke tar pitch ammoniacal liquor and other residual products obtained in or resulting from the manufacture of gas and on those lands may make store and convert gas and any residual products and any other substances products or matters producible therefrom or used in relation to the production or manufacture thereof.

Dwelling-houses for persons in Company's employ.

**23.** The Company may erect fit up and maintain dwelling-houses not exceeding two in number for each of the gasworks of the Company for persons in their employ.

Power to sell and lease lands.

**24.** The Company may sell and dispose of or may let on lease for such period as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and any such disposal or lease may be for such consideration and subject to such reservations stipulations and conditions as the Company think fit And notwithstanding anything in the Gasworks Clauses Act 1871 contained the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands sold or disposed of by the Company under the powers of this section which at the passing of this Act formed part of the lands of the Company in the borough of Jarrow or the county borough of South Shields upon which the Company have erected or are empowered to erect gasworks.

*Capital &c.*

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Power to Company to raise additional capital.

**25.** The Company may raise additional capital not exceeding in the whole one hundred and fifty thousand pounds by the creation and issue of preference stock and ordinary stock but no such stock shall vest in the person accepting the same unless and until the full price of such stock including the premium (if any) obtained upon the sale thereof shall have been paid in respect thereof Provided that the Company shall not under the powers of this section raise by the creation and issue of preference stock a greater amount than one half of the additional capital by this Act authorised to be raised.

New stock to be offered by auction or tender.

**26.** 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 ordinary 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 determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of stock and that notice of the amount of the reserve 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 Provided also that no priority shall be allowed to any holder of stock in the Company except that if any bid or offer by tender of any holder or holders of stock be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of stock shall be accepted in preference and preference may in like manner be given to any employee of the Company or any consumer of gas supplied by the Company whose bid or offer is the same in amount as any bid or offer made by any other person not being a holder of stock in the Company.

Purchase money to be paid within one month.

**27.** The conditions of any sale of stock under this Act shall require that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company at such time or times within one month after such sale as may be determined by the directors.

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Notice to be given as to sale of stock.

**28.** The intention to sell any such stock by auction or by tender shall be communicated in writing to the town clerk of South Shields the town clerk of Jarrow and to the clerks to the district councils for every district wholly or partly included in the limits of supply 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 limits of supply.

Stock not sold may be offered to shareholders employees or consumers.

**29.**—(1) When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold the same may (if the directors of the Company think fit) be offered at the reserve price put upon the same for the purpose of sale by auction or tender to the holders of preference or ordinary stock of the Company or to the employees of the Company or to the consumers of gas supplied by the Company or partly to one and partly to another or others.

(2) Any stock not so offered and any stock so offered and not accepted within the time limited by the directors of the Company may 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 and at such time or times as the directors of the Company may think fit and any stock not then sold may be again disposed of by the directors or offered to the holders of preference or ordinary stock or to such employees or consumers at the reserve price put upon the same at such second auction or tender and so from time to time until the whole of such stock is sold.

Application of premium arising on issue of stock.

**30.** 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 by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that all such sums shall be deemed to be part of the nominal and paid-up capital of the Company for the purpose of determining the amounts they may place to the reserve or insurance funds respectively.

Incidents of additional capital.

**31.** The stock by this Act authorised shall form part of the general capital of the Company and the proprietors thereof shall subject to the provisions of this Act and of the recited Acts be entitled to a dividend with the other holders of stock in the Company of the same class or description.

Restriction as to votes in respect of preference stock.

**32.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any stock which may be issued under this Act as preference stock.

Power to borrow in respect of existing capital.

**33.** The Company may at any time after the passing of this Act borrow on mortgage of the undertaking such sum or sums (including the sum of fifty-seven thousand five hundred and twenty-two pounds already borrowed under the powers of the recited Acts) as may be equal to one-third part of the capital of the Company as existing at the passing of this Act.

Power to borrow in respect of additional capital.

**34.** The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount at the time actually raised of the additional capital by this Act authorised to be raised but no part of any such sum or sums shall be borrowed until the whole of the capital at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such capital has been issued and together with the premium (if any) has been 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.

Repeal of provisions of recited Acts with respect to appointment of receiver.

**35.** Section 29 (For appointment of a receiver) of the Act of 1886 is hereby repealed but without prejudice to any appointment heretofore made thereunder or to the continuance of any proceedings which may have been commenced under such provision prior to the passing of this Act.

For appointment of receiver.

**36.** The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order

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to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than seven thousand pounds in the whole.

Debenture stock.

**37.** The Company may raise all or any part of the money which they are by this Act authorised to borrow by the creation and issue of debenture stock under and subject to the provisions of section 26 of the Act of 1886 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

Debenture stock to be sold by auction or tender.

**38.** The provisions of this Act with respect to disposing of stock by auction or tender shall apply mutatis mutandis not only to the additional capital by this Act authorised to be raised but also to any debenture stock to be created by the Company under this Act.

Priority of existing mortgages.

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

Priority of mortgages and debenture stock over other debts.

**40.** All money raised or to be raised by the Company on mortgage or by debenture stock under the provisions of the recited Acts or of this Act 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 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 which is entitled to rank in priority to or pari passu with the interest or dividends on their mortgages or debenture stock.

Receipt in case of persons not sui juris.

**41.** If any money is payable to a stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt

of the guardian or committee of his estate shall be a sufficient discharge to the Company. A.D. 1904.

Application of money.

**42.** All money raised under this Act by the Company whether by stock debenture stock or borrowing shall be applied only to the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Insurance fund.

**43.** If the clear profits of the undertaking of the Company in any one year amount to a larger sum than is sufficient to pay the interest on the debenture stock dividend on the preference stock (if any) and the authorised rate of dividend on the ordinary capital 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 amount of the capital for the time being expended by 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 part of the capital as aforesaid which sum shall form an insurance fund under the provisions of this Act to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accidents strikes or other circumstances which in the opinion of a court of summary jurisdiction 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 and so often as such reduction shall happen Provided that when and so often as the said fund shall reach one-twentieth part of the said 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 demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount thereof.

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

**44.** When in any year the dividend on the ordinary capital of the Company shall exceed the standard rate by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may anything to the contrary in the recited Acts notwithstanding in such year set apart such sum as they

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shall think fit and all sums (if any) so set apart by the Company and any reserve or other similar 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 on the ordinary capital in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the authorised rate of dividend on the ordinary capital of the Company and save as in this section provided no sum shall in any year be carried by the Company to any reserve fund.

Dividend on preference stock.

**45.** The Company shall not attach to any preference stock created under the powers of this Act a higher dividend than five per cent.

Limitation of profits.

**46.** The profits of the Company to be divided amongst the holders of the additional ordinary capital by this Act authorised to be raised shall not (except as by this Act provided) exceed in any year the rate of five pounds per centum per annum which rate is in this Act referred to as "the standand rate of dividend":—

(A) In respect of any half year during any part of which the price charged by the Company for gas shall have been one penny or part of a penny above the standard price the dividend payable on the ordinary capital created under this Act shall in respect of each penny or part of a penny by which the price of gas shall have been increased be reduced below the standard rate of dividend by one shilling and threepence on every one hundred pounds of such capital and so in proportion for any fraction of one hundred pounds:

(B) In respect of any half year during the whole of which the price charged by the Company for gas shall have been one penny or more below the standard price the dividend payable on the ordinary capital created under this Act may in respect of each penny by which the price of gas shall have been reduced be increased above the standard rate by one shilling and threepence on every one hundred pounds of such capital and so in proportion for any fraction of one hundred pounds:

Provided that if in any half year the dividend payable shall comprise a fractional amount less than one quarter per centum the Company may defer the payment of such fractional amount until the payment of the next or some succeeding dividend and shall in the discretion of the Company either add such fractional amount to and pay the same with such succeeding dividend accordingly or add the same to the reserve fund.

Standard price.

**47.** As from the first day of January one thousand nine hundred and five the standard price for gas supplied by the Company shall be three shillings per one thousand cubic feet in lieu of the price of three shillings and threepence fixed by the Act of 1879.

As to price of gas in South Shields rural district.

**48.** Notwithstanding anything contained in section 34 (Price of gas) of the Act of 1879 from and after the first day of January one thousand nine hundred and five the price charged by the Company for gas supplied within the rural district of South Shields as constituted at the passing of this Act shall not be more than fourpence per one thousand cubic feet in excess of the price for the time being charged in the county borough of South Shields the borough of Jarrow and the urban district of Hebburn and the Company shall allow the like discounts within the said rural district as within the said boroughs and urban district.

Charges for gas supplied by means of prepayment meters.

**49.**—(1) The Company may charge for any gas supplied through a prepayment meter a not greater charge rate or rent than for gas supplied to private consumers through any other kind of meter or by any other method of supply.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if the fittings include a gas cooking stove.

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Company in connection with the meter and fittings.

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(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of sixpence per one thousand cubic feet and the Company's Acts applicable to ordinary meters shall so far as applicable apply to prepayment meters.

(4) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

As to price of gas in certain portions of borough of South Shields.

**50.** The price to be charged by the Company for gas supplied by them in that portion of the borough of South Shields which was detached from the rural district of South Shields and added to the borough under the provisions of the South Shields (Extension) Order 1901 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1901 shall as from the first day of January one thousand nine hundred and five not exceed the price for the time being charged in the remainder of the borough.

Dividends to be paid proportionately on each class of ordinary stock.

**51.** In case in any half year the funds of the Company shall be insufficient to pay the full amount of dividend at the authorised rate on each class of ordinary stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Application of excess of profits over authorised rate of dividend.

**52.** If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the interest on the debenture stock the dividend on the preference stock and the authorised rate of dividend on the ordinary capital 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.

*Miscellaneous.*

As to specification of internal fittings and construction and placing of pipes &c. between mains and consumer's premises.

**53.** In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Company may specify the size and material of the pipes with the fittings thereof which are either in the first instance or on the occasion of any renewal to be laid between the Company's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

(2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specifications shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the Company's main and the meter shall be placed as near as reasonably practicable to such main but within the outside wall of the building:

(5) When any such pipes or meter as aforesaid have been laid or placed notice thereof shall be given to the Company and the pipes shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

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

**54.** The Company may upon the application of any owner or occupier of any premises abutting on or being erected in any street or road within the limits of supply laid out or made but not dedicated to public use supply such premises with gas and

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may lay down take up alter relay repair or renew in across or along or out of such street or road such pipes and apparatus as may be requisite or proper for 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 so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay down and utilise pipes for ancillary purposes.

**55.** The Company may lay down place repair alter remove and renew mains and pipes within the limits of supply for the purpose of procuring conducting or disposing of any tar or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business 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 shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains and pipes:

Provided that any pipes laid down by the Company under the provisions of this section so far as they are intended to be laid along streets shall be laid along such streets or route as the Jarrow Corporation or the South Shields Corporation as the case may be may reasonably prescribe and if any difference shall arise as to any such streets or route the same shall be settled by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party.

Sewers or drains to be arched over or filled up.

**56.** The Company may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in any lands belonging to the Company or which they may acquire under the powers of this Act as may be necessary for the purposes of the Company but so that no public sewer or drain (unless the same become unnecessary by reason of the purchase of all the property entitled to the use thereof) shall be in anywise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient Provided always that before removing or filling up any sewer or drain or part thereof as aforesaid the Company shall (where necessary) cause to be made and built to the reasonable satisfaction of the urban sanitary authority and in accordance with plans to be approved by them other good and sufficient sewers

and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains Provided that if any difference shall arise touching anything to be done or not to be done under this section such difference shall be settled by an engineer as arbitrator to be appointed (unless otherwise agreed on) by the President of the Institution of Civil Engineers on the application of either party.

Power to require use of anti-fluctuators for gas engines.

**57.** Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator of approved make or pattern and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping such anti-fluctuator in proper repair the Company may cease to supply gas to such consumer The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found in proper order but otherwise at the expense of such comsumer.

Power to supply gas fittings &c. for heating and other purposes Fittings not to be subject to distress.

**58.**—(1) The Company may sell let for hire or otherwise deal in fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for 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 work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Company and the persons to or for whom the fittings are sold let fixed up repaired or removed.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

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Gas consumers to give notice to Company before removing.

**59.** Twenty-four hours' notice in writing shall be given to the Company by every consumer of gas supplied by the Company before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be stated in every demand note for gas rent payable to the Company.

Notice of discontinuance.

**60.** A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

Power to refuse to supply persons in debt for other premises.

**61.** If a person requiring a supply of gas from the Company for any premises occupies or has occupied other premises at which gas was supplied to him by the Company and has not paid all gas or meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

Period of error in defective meters.

**62.** 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 first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter and the amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Company.

No penalty in case of unavoidable cause.

**63.** No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of the recited Acts and of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them by reason of strikes of workmen or in any other case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was occasioned by unavoidable cause or accident Provided that want of funds shall not be deemed an unavoidable cause or accident.

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Company may enter into contracts for supply of gas.

**64.**—(1) The Company may contract with any local authority company or person beyond the limits of supply (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

(2) The Company may enter into any contract with any local authority company or person for a supply of gas to any premises within the limits of supply and such supply may be given for such purposes and subject to such terms and conditions as to price and otherwise as may be agreed upon between the Company and the person taking such supply:

Provided that the Company shall not under the powers of this subsection give any preferential price as between any consumers who shall take a supply of gas from the Company under similar conditions and circumstances.

(3) The Company shall not supply gas under any such contract as aforesaid if and so long as such supply would interfere with the supply of gas to private consumers.

Discounts.

**65.** The Company shall allow discounts or rebates upon the scale prescribed by the Act of 1879 not exceeding in any case twenty per centum to consumers of gas in consideration of payment of gas rents upon such days as the directors fix for the payment thereof by any such consumers Provided that such discounts shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

*Quality and testing of gas.*

**66.** With respect to the quality and testing 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 from and after the first day of January one thousand nine hundred and five apply and have effect (that is to say):—

(A) The prescribed number of candles shall be fourteen:

(B) The gas shall be tested with the same apparatus and by the same method as may for the time being be prescribed for testing the illuminating power of gas

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supplied in the metropolis for which the prescribed number of candles is fourteen:

(C) 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:

(D) In the event of the gas examiner finding any defect of illuminating power or any impurity in the gas he shall forthwith give notice thereof to the Company at their offices:

(E) 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.

Pressure of gas.

**67.** As from the passing of this Act section 47 (Pressure of gas) of the Act of 1879 shall be read and construed for all purposes as if the words "eight-tenths of an inch" were substituted therein for "six tenths of an inch" and the words "ten-tenths of an inch" were substituted therein for "eight-tenths of an inch."

Testing places.

**68.**—(1) If and whenever the South Shields Corporation in the borough of South Shields or the Jarrow Corporation in the borough of Jarrow shall provide a suitable place in their respective boroughs for testing the purity pressure and illuminating power of the gas supplied by the Company such place being on the line of a principal main of the Company and within one mile from the Company's existing gasworks in those boroughs respectively the Company shall provide and fix the necessary apparatus for testing at each of such places and each such testing place shall be the prescribed testing place for the purposes of the Gasworks Clauses Act 1871 and the testing places at the existing gasworks of the Company shall cease to be the prescribed testing places.

(2) The Company shall at all times have access to the said testing places and no test made at such place shall be deemed an official test unless one hour's previous notice of the intention to make such test shall have been given to the Company and if any such test shall reveal any deficiency in the purity pressure or illuminating power of the gas the gas examiner shall forthwith give notice thereof to the Company.

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(3) If any difference shall arise between the Company and the South Shields Corporation or the Jarrow Corporation as the case may be as to the suitability of the testing place or as to the position thereof the matter in difference shall be referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

Burners for gas of reduced illuminating power.

**69.** The Company shall at any time within twelve calendar months after the passing of this Act if and when required by any consumer of the gas supplied by the Company supply and fix free of charge to such consumer a sufficient number of burners suitable in all respects for the consumption of gas of the illuminating power prescribed by this Act in the place of any burners (not being incandescent burners) used by him at the passing of this Act.

Notice of the provisions of this section shall be given on each demand note of the Company sent out during the said period.

Scale of voting.

**70.** As from the first day of January one thousand nine hundred and five every holder of ordinary stock shall be entitled to one vote for every twenty-five pounds of stock held by him up to one hundred pounds and to an additional vote for every fifty pounds of stock beyond the first hundred pounds held by him up to one thousand pounds and an additional vote for every hundred pounds of stock beyond the first thousand pounds held by him.

Qualification of directors.

**71.** As from the first day of January one thousand nine hundred and five the qualification of a director of the Company shall be the possession in his own right of not less than six hundred pounds of ordinary stock.

Notice to be given of any person desirous to be elected as director or auditor.

**72.** After the passing of this Act no person not being a retiring director or auditor shall be eligible to be elected a director or auditor unless notice in writing be given to the secretary or left at the principal office of the Company ten days at least before the day of election that such person will be proposed to be elected a director or auditor and the secretary of the Company shall during such ten days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office Any such person shall have been the holder of the qualifying amount of stock for at least three months prior to his election.

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Repeal of certain sections of Acts of 1857 1867 1879 and 1886.

**73.** From and after the first day of January one thousand nine hundred and five the following sections of the recited Acts shall be and the same are hereby repealed (that is to say):—

Of the Act of 1857—

Section 32 (Manner of voting at meetings);
Section 33 (Proxies);
Section 34 (Shareholders may convene extraordinary meetings):

Of the Act of 1867—

Section 31 (Liability for public lighting);
Section 32 (Quality of gas);
Section 33 (Process for ascertaining purity);
Section 34 (Erection of experimental meter);
Section 35 (Order of justices);
Section 36 (Company to pay penalty and costs);
Section 37 (Costs of extra amount how to be borne);
Section 38 (Repair of public lamps):

Of the Act of 1879—

The proviso to section 2;
Section 48 (As to purity and illuminating power):

Of the Act of 1886—

The proviso to section 2;
The proviso to section 14; and
Section 28 (As to public lighting in the borough of South Shields).

Alteration of boundary between limits of supply of Company and Newcastle-upon-Tyne and Gateshead Gas Company.

**74.** From and after the expiration of fourteen days after the passing of this Act and notwithstanding anything contained in the said Act of 1867 the boundary between the respective portions of the areas of supply of the Company and the Newcastle-upon-Tyne and Gateshead Gas Company (herein-after called "the Newcastle Company") which are within the civil parishes of Hebburn and Monkton formerly in the parish of Jarrow shall be in the line described in the Second Schedule to this Act and the Company shall not supply gas westward or south-westward of that line and the Newcastle Company shall not supply gas eastward or north-eastward of that line and which line is delineated on the Ordnance map on the scale of six inches to the mile marked Plan No. 1 and signed in triplicate by Frederick William Fison the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Private Bill Office of the

House of Commons one copy in the Parliament Office House of Lords and one copy with the clerk of the peace for the county of Durham the portion of the area of supply of the Company immediately adjacent to the said line being coloured blue and that of the Newcastle Company being coloured red and for the purpose of further defining the portion of the said line within the populous part of the urban district of Hebburn the same is also shown on the enlarged plan marked Plan No. 2 signed in triplicate by the said Frederick William Fison and deposited as aforesaid.

Recovery of demands.

**75.** Proceedings for the recovery of any demand made under the authority of this Act or the recited Acts or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any court of competent jurisdiction.

Costs of Act.

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

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# The SCHEDULES referred to in the foregoing Act.

## FIRST SCHEDULE.

### Lands on which the Company may Manufacture Gas and Residual Products and Store Gas in addition to the Lands already authorised to be used by them for those Purposes.

Certain lands in the parish of Boldon in the county of Durham containing an area of two acres or thereabouts abutting on the southern boundary of the premises of the Harton Coal Company at West Harton and bounded on the west by an imaginary line drawn parallel to and at a distance of about 57 yards east from Boldon Lane and on the south by an imaginary line drawn parallel to and at a distance of about 72 yards from the southern boundary of the said premises of the Harton Coal Company and forming part of the enclosure numbered 154 on the $\frac{1}{2500}$ Ordnance map of the county of Durham (2nd Edition 1897) sheet No. iv. 13.

## SECOND SCHEDULE.

### Description of New Boundary Line in the Civil Parishes of Hebburn and Monkton between the Area of Supply of the Company and the Newcastle-upon-Tyne and Gateshead Gas Company.

A line commencing at a point in the River Tyne where a continuation in a straight direction of the line of the east wall of the cement works of Walter Scott Limited would intersect the boundary between the urban district of Hebburn and the urban district of Walker and continuing thence in a straight line to and along this wall and along the centre of the back street between Price and Collin Streets in Hebburn to a point in the centre of Carr Street in Hebburn and thence along the centre of Carr Street to the centre of its intersection with Prince Consort Road and thence along the centre of Prince Consort Road and Station Road to the southern boundary of the North Eastern Railway adjoining the last-mentioned road

and thence in a south-westerly direction along the southern boundary of that railway to a point where a straight line drawn along the centre of Thistle Street would if continued intersect the last-mentioned line and thence in a straight line to the centre of the point of intersection of Thistle Street and Tennant Street and thence along the centre of Tennant Street to the centre of its intersection with John Street and thence along the centre of John Street to the centre of Shields Road adjoining John Street and thence in a straight line drawn from the last-mentioned point through a point in the face line of certain buildings in the village of Fell Gate on the south-east side of Leam Lane measured ninety and a half yards in a south westerly direction from the Ordnance Survey bench-mark on the top of the north parapet of Fell Gate Bridge until such line intersects the southern boundary of the said civil parish of Monkton formerly the parish of Jarrow.

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# CHAPTER ccxviii.

An Act to extend the time for the compulsory purchase of lands required for and for the completion of certain works and for other purposes. A.D. 1904.

[15th August 1904.]

WHEREAS by the London and St. Katharine Docks Act 1864 the London and St. Katharine Docks Company were incorporated upon the amalgamation of the London Dock Company and the St. Katharine Dock Company and the undertaking of the Victoria (London) Dock Company was transferred to and vested in the Company so incorporated and amalgamated with their undertaking and the Victoria Dock Estate was vested in them:

And whereas by the London and India Docks Amalgamation Act 1900 the undertaking of the East and West India Dock Company was transferred to the Company so incorporated as aforesaid whose name was by that Act changed to that of the London and India Docks Company (in this Act called "the Company"):

And whereas by the London and India Docks Company (New Works) Act 1901 (hereinafter called "the Act of 1901") the Company were authorised to construct a new dock pier and works more specifically described in that Act and to purchase the lands required for that purpose and by the London and India Docks Company (Various Powers) Act 1902 (hereinafter called "the Act of 1902") further powers were conferred upon the Company for the purchase of land and it is expedient that the times respectively limited for the exercise of such powers be extended as hereinafter provided:

A.D. 1904.

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 London and India Docks Company Act 1904.

Extension of time.

**2.**—(A) The period limited by the Act of 1901 for the completion of the works authorised by that Act as amended by the Act of 1902 is hereby extended until the ninth day of August one thousand nine hundred and thirteen.

(B) The period limited by the Act of 1901 for the compulsory purchase of lands required for the purposes of the works authorised by that Act and the period limited by the Act of 1902 for the compulsory purchase of the lands (A) (B) (C) and (D) referred to in and authorised to be acquired by section 4 of the Act of 1902 are hereby respectively extended until the eighth day of August one thousand nine hundred and eight.

Power to pay interest out of capital.

**3.** Notwithstanding anything in any Act relating to the Company or in any Act or Acts incorporated therewith respectively the Company may out of any funds in their hands or out of any money which they are authorised to raise pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine on any sums (whether raised by shares stock or loan) which have been or may be expended in the purchase of land for or construction of the works authorised by the Act of 1901 as amended by the Act of 1902 from the date of such expenditure until the expiration of the time limited by this Act for the completion of such works or the prior completion thereof or such less period as the directors may determine or may charge such interest to capital account.

Provision in case of future purchase.

**4.** If the undertaking of the Company is purchased within four years from the passing of this Act otherwise than by agreement by any public body or trustees the Company shall not be entitled to bring into account or to make any claim in respect of any powers advantages or increased profits conferred on them by or resulting from the passing of this Act.

A.D. 1904.

Expenses of Act.

**5.** The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company and the Company may accordingly apply their funds or any money which they are authorised to raise for that purpose.

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