CHAPTER cliv.

An Act for incorporating the Southend Gas Company, and for conferring Powers on them with reference to the construction and maintenance of Works, the supply of Gas, and otherwise; and for other purposes. A.D. 1877.

[2d August 1877.]

WHEREAS in the year one thousand eight hundred and fifty-four certain persons formed themselves into a company, under the name of the Southend Gaslight and Coke Company, (herein-after referred to as "the old company,") for the purpose of supplying with gas the town of Southend and the neighbourhood thereof, in the parish of Prittlewell in the county of Essex, and for the construction of gasworks, and generally for carrying on the business usually carried on by a gas company, and such company was duly registered under the Act 7 and 8 Victoria, chapter 110, and subsequently under the Companies Act, 1862:

And whereas the nominal share capital of the old company consists of ten thousand pounds, divided into two thousand shares of five pounds each, of which nine thousand pounds have been subscribed and fully paid up:

And whereas the old company have no mortgage debt:

And whereas the old company purchased the piece of land first described in the schedule to this Act, and erected gasworks thereon, and have from time to time improved and enlarged the same with the capital raised by them, and have also expended on the improvement and enlargement of their said works out of moneys applicable to dividend one thousand pounds and upwards, and are now supplying gas within the town of Southend and the neighbourhood thereof aforesaid, and they have recently purchased for the extension of their works the piece of land secondly described in the said schedule:

And whereas the demand for gas in the town of Southend and the neighbourhood thereof has of late years greatly increased and is

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still increasing, and the works and powers of the old company are inadequate to meet the demand:

And whereas it is expedient that the old company should be dissolved, and that the members thereof and others should be incorporated into a company (in this Act called "the Company"), and authorised to maintain the existing gasworks of the old company, and to make and maintain additional gasworks, and to supply gas in the said town of Southend and in the parishes in this Act mentioned, and otherwise to carry the undertaking into execution, and to raise additional capital for such purposes as by this Act provided:

And whereas it is expedient that the Company should be authorised (subject to the limitation of dividend thereon by this Act prescribed) to create stock (in this Act called improvement stock) to the amount of one thousand pounds, portion of the sum expended upon improvements and extensions, and to issue the same to the shareholders of the Company as by this Act provided:

And whereas it is expedient that such further provision should be made with respect to the Company and their undertaking as is in this Act contained:

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

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

Short title.

1. This Act may be cited as The Southend Gas Act, 1877.

Certain provisions of general Acts herein named incorporated.

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), and the Gasworks Clauses Act, 1847, are (except where expressly varied by this Act) incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing gasworks of the old company as if the same had been authorised by this Act.

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:

The expressions "the works," "the gasworks," and "the undertaking" mean and include respectively the gasworks and works connected therewith by this Act vested in and authorised to be made and maintained by the Company, and any improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Company and every part thereof respectively:

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall 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.

Limits of Act.

4. The limits of this Act for the supply of gas comprise the parishes of Prittlewell and Southchurch in the county of Essex.

Company incorporated.

5. From and after the passing of this Act the old company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that company, and all other persons and corporations who have subscribed to or shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose of making and maintaining the works by this Act authorised, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Southend Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

6. The Company shall be established for the purpose of manufacturing gas and for supplying gas within the limits of this Act, and for converting or utilising and distributing materials used in and about the manufacture of gas and residual products resulting from such manufacture, and for dealing in, selling, and disposing of gas, lime, coal, coke, tar, and other residual products, matters, and things, and for carrying on the business usually carried on by gas companies, and for manufacturing, purchasing, and hiring and supplying gas meters, fittings, and other apparatus, and generally for carrying the powers of this Act into execution.

Present property of

7. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights, and easements which immediately before

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old company vested in Company incorporated by this Act.

the passing of this Act were vested in the old company, or any person in trust for them, or to which the old company were in anywise entitled, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, apparatus, stock, effects, matters, and things which have been by them purchased, provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of the old company, and all the powers, rights, and authorities, and all moneys, securities, credits, effects, and other property whatsoever, whether real or personal, which immediately before the passing of this Act belonged to the old company, or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by or on behalf of the old company, and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest, and subject to the same covenants, liabilities, and restrictions as the same were previously to the passing of this Act vested in the old company, or any trustee on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for, and recovered, maintained, altered, discontinued, renewed, dealt with, and disposed of by the Company as they think fit.

Deed of settlement of old company to be void, without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act, the deed of settlement of the old company shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders shall be exempted from all the provisions, restrictions, and requirements of any Act which applied to the old company, and the members thereof as such; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said deed of settlement incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the old company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old company, or the members thereof as such, shall be as valid as if the Company had not been incorporated and the said deed of settlement had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or

suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated and the said deed of settlement were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and everything so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the Company and its shareholders and property shall to all intents and purposes represent the old company and the members thereof as such, and the property of the old company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

10. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the old company, or any trustees or persons acting on behalf of the old company, or by, to, or with any other person to whose rights and liabilities they have succeeded, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually as if instead of the old company, or the trustees or persons acting on behalf of the old company, the Company had been a party thereto.

Actions, &c. not to abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding which was pending by or in favour of or against the old company, or any member thereof, in relation to the affairs of the old company, or to which the old company, or any member thereof in relation to such affairs, were parties immediately before the passing of this Act, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the old company, or any member thereof, if this Act had not been passed, the Company and the shareholders therein being, in reference to the matters aforesaid, in all respects substituted for the old company and its members respectively.

Trustees of old company to be indemnified.

12. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the old company were vested immediately before the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the old company, shall be indemnified out of the funds and property of the Company against all liability

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(including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Company to satisfy liabilities of old company.

13. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the old company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the old company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in relation thereto.

Recovery of gas rents, &c.

14. All gas rents and other sums of money which immediately before the passing of this Act were due or accruing to the old company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before passing of Act.

15. All persons who immediately before the passing of this Act owed any money to the old company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Company; and all debts and moneys which immediately before the passing of this Act were due or recoverable from the old company, or for the payment of which the old company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Certificates, &c. to remain in force.

16. Notwithstanding the avoidance of the said deed of settlement, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under it for and with respect to any shares in the old company, shall remain in full force and continue and be available in all respects as if it had not been avoided.

Books, &c. continued evidence.

17. All documents, books, and writings which, if the said dissolution and avoidance had not taken place, would have been receivable in evidence shall be admitted as evidence in all courts of law and elsewhere, notwithstanding such dissolution and avoidance.

Officers to continue until removed.

18. All officers and servants of the old company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to

the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

19. The books kept by the old company for entering the names and designations of the members thereof, with the number of their shares and the proper distinguishing numbers of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

Capital.

20. The capital of the Company (including the one thousand pounds improvement stock) shall be twenty thousand pounds, whereof nine thousand pounds is in this Act called the original capital, and ten thousand pounds is in this Act called the additional capital, and shall be raised in manner herein-after mentioned; and the original capital shall be divided into nine hundred shares of ten pounds each, which shares are in this Act called the old shares, and the Company may convert into stock the whole or any part of their original capital, and also the whole or any part of the additional capital when fully paid up.

Vesting of old shares in present shareholders.

21. The old shares shall be appropriated to and vested in the several persons and corporations who immediately before the passing of this Act were the registered members of the old company in proportion to their respective shares or interest in the original capital, and in substitution for the existing shares of the old company; and every share so vested shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the shares for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

22. The Company shall call in and cancel the existing certificates of shares in the old company, and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act, 1845; but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

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Creation of improvement stock.

23. Within six months after the passing of this Act the directors of the Company shall create stock of the Company to the amount of one thousand pounds, and such stock shall be called improvement stock, and shall be deemed to be fully paid up, and shall bear a fixed dividend at the rate of five pounds per centum per annum, and shall be issued to and allotted to and amongst the shareholders of the Company in proportion to the shares in the original capital of the Company held by each shareholder.

Profits of the Company limited.

24. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Power to raise additional capital.

25. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, from time to time raise any additional capital, not exceeding in the whole ten thousand pounds, by the issue, at their option, of new ordinary shares or new preference shares, or wholly or partially by either of those modes.

As to amount of new shares.

26. Any new shares, whether ordinary or preference, issued under this Act shall be of a nominal amount not less than ten pounds.

Shares not to issue until one-fifth part paid up.

27. The Company shall not issue any new share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

28. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

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

29. Notwithstanding anything in this Act contained, the Company shall, when any shares or stock (other than improvement stock) created under the powers of this Act are to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale the reserved price put upon such shares or stock shall not be less than the

nominal amount thereof; and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction, or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner; and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

30. The intention to sell any such shares or stock by auction or by tender shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the town of Southend.

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

31. When any shares or stock (other than improvement stock) created under the powers of this Act have been offered for sale by auction or tender and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of ordinary shares or ordinary stock of the Company, in manner provided by the Companies Clauses Act, 1863: Provided always, that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act: Provided further, that at any such auction a bidder who holds shares in the Company shall, in the event of equal biddings, be declared the purchaser in preference to another bidder who is not a shareholder.

Application of premium arising on issue of shares or stock.

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

Receipts on behalf of incapacitated persons.

33. If any money is 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.

Restriction as to votes in respect of preferential shares.

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

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Dividend on different classes of stock or shares to be paid rateably.

35. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company, a rateable deduction shall be made in the dividend of each class.

Power to borrow in respect of original capital.

36. The Company may at any time and from time to time after the passing of this Act borrow on mortgage, in respect of the original capital of nine thousand pounds, any sums not exceeding in the whole two thousand two hundred and fifty pounds.

Power to borrow in respect of additional capital.

37. In addition to the sum of two thousand two hundred and fifty pounds which the Company are authorised to borrow by the last preceding section, they may from time to time borrow on mortgage, in respect of the additional capital of ten thousand pounds by this Act authorised to be raised by shares, any sum not exceeding in the whole two thousand five hundred pounds, but no part thereof shall be borrowed until the whole of the additional capital of ten thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, (before he so certifies,) that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; 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 shall be sufficient evidence thereof.

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, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

39. 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 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 five hundred pounds in the whole.

Power to create debenture stock.

40. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Moneys borrowed on mortgage or debenture stock to have priority.

41. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions 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 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 on their mortgages or debenture stock.

Application of moneys.

42. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First and subsequent meetings.

43. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held once in every year in the months of February or March, as the directors may appoint.

Number of directors.

44. The number of the directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

45. The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum of directors.

46. The quorum of a meeting of directors shall be four until the number of directors is reduced to three, and then the quorum shall be two.

First directors.

47. James Gunn Payne, John Pritchard, Charles Woosnam, George Vandervord, Henry Thompson, and John Bell Brasier shall

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be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Powers as to construction and maintenance of gasworks.

48. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue the existing gasworks of the old company by this Act vested in the Company upon the lands on which the same are erected, or any part thereof, and which are first described in the schedule to this Act, and also upon the other lands which are secondly described in the schedule to this Act, and they may also erect and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue additional and other works for the manufacture of gas and of residual products resulting from such manufacture upon the lands and hereditaments described in the schedule to this Act, or some of them, or some part or parts thereof respectively, and upon those lands they may accordingly manufacture gas and convert, utilise, and distribute such materials and residual products as aforesaid, and also on those lands store gas and erect houses and other buildings; and the Company may also from time to time provide, lay down, maintain, alter, improve, enlarge, extend, and renew or discontinue drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, and other works and apparatus and conveniences, and may do all such other acts as they may think proper for making, storing, and supplying gas within the limits of this Act, and may supply gas accordingly, and may deal in and sell and dispose of coal, coke, tar, lime, and other residual and manufactured products and other matters and things, and carry on the business usually carried on by gas companies, and may manufacture, purchase or hire, and supply gas meters, fittings, and other apparatus and things in any way

connected with gasworks or with the supply of gas, as they may from time to time think fit.

Power to purchase lands by agreement;

49. The Company may for the purposes of their undertaking purchase and take (by agreement, but not otherwise) and hold, in addition to the lands described in the schedule to this Act, any lands and hereditaments, not exceeding in the whole five 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, except the lands described in the schedule to this Act.

gas not to be manufactured except on lands scheduled.

Power to lay pipes against buildings.

50. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Limiting the price of gas.

51. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed six shillings per one thousand cubic feet.

Pressure of gas.

52. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water 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 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, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

53. The prescribed number of candles shall be fourteen.

Testing-place.

54. Within six months from the passing of this Act, a testing place shall be provided upon some part of the works or lands of the Company.

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Burner.

55. The prescribed burner shall be Sugg's No. 1 London argand burner consuming five cubic feet of gas per hour, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame rise above the top of the glass, a six-inch by two-inch chimney shall be used.

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

56. 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 hold licenses under letters patent.

57. The Company may take, hold, and use patent rights or licenses or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture, conversion, utilization, or distribution of gas and of such materials and residual products as aforesaid.

Restriction on works affecting Post Office telegraph system.

58. With respect to the Post Office telegraph system the following provisions shall take effect:

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of entry for Postmaster General.

(c.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the lands and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Company to Postmaster General, and penalty.

(d.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues, and the amount of any such expense, loss, damage, or forfeiture 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 on behalf of the Postmaster General as a penalty is recoverable from the Company:

Provisions to remain in force for one year, and to the end of the then next session of Parliament.

(e.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Liability to gas rent not to disqualify justices, &c.

59. A justice or a judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, meter rent, rate, or charge under this Act, or of his being a shareholder of the Company.

Penalties not cumulative.

60. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act, and any Act incorporated wholly or in part with this Act, shall be deemed several Acts.

Expenses of Act.

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

A.D. 1877.

The SCHEDULE referred to in the foregoing Act.

First. Land on which the existing gasworks of the old company are erected situate at Southend, in the parish of Prittlewell in the county of Essex, and bounded on the north by a ditch forming the southern boundary of a farm and lands called Fanns or the Thames Farm, on the south by the land secondly herein-after described, on the east by the ditch forming the boundary between the parishes of Prittlewell and Southchurch, and on the west by land belonging or reputed to belong to James Scott, and containing by admeasurement three roods or thereabouts.

Secondly. Land at Southend, in the said parish of Prittlewell, situate on the south side of and immediately adjoining the land first above described, and bounded on the north by that land, on the east by the ditch forming the boundary between the parishes of Prittlewell and Southchurch aforesaid, and on the south-west by land belonging or reputed to belong to James Scott, and containing by admeasurement one rood and ten perches or thereabouts.

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