

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. lii.

An Act to unite and amalgamate the *Stockton New Gas Company* and the *Stockton Gas Consumers Company (Limited)*; and to authorize the united Company to raise additional Capital, and to sell their Undertaking to the Mayor, Aldermen, and Burgesses of the Borough of *Stockton*; and for other Purposes.

[27th July 1857.]

WHEREAS by the Local and Personal Act 9 and 10 *Victoria*, Chapter 216, intituled *An Act for lighting with Gas the Town and Borough of Stockton, and other Places in the Counties of Durham and York*, the *Stockton new Gas Company*, in this Act called "the old Company," were incorporated, and were authorized to light with Gas the Town and Borough of *Stockton* and the Parish of *Norton* in the County of *Durham*, and the Town of *South Stockton* in the Township of *Thornaby* in the Parish of *Stainton* in the North Riding of the County of *York*, and to raise for such Purposes a Share Capital of Seven thousand nine hundred and eighty Pounds, divided into Eight hundred and forty Shares of Nine

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Pounds

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Pounds Ten Shillings each, with Power to raise, either by Shares or by Mortgage or Bond, any further Sum of Money not exceeding the Sum of Two thousand Pounds, in addition to the said Sum of Seven thousand nine hundred and eighty Pounds: And whereas the old Company issued the whole of the said Eight hundred and forty Shares, upon which the full Sum of Nine Pounds Ten Shillings *per* Share was paid up: And whereas the old Company subsequently expended the Sum of Three hundred and fifteen Pounds or thereabouts in purchasing up Forty Shares, whereby the Share Capital was reduced to Eight hundred Shares: And whereas the old Company have expended the Sum of Two thousand four hundred Pounds and upwards out of the Profits of the Company in extending their Works and Mains, so as to meet the increasing Wants of the District supplied by the Company: And whereas the old Company, under a Power for that Purpose contained in the said recited Act, purchased the Undertaking of "the *Stockton* Gaslight and Coke Company," incorporated by the Act 3 *George IV.*, Chapter 33, and that Company is now dissolved: And whereas "The *Stockton* Gas Consumers Company (Limited)," (in this Act called "The Consumers Company,") are a completely registered Joint Stock Company, constituted by a Deed of Settlement, dated the Twentieth Day of *May* One thousand eight hundred and fifty-six, for the Purpose of lighting with Gas the existing Borough of *Stockton* and the Parishes and Places adjacent, and are by such Deed empowered to raise for such Purposes a Share Capital of Six thousand Pounds, subject to Augmentation to any Sum not exceeding in the whole the Sum of Fifteen thousand Pounds, divided into Shares of Ten Pounds each, and to raise by borrowing a further Sum not exceeding the Balance in the Treasurer's Hands and the reserved Fund and the Sum for the Time being unpaid on Shares then actually subscribed for by a Sum greater than Five thousand Pounds: And whereas the existing Share Capital of the Consumers Company is Six thousand Pounds, divided into Six hundred Shares, the whole of which have been subscribed for, and the total Amount of Capital called up by the Company is Six Pounds a Share: And whereas the Consumers Company have constructed a Retort House, Gas Holder, and other Works for the Manufacture, purifying, storing, and Supply of Gas, and now manufacture and supply Gas within the Limits prescribed by the said Deed of Settlement to be supplied by them: And whereas nearly all the Shares in the Capital of the old Company now belong to Persons who are also Holders of Shares in the Capital of the Consumers Company, and the greater Portion of the Gas supplied by the old Company is manufactured in the Works belonging to the Consumers Company: And whereas it would be advantageous to the Shareholders in the said Two Companies, and also beneficial to the Public, if the Undertakings
of

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of the said Companies were made One Undertaking, and if the Shareholders of the said Two Companies were united into One Company, and if further Powers were conferred upon the united Company: And whereas, in order to meet the increased and increasing Demand for Gas within the Borough of *Stockton* as enlarged by the *Stockton Extension and Improvement Act, 1852*, and to enable the Company to extend their Supply in the other Places within the Limits of this Act not now supplied or not sufficiently supplied by either Company, it is expedient that the united Company should be empowered to raise further Capital: And whereas it was Part of the Terms upon which the Shares in the Undertaking of the old Company were sold to the Shareholders in the Consumers Company that Application should be made to Parliament for an Act to unite the said Companies, and that Powers should be applied for to enable the Mayor, Aldermen, and Burgesses of the Borough of *Stockton* to purchase the Undertaking and Powers of the said Companies or of the united Company, and to raise Money to effect such Purchase, and also making it compulsory on the said Companies or the united Company to sell on certain Terms then agreed upon their said Undertaking to the said Mayor, Aldermen, and Burgesses, if so required, at any Time before the First Day of *August* One thousand eight hundred and fifty-eight: And whereas, in order to give effect to the Objects and Arrangements aforesaid, it is expedient that the said first-recited Act should be repealed, and that other Provisions be made in lieu thereof: And whereas the Purposes 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; (that is to say,)

I. That this Act may be cited for any Purpose as "*The Stockton Gas Act, 1857.*" Short Title.

II. That this Act shall commence and take effect on and after the Third *Thursday* next after the passing thereof. Commence-
ment of Act.

III. That the Limits of this Act shall include the existing Borough of *Stockton* in the County of *Durham*, and the several Parishes, Townships, and other Places following, or some of them; that is to say, *Stockton-upon-Tees*, and *Norton* in the County of *Durham*, and *South Stockton*, *Thornaby*, and *Stainton*, in the North Riding of the County of *York*. Limits of Act.

IV. That "*The Companies Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Act, 1845,*" and "*The Gas-works*" 8 & 9 Vict.
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and

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10 & 11 Vict. c. 15. incorporated. works Clauses Act, 1847," shall be incorporated with this Act: Provided always, that the Company shall not take any Lands otherwise than by Agreement, except as herein-after mentioned.

Construction of Terms.

V. That the Expression "the Undertaking" in "The Companies Clauses Consolidation Act, 1845," and in "The Lands Clauses Consolidation Act, 1845," and in "The Gasworks Clauses Act, 1847," shall respectively mean the Undertaking by this Act authorized; and the Expression "the Undertakers" in "The Gasworks Clauses Act, 1847," shall mean the Company by this Act incorporated; and the Expression "the Gasworks" in the same Act shall include the Gasworks and Works connected therewith by this Act vested in the said Company, as well as any Gasworks which may be hereafter constructed by them; and the Expression "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Stockton*.

Same Meanings to Words in incorporated Acts as in this Act.

VI. That the several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Incorporation of the Shareholders of the old Company and Consumers Company.

VII. That the several Persons who at the Commencement of this Act are the Shareholders of the old Company and the Consumers Company respectively, and their respective Executors, Administrators, Successors, and Assigns, shall be united into a Company, and incorporated by the Name of "The *Stockton* United Gas Company" (in this Act called "the Company"), and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase and hold and dispose of Lands and other Property for the Purposes, but subject to the Restrictions of this Act.

Property of the Two Companies vested in the Company.

VIII. That from and after the Commencement of this Act all the Gasworks, Gasometers, Retorts, Apparatus, Works, and Conveniences, Lands, Buildings, Estates, Property, Choses in Action, Effects, Claims, and Demands whatsoever, of or to which the old Company and the Consumers Company respectively are or shall be by virtue of the recited Act and Deed of Settlement respectively or otherwise howsoever immediately before the Commencement of this Act seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, shall be and the same are by this Act vested in the Company as fully and effectually as immediately before the Commencement of this Act the same were respectively vested in the old Company and the Consumers Company respectively, but subject and without Prejudice to all Mortgages, Securities, and

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and Liabilities whatsoever affecting the same respectively, or the Two Companies respectively, in respect thereof.

IX. That, subject to the Provisions of this Act, the recited Act shall be and the same is hereby repealed from the Commencement of this Act, but such Repeal shall not revive the Act by the said recited Act repealed. Recited Act repealed.

X. That, subject to the Provisions of this Act, the recited Deed of Settlement of the Twentieth Day of *May* One thousand eight hundred and fifty-six shall, at and after the Commencement of this Act, be, as to any future Operation thereof, wholly void, and the several Persons who executed the same, their Heirs, Executors, and Administrators, shall be by this Act, but subject to the Provisions thereof, discharged accordingly from all future Liability thereunder. Avoidance of Deed of Settlement.

XI. That, notwithstanding the Repeal of the recited Act, the several Clauses and Provisions whatsoever, in favour of or relating to the old Company, contained in any Act or Acts other than the recited Act, and which at the Commencement of this Act are in force, shall apply, at and after the Commencement of this Act, to the Company, their Directors, Officers, and Servants, and shall remain and be in full Force accordingly, and they respectively may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, enjoy, and be subject to, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, Privileges, and Obligations whatsoever, as (if this Act were not passed) the old Company, and their Directors, Officers, and Servants, under and by virtue of the same, might be entitled to, or might have, exercise, enjoy, or be subject to. Provisions of other Acts in favour of the Two Companies to remain in force.

XII. That, notwithstanding the Repeal of the recited Act, all Resolutions, Orders, Notices, and Proceedings of the old Company and the Directors thereof made and taken before the Commencement of this Act, shall, for the Purposes of this Act, continue of full Force and Effect as if this Act were not passed. Resolutions to remain in force.

XIII. That, notwithstanding the Repeal of the recited Act, or the Avoidance of the recited Deed of Settlement, all Conveyances, Leases, Mortgages, Bonds, Purchases, Sales, Contracts, Agreements, Securities, Transfers of Shares, and other Acts and Things before the Commencement of this Act, made, done, entered into, executed, or instituted under or by virtue of the recited Act and the recited Deed of Settlement respectively, or with reference to the Purposes thereof respectively, shall be as good, valid, and effectual to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as the same would have been for, against, and with reference

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to the old Company or the Consumers Company if this Act were not passed, and may be proceeded on and enforced accordingly, and the Name of the Company may and shall be used, with respect to the same, in lieu of the Name of the old Company or the Consumers Company.

Actions not
to abate.

XIV. That, notwithstanding the Repeal of the recited Act, or the Avoidance of the recited Deed of Settlement, any Action, Suit, Prosecution, or other Proceeding, commenced either by or against the old Company or the Consumers Company before the Commencement of this Act, shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Company, in like Manner in all respects as the same would have continued and taken effect by or against the old Company or the Consumers Company if this Act were not passed; and all Offences against the Provisions of the recited Act, committed before the Commencement of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act were not passed.

Company to
be liable in
all respects
as if Act had
not passed.

XV. That, notwithstanding the Repeal of the recited Act and the Avoidance of the said Deed of Settlement, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered respectively, under the recited Act and under the said Deed of Settlement, shall be as valid as if this Act were not passed, and such Repeal and Avoidance, and this Act respectively, shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal and Avoidance had not happened and this Act were not passed, would be incident to and consequent on any and everything so done and suffered respectively; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company by this Act incorporated shall, subject nevertheless and without Prejudice to any of the Provisions of this Act, represent the Company incorporated by the repealed Act, and the Company created by the said Deed of Settlement: Provided always, that the Generality of the Terms of this Enactment shall not be restricted by any other of the Clauses or Provisions of this Act.

Gas Rates
due to Two
Companies
to be paid to
the Com-
pany.

XVI. That notwithstanding the Repeal of the recited Act, or the Avoidance of such Deed of Settlement, all Gas Rates and Rents which at the Commencement of this Act shall be due and payable, or accruing, to the old Company or the Consumers Company, shall be payable to and may be collected and recovered by the Company in like Manner as the same might have been recovered by the old Company or the Consumers Company if this Act were not passed.

XVII. That,

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XVII. That, notwithstanding the Repeal of the recited Act, or the Avoidance of the recited Deed of Settlement, all Persons who at the Commencement of this Act owe any Sum of Money to the old Company, or to any Person on their Behalf, or to the Consumers Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Company; and all Debts and Moneys which, at the Commencement of this Act, are due or owing by or recoverable from the old Company or the Consumers Company, or for the Payment of which the old Company or the Consumers Company are or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Company.

Debts due to and by the Companies to be paid to and by the Company.

XVIII. That, notwithstanding the Repeal of the recited Act and the Avoidance of the recited Deed of Settlement respectively, all Certificates of Shares, Books, Writings, and Documents by that Act and that Deed respectively, or by any other Act of Parliament, directed or authorized to be kept or made, and which, if this Act were not passed, would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Certificates, Books, &c., to remain Evidence.

XIX. That, notwithstanding the Repeal of the recited Act, or the Avoidance of the said recited Deed of Settlement, every Officer or Servant appointed by virtue of or acting under that Act or Deed shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties, in all respects whatsoever, as if he were appointed under this Act.

Officers of Companies to remain in Office.

XX. That all Officers and Persons who, at the Commencement of this Act, have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the old Company and the Consumers Company respectively, shall be liable to account for and deliver up the same to the Company, or to such Persons as they appoint to receive the same, in like Manner and subject to like Regulations, Pains, and Penalties as if such Officers or Persons were appointed and became possessed of the same under this Act.

Officers, &c. of Companies to account.

XXI. That the Capital of the Company, subject to Augmentation as herein-after provided, shall be Sixteen thousand Pounds, divided into

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into Shares as follows; that is to say, Ten thousand Pounds, Part thereof, divided into Eight hundred Shares of Twelve Pounds Ten Shillings each, to be called Class A. Shares; and Six thousand Pounds, Residue thereof, divided into Six hundred Shares of Ten Pounds each, to be called Class B. Shares.

Class A.
Shares.

XXII. That the Class A. Shares shall be deemed fully paid up to the Amount of Twelve Pounds Ten Shillings each, and such Shares shall be and they are hereby vested in the Persons who at the Commencement of this Act shall be the Holders of the Eight hundred existing Shares of Nine Pounds Ten Shillings each in the Capital of the old Company, after the Rate of One Class A. Share for every such existing Share.

Class B.
Shares.

XXIII. That the Class B. Shares shall be deemed paid up to the Amount of Six Pounds each, and such Shares shall be and they are hereby vested in the Persons who at the Commencement of this Act shall be the Holders of the Six hundred existing Shares of Ten Pounds each in the Capital of the Consumers Company, after the Rate of One Class B. Share for every such existing Share, and such Holders, or their respective Representatives, shall pay to the Company, when so required, all further Calls which may be made on such Shares, until the full Sum of Ten Pounds *per* Share shall have been paid up.

Calls due on
Shares in
the Con-
sumers Com-
pany to be
paid.

XXIV. Provided that the several Persons who, at the Commencement of this Act, are Shareholders of the Consumers Company, their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall pay to the Company all Sums (if any) then due for Calls made on their respective Shares, with all Interest due or to accrue due thereon, and the Provisions of this Act with respect to the Means of enforcing the Payment of Calls, and the Forfeiture of Shares for the Nonpayment of Calls, shall apply to such Calls, and to the Class B. Shares in case of Nonpayment thereof.

Existing
Certificates
of Shares to
be Certifi-
cates of
Class A. and
B. Shares.

XXV. That the existing Certificates of the Shares in the old Company shall, until called in, be the Certificates of the Class A. Shares, and the existing Certificates of the Shares in the Consumers Company shall, until called in, be the Certificates of the Class B. Shares, and the Company need not issue fresh Certificates in respect of any such Shares, except under the Provisions of "The Companies Clauses Consolidation Act, 1845;" in Cases where such Certificates are worn out, damaged, lost, or destroyed; but the Company, if they think fit, may at any Time call in such existing Certificates, and grant others in lieu thereof.

Shares to
vest in
Shareholders

XXVI. That the several Shares of Classes A. and B. shall respectively be so vested in the several Persons entitled thereto respectively,
upon

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upon the same Trusts, and subject to the same Powers, Provisions, Declarations, Agreements, Charges, and Incumbrances, upon or to which their respective Shares in the Capital of the old Company or the Consumers Company shall at the Commencement of this Act be held or be subject, and so as to give effect to and not revoke any Will or other Instrument disposing of or affecting any such Shares.

upon same Trusts as existing Shares.

XXVII. That it shall be lawful for the Company from Time to Time, by Order of any Meeting thereof, to raise, by the Creation of new Shares, in addition to the said Capital of Sixteen thousand Pounds, any Sum or Sums of Money not exceeding in the whole the further Sum of Nine thousand Pounds, and any additional Shares so created shall be called Class C. Shares.

Power to raise additional Capital by the Creation of new or Class C. Shares.

XXVIII. That it shall be lawful for the General Meeting at which any Class C. Shares shall be created to direct that the whole of such Shares shall be sold by Public Auction in such Manner, in such Numbers, and at such Times, and subject to such Conditions as the Directors may from Time to Time think fit and determine.

General Meeting may direct Class C. Shares to be sold by Auction.

XXIX. That the Intention to sell any Class C. Shares by Auction shall be duly advertised for Two successive Weeks, and any Sum of Money which shall arise upon such Sales by way of Premium shall not be considered as Profits of the Company, but shall be expended in paying the Expenses of this Act, or 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.

Sales by Auction to be advertised, and Premiums on such Sales not to be entitled to Dividend.

XXX. That if at the Time of any Augmentation of Capital taking place by the Creation of Class C. Shares the then existing Class A. and Class B. Shares be at a Premium, or of greater actual Value than the nominal Value thereof, then, if the General Meeting at which such Class C. Shares were created shall not have directed the same to be sold by Auction, the Sum to be raised by such Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Proprietors of Class A. and Class B. Shares in proportion to the existing Shares held by them respectively, and such Class C. Shares shall be offered to the then Proprietors in the Proportion aforesaid, and the Offer shall be made by Letter under the Hand of the Secretary of the Company, given to or sent by Post, addressed to each Proprietor, according to his Address in the Register Book of Shareholders, or left at his usual or last known Place of Abode.

If old Shares at a Premium, new Shares to be offered to original Proprietors.

XXXI. That the Class C. Shares shall vest in and belong to the Proprietors who shall accept the same and pay the Value thereof to

Shares to vest in Parties ac-

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otherwise to
be disposed
of by Com-
pany.

the Company at the Time and by the Instalments which shall be fixed by the Directors, and if any Proprietor fail for One Month after such Offer of Class C. Shares to accept the same and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

Directors
may permit
Proprietors
to take new
Shares after
Time speci-
fied in case
of their Ab-
sence abroad,
&c.

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

If existing
Stock not at
a Premium
new Shares
may be is-
sued as Com-
pany may
think fit.

XXXIII. That if at the Time of any such Augmentation of Capital taking place the Class A. and Class B. Shares be not at a Premium, then the Class C. Shares may be of such Amount, and may be issued in such Manner, and, subject to the Limitations in this Act contained as to Interest or Dividend, on such Terms as the Company shall think fit.

Power to
attach Pre-
ference to
new Shares.

XXXIV. And whereas there are no existing Shares in the Capital of the Company entitling the Proprietors to any Preference or Priority of Interest or Dividend: Be it enacted, That it shall be lawful for the Company from Time to Time, with the Consent of Three Fourths of the Votes of the Proprietors present, personally or by Proxy, at a General Meeting or Meetings specially convened for the Purpose, to attach to the new Shares to be created under the Authority of this Act, or any of them, such Preference or Priority in the Payment of Interest or Dividend, not exceeding Six Pounds *per Centum per Annum* on the Amount for the Time being paid in respect of such Shares, and such other Privileges as may be agreed upon at such Meeting or Meetings.

Calls.

XXXV. That the Amount of a Call on the Class B. or Class C. Shares shall not exceed Two Pounds a Share, and the Intervals between successive Calls on any of such Shares shall not be less than One Month, and that Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

As to Divi-
dends on
new Shares.

XXXVI. That the several Proprietors of Shares in the Capital, and of any Stock into which the same may be consolidated, save and
except

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except such of the Class C. Shares, if any, as shall have any special Preference or Priority in the Payment of Interest or Dividend attached thereto, pursuant to the Power for that Purpose in this Act contained, shall be entitled to such Dividends as shall be from Time to Time made by the Directors out of the Profits of the Undertaking, in proportion to the whole Amount for the Time being paid, or by this Act deemed to be paid, on such Shares or Stock at the Time such Dividends respectively shall be declared.

XXXVII. That with reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit, the prescribed Rates of Profits to be divided among the Undertakers in any Year shall be Ten Pounds in the Hundred by the Year on the Class A. and Class B. Shares, and Seven Pounds Ten Shillings in the Hundred by the Year on the Class C. Shares, to which no special Preference or Priority in the Payment of Interest or Dividend shall have been attached under the Powers of this Act, unless a larger Dividend shall be at any Time necessary to make up the Deficiency of any previous Dividends which during all or any of the then Three preceding Years shall have fallen short of the prescribed Rates of Dividend.

Limiting Rates of Dividend.

XXXVIII. That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Receipts on behalf of incapacitated Persons.

XXXIX. That it shall be lawful for the Company to borrow on Mortgage of their Undertaking, or on Bond, or otherwise, such Sums of Money as may from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, so that there be not owing by the Company, on Mortgage or Bond, at any One Time, any greater Sum than One Fourth Part of the Share Capital of the Company for the Time being.

Power to borrow on Mortgage.

XL. That all Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Power of borrowing, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Application of Money.

XLI. That the Mortgagees of the Company may enforce the Payment of the Arrears of Interest, or the Principal and Arrears of Interest, due on their Mortgages, by the Appointment of a Receiver, and the Amount to authorize the Requisition for a Receiver shall be Five hundred Pounds.

Arrears may be enforced by Appointment of a Receiver.

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Receiver to act for all the Mortgagees for the Time being.

XLII. Provided, That notwithstanding anything in "The Companies Clauses Consolidation Act, 1845," to the contrary, all Money to be received by a Receiver shall be so much Money received by or to the Use of all the Mortgagees for the Time being of the Company in proportion to the respective Sums for the Time being due to such Mortgagees.

Existing Mortgages to have Priority.

XLIII. That all Mortgages and other Securities granted by the old Company and the Consumers Company respectively, and in force on the Commencement of this Act, shall during the Continuance thereof have Priority over all Mortgages granted under this Act.

Ordinary Meetings to be held yearly in Stockton.

XLIV. That the First General Meeting shall be held at such Time within Six Months after the Commencement of this Act as the Directors shall appoint, and the future General Meetings shall be held in the Month of *April* in every Year, and all General Meetings, whether ordinary or extraordinary, shall be held in *Stockton*.

Requisition for Extraordinary Meetings.

XLV. That the Number of Shareholders who may require the Directors to call an Extraordinary Meeting shall be not less than Ten Shareholders, holding in the aggregate at least Two thousand Pounds in nominal Amount of the Capital.

Scale of voting.

XLVI. That the following shall be the Scale of voting at General Meetings; to wit, every Holder of not less than Twenty-five Pounds in nominal Amount of Capital shall have One Vote, and every Holder of more than Twenty-five Pounds in nominal Amount of the Capital shall have One additional Vote in respect of every entire Amount of Twenty-five Pounds above his first Twenty-five Pounds.

First Directors.

XLVII. That the several Persons who at the Commencement of this Act are the Directors of the old Company and of the Consumers Company respectively shall be and are hereby appointed the First Directors of the Company, and shall retire from Office at the First Ordinary Meeting after the Commencement of this Act.

Number of Directors.

XLVIII. That at and after the First Ordinary Meeting after the Commencement of this Act the Number of Directors shall be Seven.

Power to reduce the Number of Directors.

XLIX. That it shall be lawful for the Company from Time to Time thereafter, by Vote of any Meeting specially convened for the Purpose, to reduce the Number of Directors, provided that the reduced Number be not less than Five.

Qualification of Directors.

L. That the Qualification of a Director shall be the Possession in his own Right of not less than One hundred Pounds in nominal Amount of the Capital.

LI. That

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LI. That no Person shall be disqualified as a Director by being a Commissioner or Trustee under any Act of Parliament for any public Purposes within the Limits of this Act; and no Shareholder of the Company shall be disqualified as such Commissioner or Trustee by reason of any Contract between the Company and the Commissioners or Trustees: Provided always, that no Commissioner or Trustee who is a Director or Shareholder shall act or vote at any Meeting of such Commissioners or Trustees, or at any Committee appointed by such Commissioners or Trustees, on any Question or with reference to any Matter in which such Director or Shareholder has a direct or indirect Interest as a Shareholder.

Directors not to be disqualified by being Commissioners under Local Acts.

LII. That the Company may from Time to Time appoint any One of the Directors to be the Managing Director, and may at pleasure revoke any such Appointment, and may allow to such Managing Director, in addition to his ordinary Remuneration (if any) as a Director, such Remuneration for his Services as a General Meeting may from Time to Time authorize.

Company may appoint a Managing Director.

LIII. That the Quorum of a Meeting of Directors shall be Three.

Quorum for Meetings of Directors.

LIV. That the Books of the Company shall be balanced up to the Thirty-first Day of *March* in every Year.

Periods for balancing Company's Books.

LV. That Receipts in Writing, signed by the Treasurer or the Managing Director of the Company, for any Money, Effects, or Property paid or delivered to the Company, or any Person on their Behalf, shall effectually discharge the Persons paying or delivering the same from all Liability in respect thereof.

Receipts of Treasurer and Managing Director to be valid Discharges.

LVI. That the Provisions of "The Companies Clauses Consolidation Act, 1845," enabling the Secretary or Treasurer to represent and act for the Company in Proceedings against the Estate of any Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency, shall extend to enable any Director, or any Person authorized by the Company under their Common Seal, to represent and act for the Company therein.

Proof of Debts in Bankruptcy and Insolvency.

LVII. That the Company may purchase and take the Lands described in the Schedule (A.) to this Act annexed, or any Estate, Term, or Interest therein, or in any of the Lands vested in the Company by this Act, either by Agreement or under the Powers of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands otherwise than by Agreement, provided that the Power of the Company for the compulsory Purchase of such Lands shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

Power to take Lands as in Schedule (A.)

[Local.]

8 P

LVIII. That

The Stockton Gas Act, 1857.

Power to
purchase
Lands by
Agreement.

LVIII. That in addition to the Lands by this Act vested in the Company, and which may be purchased and taken by the Company, under the Powers herein-before contained, and subject to the Provisions of this Act, the Company may by Agreement purchase or take any other Lands not exceeding in Quantity Three Acres.

Power to
maintain
Works and
supply Gas,
&c.

LIX. That the Company from Time to Time may maintain, make, repair, renew, provide, alter, and discontinue the now existing Gas-works of the old Company and the Consumers Company respectively, and all such Retorts, Gasometers, Receivers, Sewers, Drains, Machinery, Fittings, Meters, and other Works and Apparatus, and such Houses, Buildings, and Approaches, and do all such Acts as they think proper for making, storing, and supplying Gas within the Limits of this Act, and may manufacture, sell, and dispose of Coke and all other Products and Residuum of any Articles employed in or resulting from the Manufacture of Gas, as they from Time to Time think fit, and may in all other respects carry on the Business of a Gas Company: Provided always, that nothing in this Act contained shall enable the Company to erect or maintain Works for the Manufacture of Gas, except upon the Lands vested in the Company by this Act, and comprised within the following Limits of the Works of the old Gas Company, situate within the said Borough; that is to say, bounded on the North in part by the *High Street* of the Town of *Stockton*, and in other Part by Buildings and Premises belonging to the Devises of *Thomas Hutchinson* Esquire, deceased; on the West in part by the said Buildings and Premises belonging to the Devises of *Thomas Hutchinson*, and in other Part by a Timber Yard and Premises, now or late belonging to the Ecclesiastical Commissioners for *England* and *Wales* and *Joshua Currah Stagg*, or the One of them; on the South by a Lane or Passage leading to certain Houses in *Stockton*, called *Park Terrace*; and on the East by the Public Road or Highway leading from *Stockton* to *Guisbrough*; or comprised within the following Limits of the Works of the Consumers Company, also situate within the said Borough; (that is to say,) within a certain Close or Parcel of Ground containing Two Acres, Three Roods, and Twenty-four Perches, or thereabouts, bounded on the North-east by Land now or late belonging to the Trustees or Devises of or under the Will of *Jane Bone* and *Ann Thomson* respectively, deceased, and to *Charles Wilson Dobing*; on the South-east partly by Land now or late belonging to the same Trustees or Devises and to the said *Charles Wilson Dobing*, and in other Part by a Close or Parcel of Ground belonging to the Trustee under the Will of *Thomas Allison Tennant*, deceased; on the South-west by Land belonging to the Trustees of or under the Will of *George Brown*, deceased; and on the North-west by the *North-eastern Railway*, formerly the *Leeds Northern Railway*.

LX. That

The Stockton Gas Act, 1857.

LX. That the Company, with the Consent of the Owner and Occupier of any Building, may lay any Pipe, Branches, and other necessary Apparatus from any Main or Branch Pipes into, through, or against any Building for the Purpose of lighting the same, and with the like Consent may provide and set up any Apparatus necessary for securing to any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Company to lay Pipes for lighting Buildings.

LXI. That every private Consumer of Gas supplied by the Company shall, if required by the Company, consume the Gas supplied to him by Meter, but such Meter, if provided by a Consumer, shall be approved by the Company before it is used and during the Use thereof.

Consumption of Gas by Meter.

LXII. That every Person who knowingly or wilfully prevents any Meter from duly registering the Quantity of Gas supplied by the Company shall for every such Offence forfeit and pay to the Company a Sum not exceeding Five Pounds; and any such Prevention caused by artificial Means, where such Meter shall be under his Custody or Control, shall be *primâ facie* Evidence of such Knowledge on the Part of the Consumer using any such Meter.

To prevent fraudulent Consumption of Gas.

LXIII. That in all Cases in which the Company are authorized to cut off and take away the Supply of Gas from any House, Building, or Premises, then if such House, Building, or Premises be unoccupied, the Company, their Agents, Servants, or Workmen, after giving Twenty-four Hours previous Notice to the Owner by serving the Notice on him, or, if the Owner be not known to the Company, by affixing the same for Three Days on some conspicuous Part of such House, Building, or Premises, may enter into the same between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, or Fittings, or other Works, the Property of the Company.

Removal of Meters, &c. from unoccupied Houses.

LXIV. That any Justice who issues any Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Company of and incident to the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money, and any such Warrant may contain in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Costs of Distress.

LXV. That the Newspaper for Notices by Advertisement shall be some Newspaper published in the County of *Durham*, or the North Riding of the County of *York*.

Newspaper for Advertisements.

LXVI. That

The Stockton Gas Act, 1857.

Penalty on
the Com-
pany not
cumulative.

LXVI. That where, by more than One of the Acts incorporated with this Act, any Penalty is imposed on the Company for one and the same Offence, and also when by this Act any Penalty is imposed on the Company for any Offence, and by any other Act of Parliament now in force, whether incorporated with this Act or not, any Penalty is imposed for the same Offence, the Penalties shall not be cumulative.

Corporation
authorized
to purchase
the Gas-
works.

LXVII. And whereas, in anticipation of the Powers to be conferred upon the Company and the Corporation by this Act, an Agreement for the Sale and Purchase of the Undertakings of the said existing Companies and of the said united Company has been entered into by the said existing Companies and the Corporation, which Agreement bears Date the Twenty-seventh Day of *April* One thousand eight hundred and fifty-seven, and a Copy thereof is set out in the Schedule (C.) to this Act annexed: Be it enacted, That the said Agreement shall be carried into effect according to the true Intent thereof, and it shall be lawful for the Corporation, at any Time before the First Day of *December* One thousand eight hundred and fifty-seven, to purchase, and for the Company to sell to the Corporation, for the Purchase or Consideration Money to be ascertained and determined in the Manner provided for by the said Agreement, and to be paid or secured in such Manner as may be agreed upon between the Company and the Corporation, all the Lands, Retort Houses, Gasometers, Plant, Works, Mains, Pipes, and Effects of the Company (herein-after called the Gasworks), and then used by the Company for the Supply of their District with Gas; and it shall be lawful for the Company, in the Form as near as may be in the Schedule (B.) to this Act annexed, to convey and transfer the Gasworks so agreed to be sold or conveyed unto the Corporation, or as they shall direct, and the Receipt of any Three of the Directors of the Company for the Money or Securities agreed to be paid or given for the Purchase or Transfer of such Works and Premises shall be a good and sufficient Discharge for the Moneys or Securities therein expressed to be received, and the Corporation shall not be bound to see to the Application of the Moneys then paid, or of any Moneys to be subsequently paid upon or in respect of any such Securities.

Debts due at
the Time of
Purchase
and Convey-
ance to be-
long to Com-
pany not-
withstanding
this Act.

LXVIII. That as between the Company on the one hand and the Corporation on the other hand, all Debts, Rents, and Moneys which at the Time of the Gasworks being conveyed to or becoming vested in the Corporation shall be due or owing to the Company by any Contractor or Gas Consumer or other Person, and also a proportionate Part of all current Rents, Rates, or Charges from the last half-yearly or other Day of Payment up to the Time of such Property becoming vested in the Corporation, and all Moneys due and owing to the Company for any Supply of Gas up to that Time, shall belong to
the

The Stockton Gas Act, 1857.

the Company, and be accordingly paid to them in the same or the like Manner as if such Sale or Purchase had not been made; and that if any of such Debts, Rents, Rates, Charges, or Moneys shall, by reason of any existing Contract, be transferred to the Corporation, or from any other Cause be received by the Corporation, they shall forthwith on receipt thereof pay over the same to the Company; and that all Debts, Rents, Rates, Charges, and Sums of Money which at the Time of the Gasworks becoming vested in the Corporation shall be due or owing from the Company shall be paid by them, and that they shall, on receiving their Purchase Money for the said Gasworks, either produce to the Corporation valid and sufficient Receipts and Discharges for all such Debts or Sums of Money as ought to be paid by the Company as aforesaid, or otherwise the Company shall give unto or enter into with the Corporation a sufficient Security or Undertaking for the due Payment and Discharge of all such Debts or Sums, and for the Indemnity of the Corporation from and against the same.

LXIX. That the Company shall stand possessed of the Sum of Money which shall be paid by the Corporation for the Purchase of the Gasworks, and of all other Moneys for the Time being belonging to the Company, upon trust to pay and discharge thereout all the Debts and pecuniary Liabilities of the Company, or which shall then have been incurred and remain unpaid in respect of such Works, and to divide and distribute the Residue between the several Persons who shall be Shareholders in the Company, their respective Executors, Administrators, or Assigns, rateably and in proportion to the Number and Amount paid up of their respective Shares, or other Estate or Interest therein, and within Six Months after the Payment of such Purchase Money by the Corporation, or as soon thereafter as may be practicable, the Affairs of the Company shall be finally wound up, and thereupon the Company shall be dissolved and wholly cease to exist.

Application of Purchase Money for Gasworks.

LXX. That the several Persons whose Names shall appear in the Books of the Company to be Proprietors of Shares therein shall, unless the contrary be proved to the Satisfaction of the Directors of the Company, be considered to be Shareholders of the Company for the Purposes of the Distribution of the Purchase Money for the Undertaking, and of the other Moneys for the Time being belonging to the Company.

Persons whose Names appear in the Books, as Shareholders to be deemed such until the contrary be proved.

LXXI. That the Receipt of any Executor, Administrator, Committee, or Guardian of any Shareholder in the Company shall be an effectual Discharge to the Company and to the Directors thereof for so much of the Purchase Money, or other Moneys as in such Receipt shall be expressed to be received, and shall exonerate them from any

Receipt of Executors, &c. of Shareholders to discharge Company.

[Local.]

8 Q

Trust

The Stockton Gas Act, 1857.

Trust or Obligation affecting the Shares in respect of which such Money shall be paid.

Provision
in case of
Absence
of Share-
holders.

LXXII. That if the Company be unable, by reason of the Absence from *Great Britain* or Incapacity of any Shareholder, his Executors, Administrators, or Assigns, or of his Existence or Place of Abode not being, after diligent Inquiry, ascertainable by the Company, to pay to such Shareholder, or his Executors, Administrators, or Assigns, any Sum of Money which may be payable to him or them by the Company under the Provisions of this Act, then and in every such Case the Company from Time to Time shall, according to the Provisions of any Act of Parliament for the Time being in force authorizing the Payment into the Court of Chancery of Trust Moneys under like Circumstances, pay into that Court all Moneys which according to this Act ought to be paid by the Company to him or them, and such Payment shall be deemed as Payment by the Company to him or them, and he or they shall be entitled to obtain, according to the Provisions of any such Act, Payment of such Money out of that Court to him or them.

Upon Pay-
ment of Pur-
chase Money
and Convey-
ance of
Works, &c.,
same to vest
in Corpora-
tion.

LXXIII. That immediately on Payment by the Corporation of such Purchase Money or Delivery of such Securities as aforesaid to Three of the Directors of the Company, and on the Execution by the Company of a Conveyance (duly stamped), in which Conveyance the Consideration for the same shall be fully and truly stated and set forth, of the Gasworks of the Company to the Corporation, all the Gasworks and Property comprised in such Conveyance shall, by virtue of this Act, become absolutely vested in the Corporation for all such or the like Estate or Interest as the Company, or any Trustees for them, were seised or possessed of or entitled to therein, at the Date of such Conveyance.

Corporation
to be liable
for the Acts
of the Gas
Company in
respect of
the Works
vested under
this Act.

LXXIV. That when and so soon as the said Gasworks shall have become vested in the Corporation, the Corporation shall, with reference to every Act done or left undone, and with respect to every Liability, of what Nature or Kind soever, incurred by the Company in relation to the Works so vested in the Corporation prior to such vesting, or which would have been incurred by them if such Works had not become vested in the Corporation, be considered as identical with the Company, and the Corporation shall be liable for all such Acts and Omissions, and be subject to all such Liabilities, in the same Manner and to the same Extent as the Company were or would have been liable in respect thereof if this Act had not been passed.

Upon the
Gasworks
vesting in
Corporation,

LXXV. That immediately upon the Gasworks becoming vested in the Corporation all the Powers of the Company to supply Gas within the Limits of this Act shall cease, and all the Clauses and Provisions
of

The Stockton Gas Act, 1857.

of "The Gasworks Clauses Act, 1847," with respect to the following Matters, (that is to say,) 10 & 11 Vict. c. 15. to be incorporated.

With respect to the Construction of the Act and any Acts incorporated therewith;

With respect to the breaking up of Streets for the Purpose of laying Pipes;

With respect to the Supply of Gas and the Recovery of the Rent to be paid for the same;

With respect to the Waste or Misuse of the Gas or Injury to the Pipes and other Works;

With respect to the Provisions for guarding against fouling Water or other Nuisance from the Gas; and

With respect to Access to the Special Act;

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act, and such Clauses shall apply to the Gasworks and Works connected therewith for the Time being belonging to or vested in the Corporation and to the Corporation, and shall be construed as if the Expression "the Mayor, Aldermen, and Burgesses of the Borough of *Stockton*" had been inserted therein instead of the Word "Undertakers."

LXXVI. That when and so soon as the Gasworks shall have become vested in the Corporation, it shall be lawful for the Corporation to manufacture Gas and light the Streets and Places within the Limits of this Act, and also to supply with Gas the Inhabitants of the District within such Limits, upon such Terms as shall be agreed upon between the Corporation and the Persons supplied with Gas, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas in such Manner as the Corporation may think proper, and for such Purposes or otherwise to exercise all or any of the Powers by this Act vested in the Company which might have been exercised by them if such Transfer had not been made.

Power after the Purchase of the Gasworks to light the District within the Limits of this Act.

LXXVII. That the maximum Price at which Gas shall be sold by the Company or the Corporation to all Persons who shall burn the same by Meter shall not exceed for Gas supplied within the Borough Five Shillings *per* Thousand Cubic Feet, and for Gas supplied without the Borough Six Shillings *per* Thousand Cubic Feet.

Limit of Price for Gas.

LXXVIII. That all the Gas supplied by the Company or the Corporation shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Ten Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per* Hour.

Quality of Gas.

LXXIX. That

The Stockton Gas Act, 1857.

A Meter to test Purity of Gas to be erected.

LXXIX. That within Six Months after the passing of this Act the Company, or if the said Gasworks shall become vested in the Corporation, then the Corporation shall cause to be erected in some convenient Part of their Works an Experimental Meter furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to Corporation to test the Purity of the Gas.

LXXX. That in the meantime, and until the Gasworks shall have been conveyed to the Corporation, it shall be lawful for the Corporation, by Order in Writing, to appoint some competent Person, not being a Member or Officer or Servant of such Corporation, to proceed to the Works of the Company, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas by means of the Experimental Meter and other Apparatus before mentioned; and the Company and their Officers shall afford all reasonable Facilities and Assistance for making such Experiment; and if it shall be proved to the Satisfaction of any Two Justices not being Members of the Council of the Borough of *Stockton*, or Directors or Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the said Justices shall determine.

Penalty in case of Default.

Power to Justices on Requisition to authorize testing of Gas.

LXXXI. That after the Gasworks shall have been conveyed by the Company to the Corporation, it shall at any Time be lawful for any Two Justices, not being Members of the Council of the Borough of *Stockton*, or Directors or Shareholders of the Company, on receiving a Requisition signed by not less than Five Consumers of the Gas of the Corporation complaining that the Gas supplied to them is not in their Judgment and Belief of the full illuminating Power prescribed in this Act, if they shall think fit, by Order in Writing under their Hands, to appoint some competent Person to proceed to the Works of the Corporation, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Corporation, may, at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Corporation, and in the Presence of the Superintendent or other Officer of the Corporation, make Experiment of the illuminating Power of the Gas of the Corporation by means of the

The Stockton Gas Act, 1857.

the Experimental Meter and other Apparatus before mentioned; and the Corporation and their Officers shall afford all reasonable Facilities and Assistance for making such Experiment, and if it shall thereupon be proved to the Satisfaction of the said Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Corporation did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Corporation or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Corporation shall forfeit such Sum, not exceeding Twenty Pounds, as the said Justices shall determine.

LXXXII. That the Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company or on the Corporation, shall be paid, together with such Penalty, by the Company or by the Corporation, as the Case may require; but in the event of the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid to the Company or to the Corporation, as the Case may be, by the Body or Persons making such Requisition as aforesaid, as the Case may be, and shall be paid or levied accordingly.

Cost of Experiment to be paid according to the Event.

LXXXIII. That all Gas Rates and Rents to be received by the Corporation, and all other Revenue arising and accruing to the Corporation from the said Gasworks shall be paid to the Treasurer of the Borough to the Account of the Borough Fund of the Borough, and if the Corporation shall, under the Powers of this Act, borrow any Sum of Money on the Credit of the said Gasworks, separate and distinct from the Borough Fund, then separate and distinct Accounts shall be kept by the Treasurer of all Sums received and paid in respect of the said Gasworks.

Gas Rates and Rents to be paid to the Borough Fund.

LXXXIV. That it shall be lawful for the Corporation, for the Purpose of exercising the Powers vested in them by this Act, from Time to Time to borrow at Interest any Sum of Money which, together with any Sum of Money previously borrowed by the Corporation for the Purposes of this Act, shall not exceed in the whole the Sum of Twenty-five thousand Pounds, on the Credit of the Gasworks and Borough Fund of the Borough; and in the event of all or any such Moneys being repaid by the Corporation, except by means of the Sinking Fund, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security of the

Power to Corporation to borrow Money on Credit of the Gas Rents and Borough Fund.

[Local.]

8 R

Gasworks

The Stockton Gas Act, 1857.

Gasworks and Borough Fund for the Purposes of this Act more than the Sum of Twenty-five thousand Pounds in the whole at any One Time; and for securing the Payment of the Moneys so to be borrowed, with Interest, the Corporation may assign over the Gasworks of the Corporation and Borough Fund of the Borough, or either of them, or any Part thereof respectively, to the Persons who shall advance or lend such Money, or to any Trustees for them, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Mortgages to be without Preference.

LXXXV. That all Persons to whom such Mortgages shall be made by the Corporation under the Authority of this Act, or who shall be entitled to the Moneys thereby secured, shall, in proportion to the Sums therein respectively mentioned, be equally one with another Creditors on the Gasworks and Borough Fund of the Borough, or Gasworks or Borough Fund, as the Case may be, comprised in such Mortgages, without any Preference in respect of the Priority of advancing such Moneys, or the Dates of any such Mortgages respectively; and the Principal Moneys and Interest secured by any Mortgages of the Borough Fund, either separately or jointly with the said Gasworks, shall be a Charge on that Fund as a Debt of the Corporation, and shall be provided for and paid by the Corporation along with and in the same Manner in all respects as all other Debts and Expenses incurred by Municipal Corporations are by Law directed to be provided for, and levied, raised, and paid.

Existing Mortgages of Borough Fund to have Priority.

LXXXVI. Provided always, That all Mortgages of the Borough Fund granted by the Corporation, and in force on the Commencement of this Act, shall during the Continuance thereof have Priority over all Mortgages granted by the Corporation under this Act.

Provisions of 10 & 11 Vict. c. 16. incorporated.

LXXXVII. That the Sections of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, except the Section Number 84, and except so far as varied by this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Corporation, and to their Mortgages under the Provisions of this Act.

Corporation to set aside a Sum annually as a Sinking Fund.

LXXXVIII. That the Corporation shall, out of the Gas Rents and Borough Fund, from Time to Time from and after the First Day of *January* One thousand eight hundred and sixty, set apart yearly such a Sum as will, with the Interest to accrue thereon, be sufficient within the Period of Forty Years from that Day to pay off the whole of the Sums for the Time being so borrowed by the Corporation, or which may be due on the Credit of the Gasworks and Borough Fund, or either of them, for the Purposes of this Act, and such annual Sum shall be
a Charge

The Stockton Gas Act, 1857.

a Charge on the Borough Fund, and shall be provided for as a Debt of the Corporation, and shall be either invested at Interest, or applied in paying off a Portion of such Principal Money owing on Mortgage, as the Corporation shall think expedient.

LXXXIX. That if any Charge upon the Borough Fund of the Borough, created by any Mortgage of the Gasworks and Borough Fund, or of the Borough Fund alone under the Powers of this Act, shall render necessary the making and levying of any Rate in the Nature of a Borough Rate within the Borough for the Purpose of providing for the Interest or Principal of any Sum secured by such Mortgages, then and in every such Case the Sum so required to be raised shall be raised by a separate Borough Rate, and shall be levied in the Manner authorized in that Behalf by the Acts of Parliament for the Time being in force in respect of the levying of Borough Rates in Municipal Boroughs in *England* or *Wales*; but the Occupier of any Land within the Borough used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be entitled to, and the Corporation shall in every Case, so often as the same shall happen, allow or repay to every such Occupier a Drawback on the Assessment of his Land to such separate Borough Rate, equivalent to the full Amount of Three Fourths of so much of such Rate as such Occupier may have paid, or be liable to pay for, or towards the Amount which the Corporation may have applied or require to apply for the Purpose of providing for such Interest or Principal Money so charged on the Borough Fund, and the Amount which any such Occupier of Land as aforesaid may at any Time have paid in excess of One equal Fourth Part of the Sum assessed or levied upon him for any such Land as aforesaid in respect of such Borough Rate may be recovered by such Occupier from the Corporation in any Court of competent Jurisdiction.

Certain
Lands to be
liable to One
Fourth only
of any Rate.

XC. That as between the Gas Rents and other Profits of the Gasworks of the Corporation and the Borough Rate, the Gas Rents and Profits shall be primarily liable to be applied in satisfaction of the Principal Sums charged by any Mortgages of the Gasworks and Borough Fund and all Interest for the Time being due thereon; but nothing herein contained shall prejudice the Rights of any Company or Person lending any Money on the Security herein-before mentioned, and every such Company or Person may enforce all their or his Remedies in the same Manner as if this Provision had not been inserted.

Gas Rents to
be primarily
liable to
Sums bor-
rowed.

XCI. That

The Stockton Gas Act, 1857.

Expenses of
Act.

XCI. That all the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Company.

The Stockton Gas Act, 1857.

SCHEDULE (A.)

PARISH OF STOCKTON-UPON-TEES.

Description of Lands.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Field, partly used as a Brick Yard.	The Mayor, Aldermen, and Burgesses of the Borough of Stockton, Joseph Radcliffe Wilson, Town Clerk; the Stockton Gas Consumers Company (Limited), Thomas William Hornsby, Secretary, and the said Thomas William Hornsby, or some or One of them.	Thomas William Hornsby, and the Stockton Gas Consumers Company (Limited), or One of them.	The Mayor, Aldermen, and Burgesses of the Borough of Stockton, Joseph Radcliffe Wilson, Town Clerk, the Stockton Gas Consumers Company (Limited), Thomas William Hornsby, Secretary, and the said Thomas William Hornsby, or some or One of them.
Gasworks, including Gasometer, Retort House, Purifier, and Governor House, Coal Shed, Office, and Store Room, and Land adjoining or near thereto.	The same - -	The same -	The Stockton Gas Consumers Company (Limited), Thomas William Hornsby, Secretary.
Occupation Road and public Footpath.	The same - -	The same -	The Mayor, Aldermen, and Burgesses of the Borough of Stockton, Joseph Radcliffe Wilson, Town Clerk, the Stockton Gas Consumers Company (Limited), Thomas William Hornsby, Secretary, the said Thomas William Hornsby, George Rayne, Robert Dowson, and John William Parkin, or some or One of them.

The Ecclesiastical Commissioners for England and Wales, Lords of the Manor of Stockton.

The Stockton Gas Act, 1857.

SCHEDULE (B.)

Form of Conveyance of Gas Undertaking.

THIS Indenture, made the _____ Day of _____
 in the Year of our Lord _____ witnesseth,
 That in consideration of the Sum of _____ Pounds
 paid or secured to

Three of the Directors of the Stockton United Gas Company, by the Mayor, Aldermen, and Burgesses of the Borough of Stockton, under the Powers of "The Stockton Gas Act, 1857," the Stockton United Gas Company, under the Powers of the said Act, and other Powers vested in them for that Purpose, do hereby grant, bargain, sell, and convey all the Lands, Houses, Buildings, Retorts, Gasometers, and other Works now used by the said Company for the Manufacture, purifying, and storing of Gas, and all the Mains, Pipes, Meters, and Lamps, Apparatus, and other Gas Property of the said Company already laid down and used for the Distribution of Gas in the District now lighted by the said Company, and all the Powers, Rights, and Privileges now vested in the said Company under the said Act, unto the said Mayor, Aldermen, and Burgesses, to hold the same unto the said Mayor, Aldermen, and Burgesses absolutely for the Purposes of the said Act and the Benefit of the said Borough.

In witness whereof the said _____
 have hereunto set their Hands and Seals, and the said Company, and Mayor, Aldermen, and Burgesses, have affixed their respective Corporate Seals, the Day and Year first above mentioned.

SCHEDULE (C.)*Copy of Provisional Agreement between the Companies and the Corporation for the Sale and Purchase of the Gasworks.*

ARTICLES of Agreement made and entered into this Twenty-seventh Day of April, in the Year of our Lord One thousand eight hundred and fifty-seven, between the Stockton New Gas Company, herein-after called "the old Company," incorporated by an Act passed in the Session of the Ninth and Tenth Years of Her present Majesty, intituled "An Act for lighting with Gas the Town and Borough of Stockton, and other Places in the Counties of Durham and York," of the First Part; the Stockton Gas Consumers Company (Limited), herein-after called "the Consumers Company," constituted by a Deed of Settlement, dated the Twentieth Day of May One thousand eight hundred and fifty-six, and completely registered as required by Law, of the Second Part; and

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and the Mayor, Aldermen, and Burgesses of the Borough of Stockton, hereinafter called "the Corporation," of the Third Part: Whereas a Bill, promoted by the old Company and the Consumers Company, intituled "A Bill to unite and amalgamate the Stockton New Gas Company and the Stockton Gas Consumers Company (Limited), and to authorize the united Company to raise additional Capital, and to sell their Undertaking to the Mayor, Aldermen, and Burgesses of the Borough of Stockton, and for other Purposes," was introduced into Parliament in the last Session, and under Standing Orders made previously to the Dissolution the Proceedings on the said Bill were suspended for the Purpose of enabling the Promoters to proceed with the said Bill in the ensuing Session of Parliament, and such Bill is intended to be so proceeded with, and by such Bill it is proposed to be enacted (Clause VII.) that the Shareholders of the old Company and the Consumers Company respectively shall be united into a Company, and incorporated by the Name of the Stockton United Gas Company, hereinafter called the "United Company," and (Clause VIII.) that all the Gasworks and other Property and Effects of the old Company and the Consumers Company respectively shall be vested in the United Company, subject to all Mortgages, Securities, and Liabilities affecting the same, or the old Company and the Consumers Company in respect thereof; and (Clause LXVII. as proposed to be altered) that the Corporation, within a Time to be therein expressed, may purchase, and the united Company may sell to the Corporation, on Terms agreed on (and referred to in the said Clause as contained in an Agreement set out in Schedule (C.) to the said Bill annexed, thereby meaning and referring to this present Agreement), all the Lands, Retort Houses, Gasometers, Plant, Works, Mains, Pipes, and Effects of the united Company, then used by them for the Supply of Gas: And whereas at a Meeting of the Corporation, duly convened and holden at the Town Hall in the Borough of Stockton, on Thursday the Sixteenth Day of October One thousand eight hundred and fifty-six, it was resolved and ordered,—“That the Corporation do and shall purchase the Works, Property, and Effects of the Stockton New Gas Company and the Gas Consumers Company (Limited), and that the necessary Parliamentary Authority for enabling the said Companies to sell, and the Corporation to purchase, be obtained: And whereas at a Meeting of the Corporation, duly convened and holden at the Town Hall in the said Borough, on Friday the Twenty-seventh Day of February One thousand eight hundred and fifty-seven, it was resolved and ordered,—“That the Resolutions of the Sixteenth October last to purchase the Works of the Stockton New Gas Company and the Stockton Gas Consumers Company (Limited) be confirmed, and that an Agreement to that Effect between the Corporation and the Companies be forthwith prepared and executed:” Now these Presents witness, that in consideration of the Premises it is hereby mutually agreed by and between the old Company and the Consumers Company, for themselves respectively, and so as to bind not only themselves respectively, but also the united Company, if and when incorporated on the one hand, and the Corporation for themselves on the other hand, in manner hereinafter expressed; to wit,

First. If the said suspended Bill shall be proceeded with in the ensuing Session of Parliament, and shall pass into a Law, and whether or not the old Company and the Consumers Company shall be thereby united into One Company as proposed, and the Corporation shall be thereby authorized to purchase the Gasworks and Property hereinafter mentioned of the

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the old Company and the Consumers Company respectively, or, as the Case may be, of the United Company, the old Company and the Consumers Company, or, as the Case may be, the United Company, will sell to the Corporation, and the Corporation will purchase of them respectively, all the Lands, Retort Houses, Gasometers, Plant, Works, Mains, Pipes, and Effects, and generally the whole Undertaking of the old Company and the Consumers Company respectively, or, as the Case may be, of the United Company, except only the private Books of the Companies respectively.

Secondly. The Purchase Money for the Works and Undertaking of the old Company (and whether or not vested in the United Company) as the same Works existed on the First Day of July One thousand eight hundred and fifty-six shall be the Sum of Ten thousand Pounds, with Interest after the Rate of Five Pounds per Cent. per Annum thereon from that Day until the Day of the actual Payment thereof by the Corporation, and a further Sum equal to the Amount of all Sums of Money expended after the First Day of July One thousand eight hundred and fifty-six, and whether already or hereafter on the same Works and Undertaking, with Interest after the same Rate on the same Sums respectively, from the respective Times of the Expenditure thereof until the Day of the actual Payment of the same further Sum by the Corporation.

Thirdly. The Purchase Money for the Works and Undertaking of the Consumers Company, and whether or not vested in the United Company, shall be a Sum equal to the Amount of all such Sums of Money as shall have been paid for or on account of the same Works and Undertaking, or any Land purchased or agreed to be purchased for the same or for any Purpose connected therewith, or with the Supply of Gas by the Consumers Company, including the Payment of all Costs, Charges, and Expenses of and incident to the Purchase and Transfer by or on the Part of the Consumers Company of Shares in the old Company, the permanent or temporary raising of Capital for the Purposes of the Consumers Company, the Costs, Charges, and Expenses of and incident to the preparing, perusing, and executing of all Contracts, Agreements, Bonds, Leases, Conveyances, Assignments, and other Documents relating to or in connexion with the Affairs of the Consumers Company, and the preparing for, obtaining, and passing of the proposed Act for which the Bill is now suspended, or any other Act or Acts of Parliament for like Purposes which may be applied for in consequence of any fresh Dissolution of Parliament before such Bill can be passed into a Law, and all other Costs, Charges, and Expenses which may have been in anywise incurred by or on account of the Consumers Company, or any Person or Persons acting on their Behalf, or otherwise touching the Premises, with Interest after the Rate of Five Pounds per Cent. per Annum thereon from the respective Times of the Expenditure of such Sums respectively until the Day of the actual Payment of the said Sum by the Corporation.

Fourthly. The Corporation will undertake all the Contracts, Liabilities, and Engagements of the old Company and the Consumers Company respectively, or, as the Case may be, of them and the United Company respectively, and also of any individual Shareholder or Shareholders for or on account of them respectively, so as such Contracts, Liabilities, and Engagements

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Engagements where entered into or incurred by any Shareholder or Shareholders shall have been entered into or incurred bonâ fide in relation to the said Undertakings, or to the promoting, establishing, or carrying on of the same, or for any Purpose incidental to the Establishment of the Consumers Company, or obtaining the Means of carrying on the Business of the Companies respectively, nevertheless all Dividends, Interest, and Income which may have accrued or become due to and been received by the Companies respectively after the First Day of July One thousand eight hundred and fifty-six being first credited.

Fifthly. The Purchase shall take effect on and from the First Day of December One thousand eight hundred and fifty-seven, and shall be completed on the First Day of December One thousand eight hundred and fifty-seven, when the Corporation having paid the Purchase Moneys shall be let into possession of all the purchased Property.

Sixthly. So soon as the Purchase is completed, and the Corporation are let into possession of the purchased Property, they will accept a Surrender of a Lease granted by them to Thomas William Hornsby, dated the Thirteenth Day of May One thousand eight hundred and fifty-six, of certain Premises situate in the Borough of Stockton, and of the Term and Interest of the Lessee therein, he paying the Rent, and performing the Covenants and Conditions on the Lessee's Part up to the Time of the Completion of the Purchase, but not afterwards.

Seventhly. The Corporation will use their utmost reasonable Endeavours to facilitate the passing of the suspended Bill or of any future Bill to the same Intent which may be rendered necessary in consequence of any fresh Dissolution of Parliament before such Bill can pass into a Law, and either as the same suspended Bill has been altered for Committee, or subject to such Alterations as shall be required by either House of Parliament, and on being thereunto requested by the Promoters will affix their Corporate Seal to such Petitions to Parliament, and to such Copies of the Bill as the Promoters reasonably require, and, subject to the Stipulations herein contained, this Agreement shall stand good with respect to all such future Applications to Parliament as the old Company and the Consumers Company may make for attaining all or any of the Objects of the suspended Bill.

Eighthly. If at any Time any Question shall arise between the old Company and the Consumers Company, or either of them, or the United Company and the Corporation, as to the Object, Intent, Construction, Effect, Incidents, or Consequences of this Agreement, or as to the Amount of any Expenditure or Liability under or referred to in any of the preceding Articles, every such Question shall be referred to and determined by Arbitration, according to the Provisions with respect to the Determination of Disputes by Arbitration contained in "The Companies Clauses Consolidation Act, 1845," and such Provisions shall be acted upon in the same Manner as if they were incorporated with and made Part of these Presents, and shall be deemed Part of this Agreement accordingly.

Lastly. The Corporation accept the Obligations contained in this Agreement on the Part of the old Company and the Consumers Company in satisfaction and discharge of the Obligations entered into on behalf of the said Companies and in favour of the Corporation, by an Agreement dated the Twelfth Day of July One thousand eight hundred and fifty-six, and

[*Local.*]

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made

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made between Robert Craggs, Esquire, and others, of the one Part, and Richard Headlam Keenlyside, Esquire, Doctor of Medicine, and others, of the other Part, and such last-mentioned Agreement and all other Agreements to the same Effect shall be considered as at an end.

In witness whereof the said Stockton New Gas Company and the said Stockton Gas Consumers Company (Limited) have respectively put their Common Seal to One Part of this Agreement remaining with the said Corporation, and to another Part of this Agreement remaining with the said Stockton New Gas Company and the said Stockton Gas Consumers Company (Limited) the said Mayor, Aldermen, and Burgesses have put the Common Seal of the said Borough of Stockton, the Day and Year first above written.

The Seal of the Stockton New Gas Company was affixed hereto in the Presence of

R. CRAGGS, Chairman.

T. W. HORNSBY, Secretary.

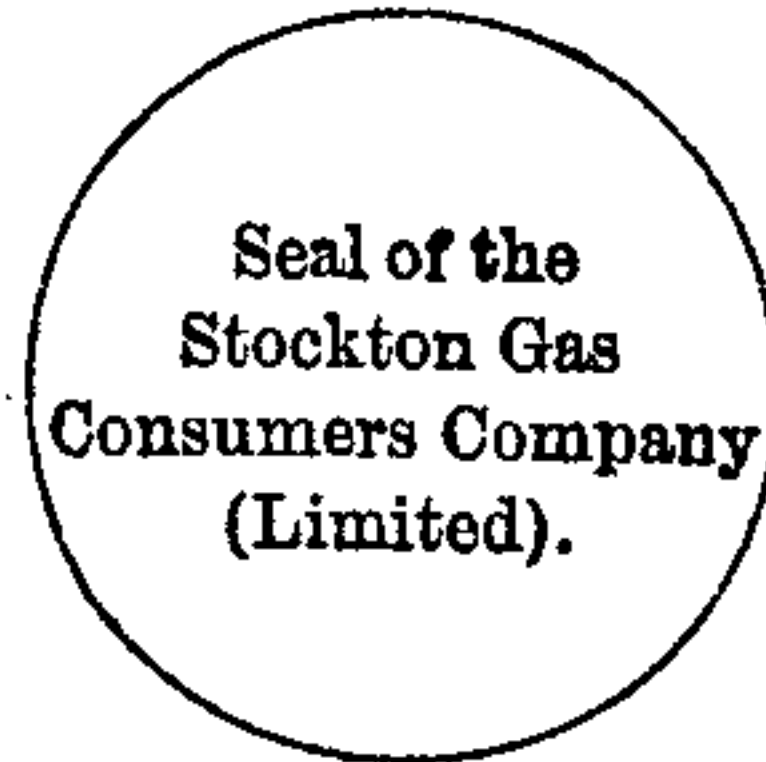


Seal of
the Stockton
New Gas
Company.

The Seal of the Stockton Gas Consumers Company (Limited) was affixed hereto in the Presence of

R. CRAGGS, Chairman.


T. W. HORNSBY, Secretary.



Seal of the
Stockton Gas
Consumers Company
(Limited).

The Common Seal of the Mayor, Aldermen, and Burgesses of the Borough of Stockton in the County of Durham was affixed hereto in the Presence of

J. R. WILSON, Town Clerk.



Seal of
the Corporation
of
Stockton.

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