



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. vi.

An Act for 'lighting with Gas the Borough of  
*South Shields* and Neighbourhood thereof, in  
the County of *Durham*. [26th June 1857.]

**W**HEREAS in or about the Year One thousand eight hundred and twenty-four certain Persons formed themselves into a Company for the Purpose of supplying with Gas the Townships of *South Shields* and *Westoe* in the County of *Durham*: And whereas by Deed of Settlement bearing Date the Twentieth Day of *December* One thousand eight hundred and fifty-five, and made between the several Persons named in the Third Part of the Schedule thereunder written, of the First Part, and *Robert Anderson* and *George Yeoman Heath*, Trustees for the Purposes therein mentioned, of the Second Part, after reciting that the Parties thereto of the First Part were the Owners of certain Freehold and Leasehold Hereditaments, and of Machinery, Pipes, and other Chattels and Effects which they had used in Copartnership for the Purpose of supplying the Borough of *South Shields* in the County of *Durham* with Gas, and that being desirous of extending their Works, they had agreed to obtain a Certificate of Registration under the Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and ten, and generally to carry on their said Copartnership

Deed of Settlement, dated 20th Dec. 1855.

[Local.]

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under

*The South Shields Gas Act, 1857.*

19 & 20 Vict.  
c. 47.

under and subject to the Provisions of the said Act and of the same Deed, such Persons formed themselves into a Joint Stock Company by the Name of "The *South Shields* Gas Company," for the Purpose of manufacturing Gas and therewith lighting the Streets, Houses, and other Places of the Borough of *South Shields*, and any of the Parishes or Places adjoining or near thereto, and of selling and disposing of Coke, Gas Tar, and of all and every Product and Products, Refuse or Residue, arising or to be obtained from the Substances or Materials used in or necessary for the Manufacture of Gas, with a Share Capital of Twenty thousand Pounds, divided into Two thousand Shares of Ten Pounds each, with Power to raise on Bond the Sum of Five thousand Pounds, and to increase their Share Capital to the further Extent of Fifteen thousand Pounds, or in lieu thereof to borrow the whole or any Part of such Sum upon Mortgage: And whereas the said Company was completely registered under the Act then in force for the Registration, Incorporation, and Regulation of Joint Stock Companies: And whereas the said Company have obtained Registration under "The Joint Stock Companies Act, 1856:" And whereas no such Increase of the Capital of the Company as is by the said Deed authorized has taken place: And whereas the Property of the Parties interested in the Company established in the Year One thousand eight hundred and twenty-four was valued and taken by the Company established under the said Deed of Settlement at the Sum of Eleven thousand two hundred Pounds, and Shares representing that Amount were allotted to the Parties so interested, and the same forms Part of the said Capital of Twenty thousand Pounds, the whole whereof hath been subscribed for and paid up and expended for the Purposes of the Undertaking of the said Company: And whereas the said Company have not borrowed any Money: And whereas the Company have extended and improved the Gasworks, but they require for the Purposes of such Works the additional Lands herein-after more particularly described, and it is expedient that they be enabled to purchase, take, and hold such Lands for the Purposes of their Works: And whereas a Plan of the Lands intended to be taken for the Purposes of this Act, with a Book of Reference thereto, has been deposited with the Clerk of the Peace for the County of *Durham*: And whereas the Company have laid down Pipes and other Apparatus for the Supply of the said Borough: And whereas the Population of *South Shields* and of its Neighbourhood hath of late Years greatly increased, and there is an increasing Demand for the Supply of Gas both for public and private Purposes, and it is expedient that Powers should be given to the Company to enable them to afford such Supply of Gas, that their Capital should be increased, that they should be enabled to supply Gas within the District herein-after mentioned, and that more effectual Powers should be conferred upon them for the Purpose of effectuating such Supply; but the  
Purposes

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Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act; and in construing those Acts respectively in connexion with this Act the Expression "the Special Act" shall mean this Act; the Expressions "the Company" and "the Undertakers" respectively shall mean the Company by this Act incorporated; and the Expressions "the Undertaking" and "the Gasworks" shall include all the Works of the Company executed and to be executed.

8 & 9 Vict.  
cc. 16. & 18.  
and  
10 & 11 Vict.  
c. 15. incor-  
porated.

II. Except as in this Act otherwise provided, the several Words and Expressions to which Meanings are respectively assigned by the said Acts incorporated herewith, or either of them, shall in this Act have the Meanings so assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction.

Same Mean-  
ing to Words  
in this Act  
as in Acts in-  
corporated.

III. In this Act the Expression "the original Company" shall mean the Company or Partnership existing under the said Deed of Settlement and "The Joint Stock Companies Act, 1856," immediately before the passing of this Act; and the Expression "the Company" shall mean the Company hereby incorporated, unless there be something in the Subject or Context repugnant to such Construction.

Construction  
of Terms.

IV. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *South Shields Gas Act, 1857.*"

Short Title.

V. The Limits of this Act for the Supply of Gas shall comprise and include the Borough of *South Shields* and the Parish of *Jarrow* in the County of *Durham*, both without as well as within the Borough; and the Limits within which the Gasworks may be continued, maintained, erected, or made are the Lands belonging to or used by the original Company for the Purpose of the Gasworks previous to the passing of this Act, and also the Lands which may be purchased by the Company under the Powers of this Act, and all which Lands are more particularly described in the Schedule to this Act annexed.

Limits of  
Act and  
Sites of Gas-  
works.

VI. The present Members of or Shareholders in the original Company, and all other Persons and Corporations who have already sub-  
scribed

Incorpora-  
tion of Com-  
pany:

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scribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for doing all Acts necessary for that Purpose, and for other the Purposes by this Act and the said incorporated Acts authorized, by and under the Name of "The *South Shields Gas Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained; but shall not after the passing of this Act be subject to any of the Clauses or Provisions of "The Joint Stock Companies Act, 1856," or of any other Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.

Present Property vested in Company incorporated by this Act.

VII. All Lands, Works, Erections, Buildings, Rights, and Easements which immediately before the passing of this Act were vested in the original Company or in any Person on their Behalf, or to which the original Company were entitled either at Law or in Equity, and all Mains and Pipes, Plugs, Lamps, Irons, Gasometers, Retorts, Meters, Apparatus, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed in any Street, Place, or House within the Limits of this Act, or which immediately before the passing of this Act were the Property of or belonging to the original Company, and all Monies, Securities, Credits, Effects, and other Property whatsoever belonging to the original Company, or to any Trustees on their Behalf for the Purposes of the original Company, shall be and the same are hereby vested in the Company to the same Extent and for the same Estate and Interest as the same were previously to the passing of this Act vested in the original Company, or any Trustees on their Behalf, and may be held, used, and enjoyed, maintained, altered, discontinued, or removed by the Company as they think fit, subject nevertheless to the same Rents and Incumbrances (if any) to which at the passing of this Act the same Premises were respectively subject.

Deed of Settlement to be void without prejudice to Remedies for antecedent Breaches thereof.

VIII. Subject to the Provisions of this Act, the said Deed of Settlement and all Alterations of the same shall, as to any future or prospective Operations thereof, from and after the passing of this Act be wholly void and of none Effect; and the several Persons who shall have executed the same Deed or any Deed accessory thereto, and their Heirs, Executors, and Administrators shall, immediately from and after the passing of this Act, stand and be by virtue thereof released and discharged from any future Obligation to observe, perform,

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perform, abide by, fulfil, or conform to the said Deed of Settlement, or the Covenants or Agreements therein contained, or any Alterations of the same, or any or either of them respectively.

IX. Notwithstanding the Incorporation of the Company, and the Avoidance by this Act of the said Deed of Settlement and of any Alterations thereof, and 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 original Company, or the Shareholders therein in that Capacity, shall be as valid as if the Company had not been incorporated, and the said Deed and Alterations 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 and Alterations 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 shall to all Intents and Purposes represent the original Company and the Shareholders therein in their Capacity of Shareholders: Provided always, that the Generality of the preceding Provision shall not be restricted by any of the other Clauses or Provisions of this Act.

Nothing to affect previous Rights and Liabilities.

X. All Deeds, Contracts, Bonds, and Agreements entered into or made before the passing of this Act by or with the original Company, or any Trustees or any Persons acting on behalf of the original Company, and now in force, shall be as binding and of as full Force and Effect in all respects against or in favour of the Company, and may be enforced as fully and effectually as if instead of the original Company or the Trustees or Persons acting in behalf of the original Company, the Company had been a Party thereto; and all Bodies Politic or Corporate, and all Persons whosoever who immediately before the passing of this Act owed to the original Company any Rents or Remuneration for Gas or for Meters, any Calls upon Shares, or any other Sums of Money, shall be liable for the Payment thereof to the Company; and in case of Nonpayment thereof, or of any Part thereof, the Company may proceed for the Recovery thereof, and recover the same in such and the same Manner, and shall and may exercise the same Remedies in respect thereof, as if the same were due to the Company under the Provisions of this Act.

Contracts prior to passing of this Act to be binding.

XI. Nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceedings at Law or in Equity which shall be pending by or against the original Company, or any

Actions, &c. not to abate.

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Member

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Member thereof, in relation to the Affairs of the original Company, or to which the original Company or any Member thereof in relation to such Affairs shall be Parties immediately before the passing of this Act, but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by, 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, in favour of, or against the original Company, or any Members thereof, if this Act had not been passed, the Company being in reference to the Matters aforesaid in all respects substituted for the original Company or the Members thereof.

As to Recovery of Debts of original Company.

XII. All Debts owing by the original Company immediately before the passing of this Act may be enforced against the Company in the same Manner as if such Debts had been incurred by the Company after the passing of this Act.

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

XIII. If any Judgment, Decree, or Order shall at any Time after the passing of this Act be obtained against the Company in respect of any Debt or Liability owing or incurred, or in respect of any Contract made or Tort committed by the original Company before the passing of this Act, and such Judgment, Decree, or Order shall not, after due Diligence for that Purpose shall have been used, be fully satisfied out of the Property and Effects of the Company, then and in every such Case such Judgment, Decree, or Order may be enforced, and Execution thereof issued against the Person, Property, and Effects of any Person who shall have been a Member of the original Company immediately before the passing of this Act, or at the Time at which the Contract shall have been made or Tort committed in respect of which such Debt or Liability shall have accrued or have been incurred, in the same Manner in all respects as if this Act had not been passed.

Shareholders against whom Execution issued in respect of existing Liabilities, to be reimbursed.

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

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said in the same Manner as Contributions in ordinary Cases of Copartnership.

XV. Every Trustee or other Person in whom and in whose Name any Lands, Works, Erections, Buildings, or Property belonging to the original Company were vested immediately before the passing of this Act, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Works, Erections, Buildings, or Property, or who shall have entered into any other Contract on behalf of the original Company, shall be indemnified and saved harmless out of the Funds or Property of the Company from all Liability, and against all Loss, Costs, Charges, and Expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such Bond, Covenant, Contract, or Engagement.

Trustees of the Company to be indemnified.

XVI. The Capital of the Company for the Purposes of this Act shall be Forty thousand Pounds, whereof Twenty thousand Pounds shall be called "the original Capital," and Twenty thousand Pounds "the additional Capital."

Capital.

XVII. The Number of Shares into which the said Capital shall be divided shall be Four thousand, and the Amount of each Share shall be Ten Pounds.

Number and Amount of Shares.

XVIII. Every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares in the original Capital of the Company, shall continue to be possessed of or entitled to the same Shares, of the same nominal Value, and marked by the same progressive Number or Numbers as such Person or Corporation was possessed of or entitled to immediately before the passing of this Act; and such Persons and Corporations shall continue to hold and stand possessed of such Shares respectively to and upon such and the same Trusts (if any), and for, under, and subject to such and the same Disposition, and subject to such and the same Charges, Judgments, Liens, and Incumbrances (if any) to, upon, under, and subject to which they held and possessed the Shares respectively at the Time of the passing of this Act.

Distribution of existing Shares.

XIX. The new Shares which may be from Time to Time created by the Company for raising the additional Capital or any Part thereof shall be offered to the then existing Shareholders in the first instance in proportion to the Number of old Shares held by each of them, and any new Shares not taken by the then existing Shareholders within One Month after such Offer shall have been made by Letter, under the

Distribution of new Shares.

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the Hand of the Secretary of the Company, may be issued to new Shareholders.

Rights and  
Liabilities of  
Subscribers  
to further  
Capital.

XX. Except as otherwise provided in this Act, every Subscriber towards raising the additional Capital shall have the same Rights, Powers, and Advantages, and be subject to the same Liabilities and Restrictions, to all Intents and Purposes, as if such further Capital had been Part of the original Capital.

Calls.

XXI. Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Two Months at the least shall intervene between the making of any Two successive Calls; and the aggregate Amount of Calls on any new Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

As to Rate of  
Dividends.

XXII. With reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profits to be received by the Undertakers when the Gasworks are carried on for their Benefit, the prescribed Rate of Profits to be divided among the Shareholders in the Company in any Year shall be Nine Pounds in the Hundred by the Year on the Capital in the Undertaking for the Time being paid up.

Power to  
borrow on  
Mortgage.

XXIII. It shall be lawful for the Company to borrow on Mortgage or Bond for the Purposes of this Act any Sum of Money not exceeding in the whole the Sum of Nine thousand eight hundred Pounds at the respective Periods herein-after mentioned; that is to say, at any Time after the passing of this Act the Company may borrow any Sums of Money not exceeding Five thousand Pounds, and when the additional Capital of Twenty thousand Pounds shall have been subscribed for, and One Half thereof paid up, the Company may borrow the further Sum of Four thousand eight hundred Pounds.

Application  
of Money.

XXIV. All Money raised under the Powers of this Act by Shares or borrowing shall be applied only to the Purposes of the Undertaking by this Act authorized.

Number and  
Qualification  
of Directors.

XXV. Subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors shall be not less than Five nor more than Seven, as the Company from Time to Time determine, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares at least in the Undertaking, and no Director shall continue in Office after he shall cease to be the Holder of Twenty Shares at least in the Capital of the Company.

XXVI. The



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XXVI. The Persons who at the Time of the passing of this Act are the Directors of the original Company shall be the First Directors of the Company. First Directors.

XXVII. The Quorum of a Meeting of Directors shall be Three. Quorum of Directors.

XXVIII. Every Secretary, Clerk, Treasurer, and Officer appointed by the original Company, and in Office at the Time of the passing of this Act, shall hold and enjoy his Office and Employment, with the Salary or other Remuneration thereunto annexed, and be deemed an Officer of the Company, until he be removed from such Office, and shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties in all respects whatsoever as if he were appointed under this Act. Present Officers to continue until removed.

XXIX. At any General Meeting after the passing of this Act the Company may remove from Office the present or any future Secretary, and if any such Secretary die, resign, or be so removed, another Secretary shall be elected in his Place at a General Meeting, and from Time to Time any such Meeting may fix the Salary or other Emoluments to be allowed to such Secretary as they shall think proper. Power to remove and appoint Secretary from Time to Time.

XXX. The Directors may at any Time suspend the Secretary for the Time being from his Office, and may appoint some Person temporarily to fill the Office of Secretary so suspended, or when vacant from any other Cause, with such Salary as they think fit; but in case of Suspension they shall forthwith call an Extraordinary Meeting of the Company for the Purpose of taking into consideration the Propriety of removing from his Office any Secretary so suspended, as the Case may require. Power to suspend Secretary.

XXXI. The First General Meeting of the Shareholders of the Company shall be held within Four Months after the passing of this Act, and the future General Meetings shall be held in the last Week of the Month of *February* and the last Week of the Month of *August* in each Year, or at such other stated Periods as shall be appointed for such Purpose by an Order of any General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the said Borough of *South Shields*, and the Quorum for every Meeting of the Company shall be Seven Shareholders holding in the aggregate Two hundred Shares in the Undertaking. First and other Meetings.

XXXII. At all Meetings of the Company every Holder of a Share or Shares in the Capital of the Company shall be entitled to vote as follows: Manner of voting at Meetings.

For One Share, or any Number of Shares exceeding One and less than Eight, One Vote;

[ *Local* ]

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For Eight Shares, or any Number of Shares exceeding Eight and less than Fifteen, Two Votes ;

For Fifteen Shares, or any Number of Shares exceeding Fifteen and less than Twenty, Three Votes ;

For Twenty Shares, or any Number of Shares exceeding Twenty and less than Thirty, Four Votes ;

For Thirty Shares, or any greater Number, Five Votes :

Provided always, that no Shareholder shall have more than Five Votes.

Proxies.

XXXIII. No Shareholder shall be entitled to hold or use more than Five Proxies at any Meeting of the Company.

Shareholders may convene Extraordinary Meetings.

XXXIV. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Five, and such Shareholders shall hold in the aggregate not less than Fifty Shares in the Capital of the Company.

First Directors, how long to remain in Office.

XXXV. The First Directors of the Company shall continue in Office until the General Meeting to be held in the Month of *February* One thousand eight hundred and fifty-eight, when they shall retire from Office, and their Places be supplied by the Election of such Number of Directors, not less than Five nor more than Seven, as may be determined on at such Meeting ; and the Directors who may be appointed at such Meeting shall remain in Office until the next General Meeting of the Company to be held in the Month of *February* in the following Year, when they shall retire from Office and others be elected in their Stead ; and afterwards the Directors shall retire annually at the General Meeting held in the Month of *February* in every Year : Provided always, that every Director retiring from Office as aforesaid may be re-elected immediately, or at any future Period.

Rotation of Directors.

As to Supply of Vacancies in Office of Director.

XXXVI. If any Director die or resign or become disqualified by reducing the Number of Shares which may have constituted his Qualification at the Time of his Election, or become incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office, his Place may be supplied by the surviving or continuing Directors.

Power to purchase Lands.

XXXVII. Subject to the Provisions of this Act, the Company may, for the Purposes of their Undertaking, enter upon, purchase, take, and use the Lands and Hereditaments delineated on the said Plan and described in the said Book of Reference, or such Part thereof as the Company may from Time to Time require for the Purposes of the Works and Undertaking.

XXXVIII. The

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- XXXVIII. The Powers by this Act granted to the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after Two Years from the passing of this Act. Powers for compulsory Purchases limited.
- XXXIX. The Company may by Agreement purchase any other Lands, and any Right, Title, or Interest in any of the Lands now held or used by them, which may not have been purchased by or be vested in the original Company, or in some Person in trust for such Company; provided that the Quantity of Land to be held by the Company shall not exceed Five Acres. Power to purchase other Lands by Agreement.
- XL. Provided always, That the Company shall not erect any Works for the Manufacture of Gas, except upon the Lands specified in the Schedule to this Act annexed. Gasworks to be erected only on Lands in Schedule.
- XLI. Subject to the Provisions in this Act and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to make, construct, lay down, and maintain, alter, or discontinue such Retorts, Gasometers, Receivers, Drains, Sewers, Machinery, and other Works and Apparatus, and also such Houses and Buildings and Approaches thereto, and to do all such other Acts as they shall think necessary, consistently with the Provisions of this Act, for supplying Gas within the Limits of this Act, and to sell, manufacture, and dispose of Coke and other Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper. Power to construct Gasworks.
- XLII. The Company from Time to Time may enter into any Contract with the Mayor, Aldermen, and Burgesses of the Borough of *South Shields*, the Local Board of Health, or any other Persons having the Control or Management of any Street, Bridge, Market, Quay, Pier, or other Place within the Limits of this Act, for lighting or supplying the same or any Part thereof with Gas, and providing the same with Lamp Pillars and Posts, Lamp Brackets, Lamps, and Glass, and for the Repair thereof respectively, and also from Time to Time may enter into any Contract with any Person for lighting or supplying with Gas any Church, Chapel, Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, or other public or private Building or Place, on such Terms and Conditions as the Company and such Persons respectively agree on. Company may contract for lighting Streets, &c. and for Supply to Buildings.
- XLIII. The Company may, with the Consent of the Owner and Occupier of any Building, lay any Pipe, Branch, or 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 any

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any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Maximum Charge for Gas.

XLIV. The maximum Charge for Gas supplied by the Company shall be after the Rate of Four Shillings and Sixpence *per* Thousand Cubic Feet of Gas.

Differences as to public Lighting to be settled by Arbitration.

XLV. If the Company shall be unable to agree with the Local Board of Health for the Borough of *South Shields* as to the Price to be paid for any Gas which such Board may require, then such Price shall be settled by Arbitration in manner prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Quality of Company's Gas.

XLVI. All the Gas supplied by the Company 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 Twelve Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Company to erect a Meter to test Purity of Gas.

XLVII. The Company shall within Six Months after the passing of this Act 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 Local Board to test the Purity of the Gas.

XLVIII. It shall at any Time be lawful for the Local Board of Health of the Borough of *South Shields*, by Order in Writing, to appoint some competent Person, not being a Member or Officer or Servant of such Board, 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 Day-time, 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 to the making of such Experiment; and if it shall be proved to the Satisfaction of any Two Justices, not being 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

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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 on Company in case of Default.

XLIX. 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, shall be paid, together with such Penalty, by the Company; but in the event of the Gas being found, when tested, to be of not less illuminating Power than is by this Act prescribed, shall be awarded to be paid by the Local Board of Health to the Company, and shall be paid or levied accordingly. Cost of Experiment to be paid according to the Event.

L. Every Consumer of the Gas supplied by the Company shall, upon being required by the Company by Notice in Writing so to do, consume the Gas so supplied by a Meter to be provided either by the Company at the Expense of the Consumer, or at the Option of the Consumer, by the Consumer and approved by the Company. Consumers may be required to use Meters.

LI. If any Person wilfully, fraudulently, or by culpable Negligence, injure or suffer to be injured any Meter or Gas Apparatus or Fitting belonging to the Company, or fraudulently alter the Index to any Meter or any Part of such Meter, or the Pipes connected therewith, every Person so offending shall for every such Offence forfeit to the Company any Sum not exceeding Five Pounds; and the Company may, in addition thereto, recover the Amount of any Damages by them sustained, and the Company may also take off or discontinue the Supply of Gas to or for the Use of the Person so offending, and that notwithstanding any Contract previously entered into. Penalty for injuring or damaging Meters, &c.

LII. In addition to the Powers given by "The Gasworks Clauses Act, 1847," and this Act in this Behalf, the Rent of any Gas from Time to Time due under this Act, or the Price or Rent of any Pipe, Burner, Lamp, Meter, or Fitting from Time to Time supplied, sold, delivered, or let to Hire under this Act, together with the Expense of cutting off the Service Pipe or Gas, may be recovered by the Company by Action or other Proceeding in any Court of competent Jurisdiction, although the Demand in respect thereof be less than Twenty Pounds. As to Recovery of Rent under 20l.

LIII. All Gas Rates or Remuneration for Gas from Time to Time due under this Act to the Company, and all Damages, Costs, and Expenses by this Act directed to be paid, and all Costs of furnishing Undisputed Rates, &c. may be recovered by and Distress.

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*The South Shields Gas Act, 1857.*

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and fixing any Gas Meters or Pipes, and the Amount of which is not disputed, may be levied by Distress, and any Justice, on Application, may issue his Warrant accordingly.

Costs of Proceedings may be included in Warrant of Distress.

LIV. Any Justice who issues any Warrant of Distress for the Recovery of any Sum payable under this Act may order that the Costs of the Proceedings for the Recovery of such Sum shall be paid by the Person liable to pay such Sum, and such Costs shall be ascertained by such Justice, and shall be included in the Warrant of Distress for the Recovery of such Sum.

Several Names in One Warrant, &c.

LV. Several Names and several Sums may be included in One Warrant, Summons, or Notice under this Act, and either in the Body thereof or in the Schedule thereto.

Power to Corporation to purchase Gasworks.

LVI. The Company, if they think fit, may sell, and the Mayor, Aldermen, and Burgesses of the Borough of *South Shields* may purchase, the Undertaking of the Company; and the Sixtieth Section of "The *South Shields* Improvement Act, 1853," shall be construed as if the Company incorporated by this Act had been named in such Section, instead of the Company of Proprietors of the *South Shields* Gasworks therein referred to.

Expenses of Act.

LVII. All the Costs, Charges, and Expenses incurred by or on behalf of the Company in applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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*The South Shields Gas Act, 1857.*

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SCHEDULE referred to in the foregoing Act.

CERTAIN Lands and Premises situate in the respective Townships of South Shields and Westoe, in the Borough of South Shields and Parish of Jarrow, or the Parish of Saint Hilda, being and commonly called "the Gasworks," and certain Tenements and Ground adjoining or near thereto, called or known by the Name of "Woodroofe Court," and certain Tenements and Ground called or known by the Name of "Wilson's Buildings," and certain Cottages and Ground called or known by the Name of "Grieve's Cottages;" which said Lands and Premises are bounded on the North by Coronation Street; on the East by Land claimed to belong to the Dean and Chapter of Durham, and under Lease respectively to Mary Kirkley, George Potts, Edward Thompson, Andrew Stoddart, Robert Walter Swinburne, and others; on the South partly by Oyston Street, partly by Land claimed to belong to the said Dean and Chapter, and under Lease to the said Robert Walter Swinburne and others, and partly by Land claimed to belong to the said Dean and Chapter, and in the Occupation of the Manor Walls End Colliery; and on the West by Land claimed to belong to the said Dean and Chapter, and leased to the said Robert Walter Swinburne and others.

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