



## CHAPTER clvi.

An Act for incorporating and conferring Powers on the Queenstown Gas Company. A.D. 1879.  
[21st July 1879.]

**W**HEREAS in the year 1856 certain persons formed themselves into a gas company under the name of the Queenstown Gas Company, Limited, herein-after referred to as the old Company, for the purpose of supplying with gas the town of Queenstown, in Ireland, and generally for carrying on the business usually carried on by gas companies, and such Company was duly registered under the Joint Stock Companies Act, 1856 :

19 & 20 Vict.  
c. 47.

And whereas the present share capital of the old Company consists of ten thousand pounds, divided into one thousand shares of ten pounds each, of which the whole has been subscribed and nine thousand pounds paid up, and the said Company borrowed on mortgage five thousand pounds, whereof four thousand six hundred pounds are still due and owing by them :

And whereas, in addition to the said sums respectively paid up on share capital and borrowed on mortgage, there has been expended by the old Company on their works and undertaking a sum of three thousand and eighty-nine pounds out of their current annual revenue applicable to dividend :

And whereas the old Company are possessed for terms of years of the pieces of land firstly and secondly described in the schedule to this Act, and have erected their gasworks thereon, and have from time to time improved and enlarged the same out of the capital and revenue raised and received by them, and they are now supplying gas within the said town of Queenstown :

And whereas the demand for gas in the district supplied by the old Company has increased and is increasing, and it is expedient that the works of the old Company should be improved and their mains extended, and that additional capital should be provided for such improvement and extension or other purposes of this Act :

A.D. 1879.

And whereas it is expedient that the old Company should be dissolved and re-incorporated with further powers, and that they should be authorised to acquire the fee simple of the lands above referred to, and to construct the road herein-after mentioned :

And whereas it is expedient that the Company incorporated by this Act should, in the circumstances in this Act mentioned, sell their undertaking to the Town Commissioners of Queenstown (in this Act called the Commissioners), being the urban sanitary authority of the township of Queenstown, at a price to be ascertained by arbitration :

And whereas plans of the lands above referred to, and plans and sections of the intended new road, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of this Act, were duly deposited with the clerk of the peace for the county of Cork, which plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and book of reference :

And whereas the objects 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 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title.

1. This Act may be cited for all purposes as the Queenstown Gas and Light Act, 1879.

Incorporation  
of general Acts.  
8 & 9 Vict. c. 16.  
26 & 27 Vict.  
c. 118.  
32 & 33 Vict.  
c. 48.  
8 & 9 Vict. c. 18.  
23 & 24 Vict.  
c. 106.  
14 & 15 Vict.  
c. 70.  
23 & 24 Vict.  
c. 97.  
27 & 28 Vict.  
c. 71.  
31 & 32 Vict.  
c. 70.  
10 & 11 Vict.  
c. 15.  
34 & 35 Vict.  
c. 41.

Interpreta-  
tion of terms.

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Acts, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Acts (Ireland), 1851, 1860, and 1864, the Railways Traverse Act, the Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, are (except where expressly varied by or are inconsistent with this Act) incorporated with this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the old Company as if the same had been authorised by this Act.

3. In construing the incorporated Acts respectively in connexion with this Act, and also in construing this Act, the expression "the Company" shall mean the Company incorporated by this Act.

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

A.D. 1879.

4. The limits of this Act for the supply of gas by the Company shall comprise the township of Queenstown and the parishes of Clonmel and Templerobin, all in the county of Cork.

Limits of  
Act.

5. From and after the passing of this Act the old Company shall be dissolved, and the present members of or shareholders in the old Company, and the several persons and corporations who have subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, or assigns respectively, shall be and they are hereby united into a company for the purposes hereinafter mentioned, and shall be incorporated by the name of "The Queenstown Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for any estate or interest for the purposes of this Act.

Company  
incorporated.

6. The Company shall be established for supplying gas within the limits of this Act, and for the manufacturing and storing gas and residual products on the land described in the schedule to this Act, and for the purpose of carrying on the business of the Company, and for all other purposes connected therewith, and for carrying the powers of this Act into execution.

General  
purposes of  
the Com-  
pany.

7. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights, interests, and easements which immediately before the passing of this Act were vested in the old Company, or in any person in trust for them, or to which that Company was anywise entitled, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, apparatus, stock, effects, matters, and things which have been by them purchased, provided, laid down, erected or placed in any place, house, highway, road, or path within the limits of this Act, or which immediately before the passing of this Act were the property of the old Company, and all moneys, securities, credits, choses in action, effects, and other property whatsoever which immediately before the passing of this Act belonged to the old Company, or to any

Property  
vested in  
Company  
incorporated  
by this Act.

A.D. 1879.

trustee on their behalf, and the benefit of all contracts and engagements entered into by and on behalf of the old Company and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the old Company, or any trustee on their behalf, and may, according to the provisions of this Act, be held and enjoyed, used and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Memorandum of association of old Company to be void without prejudice to remedies for antecedent breaches thereof.

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

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old Company, or the members thereof as such, shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association 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 memorandum and articles of association were not avoided by this Act and this Act were not passed, would be incidental to or consequent on any and every thing 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 old Company and the members thereof as such, and the property of the old Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

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

A.D. 1879.

Contracts  
prior to the  
passing of  
this Act to  
be binding.

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

Actions, &c.  
not to abate.

12. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the old Company were vested immediately before the passing of this Act, and who (being authorised to do so) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the old Company, shall be indemnified out of the funds and property of the Company against all liability (including costs, charges, and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond, covenant, contract, or engagement.

Trustees of  
old Company  
to be indem-  
nified.

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

Company to  
satisfy lia-  
bilities, &c.  
of old Com-  
pany.

A.D. 1879. — representatives from all such obligations and liabilities, and from all expenses and costs in that behalf.

Recovery of  
gas and  
meter rents,  
&c.

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

As to pay-  
ment of debts  
owing before  
passing of  
Act.

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

Certificates,  
&c. to re-  
main in  
force.

**16.** Notwithstanding the avoidance of the said memorandum and articles of association, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under them for and respect to any shares in the old Company shall remain in full force, and continue and be available in all respects as if they had not been avoided.

Books, &c.  
continued  
evidence.

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

Officers of  
old Company  
to continue  
until resig-  
nation or  
removal.

**18.** All the officers and servants of the old Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereto annexed, until they resign the same or be removed therefrom by the Company, and shall have the like powers and authorities for the purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatever as if they had been appointed under this Act.

Present re-  
gisters of  
members to  
be continued.

**19.** The books kept by the old Company for entering the names and designations of the members thereof, with the numbers of their shares, and the proper distinguishing number of such shares,

shall and may continue to be kept for the same purpose by the Company, and until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

A.D. 1879.

**20.** The capital of the Company shall be twenty-five thousand pounds, which shall be classified as follows :

Defining  
capital of  
the Com-  
pany.

- (a.) Ten thousand pounds, representing the original subscribed capital of the old Company, which shall be divided into one thousand shares of ten pounds each, to be called original capital or A shares ;
- (b.) Three thousand pounds, being portion of the sum of three thousand pounds and eighty-nine pounds expended on works out of profits applicable to dividend, which shall be divided into three hundred new shares of ten pounds each, to be called B shares ;
- (c.) Twelve thousand pounds, in this Act referred to as additional capital, and which shall be raised in manner herein-after mentioned, and which shall be divided into shares called C shares.

**21.** The B shares shall be allotted as fully paid up rateably as far as the same can be effected to the several persons and corporations who immediately before the passing of this Act were possessed of or entitled to one or more of the existing shares of the Company in proportion to the number of the said shares, and such B shares shall vest in such persons and corporations accordingly.

Allotment  
of new or B  
shares.

**22.** The A shares shall be allotted to the several persons and corporations who immediately before the passing of this Act were proprietors of or interested in the capital of the old Company, share for share, and such A shares shall vest in the said persons and corporations accordingly.

Allotment  
of A shares.

**23.** All persons to and in whom any A shares in the Company's capital are by this Act appropriated and vested shall be possessed of and interested in the shares so appropriated and vested upon the same trusts, and subject to the same powers, provisions, charges, and liabilities as the trusts, powers, provisions, charges, and liabilities upon and to which their respective share or shares of the capital of the old Company were immediately before the passing of this Act held and subject, and the several shares so appropriated and vested shall accordingly pass, so as to give effect to and not revoke any will or other instrument disposing of or

Shares so  
allotted to  
be subject  
to same  
trusts, &c.

A.D. 1879. affecting the respective share or shares of the capital of the old Company.

Company shall call in and cancel existing certificates of shares, and issue others in lieu thereof.

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

Power to Company to raise additional capital.

**25.** The Company may from time to time raise any additional capital, not exceeding in the whole twelve thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares and stock, or wholly or partially by one or more of those modes respectively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any such share or stock vest in the person or corporation accepting the same, unless and until the full nominal amount of such share or stock, together with any premium obtained upon the sale thereof, shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of twelve thousand pounds; provided also, that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid four thousand pounds, or within any subsequent year one thousand pounds.

If authorised capital for any year not raised, the amount may be made up.

**26.** If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years, they may in any subsequent year create and issue, in addition to the amount prescribed for such year, such a nominal amount of capital as shall be sufficient, together with the amount then raised, to produce in manner aforesaid four thousand pounds in respect of the year following the passing of this Act, and one thousand pounds in respect of every subsequent year then expired.

Limiting rate of dividends.

**27.** The Company shall not in any one year pay out of their profits any larger dividends on the B shares than five pounds in



respect of every one hundred pounds, nor on the C shares than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such new capital as shall be issued as preference capital.

A.D. 1879.

**28.** Notwithstanding anything in this Act contained, the Company shall, when any C share or stock created under the powers of this Act are to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock, and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

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

Purchase money of shares, &c. to be paid within three months.

**30.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the Town Commissioners of Queenstown, and to the secretary of the Dublin Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised once in each of the two consecutive weeks in one or more local newspapers circulating within the said town.

Notice to be given as to sale of shares or stock.

**31.** When any shares or stock created under the powers of this Act have been offered for sale by auction or tender, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of ordinary shares or ordinary stock of the Company, in

Shares or stock not sold by auction or by tender to be offered

A.D. 1879.

to share  
or stock  
holders.

manner provided by the Companies Clauses Act, 1863: Provided always, that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act; provided also, that at any such auction a bidder who holds shares in the Company shall, in the event of equal biddings, be declared the purchaser in preference to another bidder who is not a shareholder.

Application  
of premium  
arising on  
issue of  
shares or  
stock.

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

Receipts in  
case of per-  
sons not sui  
juris.

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

Dividends  
on each class  
of shares, &c.  
to be pro-  
portionate.

**34.** In case in any year the net revenue of the Company applicable to dividend shall not be sufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company, a rateable deduction shall be made in the dividends of each class.

Power to  
borrow on  
mortgage in  
respect of  
original  
capital.

**35.** The Company may at any time and from time to time after the passing of this Act borrow on mortgage, in respect of the original capital of ten thousand pounds, any sum not exceeding in the whole five thousand pounds, inclusive of the mortgage debt of the old Company, amounting to four thousand six hundred pounds.

Power to  
borrow on  
mortgage in  
respect of  
additional  
capital.

**36.** The Company may, in respect of the additional capital of twelve thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sums not exceeding in the whole three thousand pounds, and the Company may, as each sum of four thousand pounds of such additional capital has been issued and accepted, borrow on mortgage in respect of each such sum of four thousand pounds any sum or sums not exceeding in the whole one thousand pounds; but in no case shall any part of the said respective sums of one thousand pounds be borrowed until shares for so much additional capital in respect of which such borrowing powers are sought to be exercised as is to be

raised by means of shares are issued and accepted, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the said proportion of such additional capital have been issued and paid up; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

A.D. 1879

**37.** The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Appoint-  
ment of  
receiver.

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

Conversion  
of borrowed  
money into  
capital.

**39.** Every mortgage granted by the Company after the passing of this Act shall be denoted with the short title of the Act under the powers of which the same is granted.

Short title  
of Act to be  
marked on  
mortgages.

**40.** All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of  
mortgages  
over other  
debts.

**41.** The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863;

Power to  
create de-

A.D. 1879.

debenture  
stock.

but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Company shall rank *pari passu* with the interest of all mortgages granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application  
of moneys.

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

Priority of  
existing  
mortgages.

43. Every mortgage granted by the Company prior to the passing of this Act shall have priority over all mortgages and debenture stock granted and issued under this Act.

As to  
ordinary  
meetings of  
Company.

44. The first ordinary meeting of the Company shall be held within three months after the passing of this Act, and the future ordinary meetings of the Company shall be held in the month of September in every subsequent year, or in such month, yearly or half yearly, in every subsequent year as the Company by the resolution of a general meeting shall from time to time determine.

Power to  
declare ad  
interim  
dividends.

45. So long as the ordinary general meetings of the Company shall not take place oftener than once in every year, it shall be lawful for the directors to declare and pay such dividend, subject to the provisions of this Act, as they shall consider expedient in reference to the financial position of the Company in the interval between each general meeting.

Quorum of  
general  
meetings.

46. The quorum to constitute a general meeting, whether ordinary or extraordinary, of the Company shall be five shareholders holding in the aggregate not less than one thousand pounds nominal value in the capital of the Company.

As to ex-  
traordinary  
meeting of  
Company.

47. The number of shareholders who may require an extraordinary general meeting to be convened shall not be less than seven, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Number of  
directors.

48. The number of the directors shall be seven, but the Company may from time to time reduce the number, provided that the reduced number be not less than five.

Qualifica-  
tion of  
directors.

49. The qualification of a director shall be the possession in his own right of not less than two hundred pounds in the capital of the Company.

Quorum of  
directors.

50. The quorum of a meeting of directors shall be four, and if the number of directors is reduced to five the quorum shall be three.

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

A.D. 1879.  
First  
directors.

52. Subject to the provisions of this Act, the Company may make and shall, when made, maintain and repair the road herein-after described in the line and according to the levels shown on the deposited plans and sections, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The road herein-before referred to and authorised by this Act is—

Power to  
construct  
new road.

A road in the townland of Ringacoltig, in the parish of Clonmel, commencing at the north-eastern corner of the lands secondly described in the schedule to this Act, and terminating at the south-western corner of the said land at or near the strand or foreshore of the River Lee in Cork Harbour.

53. Subject to the provisions of this Act, the Company may enter on and take and use such of the lands delineated on the deposited plans and described in the deposited book of reference and in the schedule to this Act as they may require for the purposes of this Act.

Power to  
take certain  
lands.

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

Period for  
compulsory  
purchase of  
lands.

55. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue their existing gasworks upon the lands upon

Powers as to  
maintenance,  
&c. of gas-  
works.

A.D. 1879.

which the same are erected, or any part thereof, and which are firstly and secondly described in the schedule to this Act; and they may also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue additional and other gasworks, retorts, gasholders, with all necessary machinery, and other works, apparatus, and conveniences, and may do all such acts as they may think proper for making and storing gas, and for supplying gas for any purpose whatsoever within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, convert, sell, provide, supply, and deal in coal, and also in the products or residuum of any materials employed in or resulting from the manufacture of gas, and may hire or let all such meters, fittings, tubes, pipes, stoves, and other articles and things in any way connected with gasworks or with the supply of gas for any purpose whatsoever as they may from time to time think fit.

Power to purchase additional lands by agreement, but gas not to be manufactured except on lands scheduled.

**56.** The Company may, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the schedule to this Act, any lands and hereditaments, not exceeding in the whole three acres, which the Company may from time to time require for the purposes of their works and undertaking, but the Company shall not construct gasworks or works for the manufacture or conversion of residual products, nor manufacture or convert gas or residual products, except upon the land firstly and secondly described in the schedule to this Act.

Power to lay pipes against buildings.

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

Power to enter into contracts with public bodies.

**58.** The Company may from time to time enter into and carry into effect contracts with any sanitary or other local authority within the limits of this Act with respect to the supply of lamps, lamp-posts, gas fittings, or meters of the Company, and the lighting, extinguishing, repairing, and keeping clean the public lamps from time to time required by such sanitary or local authority to be lighted, on such terms and conditions as they think fit, and other-

wise as shall from time to time be agreed upon between such sanitary or local authority and the Company. A.D. 1879.

**59.** In all cases in which the Company are authorised to cut off and take the supply of gas from any house, building, or premises, then, if such house, building, or premises be unoccupied, the Company, their agent, servants, or workmen, after giving to the owner twenty-four hours previous notice in writing, duly authenticated by serving such notice on him, or, if the owner be not known to the Company, and cannot after diligent inquiry be found, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into and upon 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. Power to remove meters, &c. from unoccupied buildings.

**60.** The price to be charged by the Company for gas supplied by them shall not exceed six shillings and sixpence per thousand cubic feet. Price of gas.

**61.** Subject to the provisions of this Act, the Company may (but only for the purposes of the Company within the limits of this Act, and not so as to acquire any exclusive right therein) contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention under any letters patent heretofore made, or herein-after to be made, granting any right or privilege of working, using, or vending any invention in relation to the manufacture or distribution of gas, or the conversion, manufacture, or utilisation of the products obtained from the manufacture of gas, or the materials used therein. Power to take licenses.

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

A.D. 1879.

Quality of  
gas.

63. The prescribed number of candles shall be fourteen.

Testing  
places.

64. Within six months from the passing of this Act, a testing place shall be provided at the works of the Company.

Burner.

65. The prescribed burner shall be Sugg's London Argand Burner No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used, or such other burner as may from time to time be approved by the Board of Trade for this purpose.

Company to  
pay interest  
on money  
deposited as  
security.

66. If any person is required by the Company to give to them security for the payment of the price or rent of a meter, the Company shall, in the event of such security being a sum of money deposited with the Company, pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security during such time as the said money shall be deposited, and such interest shall be payable half-yearly, subject, however, to the right of the Company to set off the same against any money due to the Company from such person.

Issue and  
authenticati-  
on of  
notice, &c.

67. Any summons, warrant, demand, or notice, or other such document to be issued or given for any of the purposes of this Act, may be in writing or print, or partly in writing or partly in print; and if the same require authentication by the Company, the signature thereof by the secretary to the Company shall be sufficient authentication.

Application  
of penalties.

68. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Power to  
Commis-  
sioners to  
purchase  
undertaking.

69. If the Commissioners shall, within two years after the passing of this Act, elect to purchase and shall obtain a provisional order (if the same be necessary) authorising them to purchase the undertaking of the Company, the Company shall sell the same at a price to be ascertained by arbitration; but the arbitrator shall not, in assessing such price, have regard to the fact that the Company is incorporated by Parliament, and he shall add to the amount of his award the actual costs of obtaining this Act.

Power to  
Commis-  
sioners to  
appoint an  
auditor of  
Company's  
accounts.

70. It shall be lawful for the Commissioners from time to time to appoint an auditor of the Company's accounts, who need not be a shareholder in the Company, and the said auditor shall be entitled to all the rights and privileges of any auditor appointed by the Company on a certificate of his appointment from the Com-



missioners being deposited at the office of the Company addressed to the secretary: Provided that the said auditor shall be paid by the Commissioners. A.D. 1879.

**71.** The Company shall not construct any works on any part of the shore of Cork harbour where and so far up the same as the tide flows and reflows without the previous consent of the Board of Trade to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the Company shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals, and if any such work shall be commenced or completed without such consent and approval the said Board of Trade may abate and remove the same, and restore the site thereof to its former condition at the costs of the Company, and the amount of such costs shall be a debt due to the Crown, and be recoverable against the Company accordingly.

Company not to construct works on the shore of Cork harbour without previous consent of the Board of Trade.

**72.** Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown in the fore-shore.

**73.** All costs, charges, and expenses of and preliminary and incidental to the preparing, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of Act.

A.D. 1879.

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**The SCHEDULE to the foregoing Act.**

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Firstly. Certain lands (on which the principal portion of the works of the old Company are erected) bounded in front by a public road or passage leading from the high road from Cork to Queenstown to the strand or foreshore herein-after described, in the rear by parts of the lands of Castlevew (part of the lands of Ringacoltig) respectively occupied by Messrs. Sherlock and Tracy, and on one side by part of the strand or foreshore of the River Lee in Cork Harbour (extra-parochial), belonging to John Sealy Austen, and on the other side by parts of the said lands of Castlevew, occupied by Messrs. Sherlock and Tracy, and which firstly mentioned lands were demised or granted to the old Company by George and Philip Scott.

Secondly. Certain other lands (on which an auxiliary gasholder and meter and cokehouses have been erected by the old Company) bounded in front by the said public road or passage, in the rear by a field in the occupation of Martin Byrom and Margaret Byrom, otherwise Hammond, his wife, or their under-tenants, and on one side by a field occupied by the same persons, and on the other side by part of the strand or foreshore of the River Lee in Cork Harbour, belonging or claimed to belong to the Board of Trade in right of Her Majesty the Queen, and which secondly mentioned lands were demised to the old Company by Margaret Hammond.