



CHAPTER lxvii.

An Act for incorporating and conferring Powers on the Malton Gas Company. A.D. 1880.
[19th July 1880.]

WHEREAS certain persons formed themselves, under a deed of settlement dated 1st July 1836, into a gas company, under the name of The Malton Gaslight and Coke Company, “for lighting the town of New Malton and the suburbs and vicinity thereof, within the borough of Malton, in the north riding of the county of York, with gas, and generally for carrying on the business usually carried on by gas companies,” and such company was subsequently duly registered under the Companies Act, 1862, but not as a limited company, and is herein-after referred to as the late company : 25 & 26 Vict.
c. 89.

And whereas the present share capital of the registered company consists of twenty-four thousand pounds, divided into two thousand four hundred shares of ten pounds each, which has all been subscribed for, and eighteen thousand and sixty-seven pounds ten shillings has been paid up, and there remains the further sum of five thousand nine hundred and thirty-two pounds ten shillings to be called up, and the registered company have not borrowed any money on mortgage or debentures and have no debt :

And whereas the registered company have erected gasworks on the land described in the schedule to this Act, and have from time to time improved and enlarged the same with the capital raised by them, and are now supplying gas within the places aforesaid :

And whereas the demand for gas in the district supplied by the registered company has increased and is increasing every year, and it is expedient that the works of the registered company should be improved and their mains extended, and that additional capital should be provided for such improvement and extension :

And whereas it is expedient that the registered company should be dissolved and re-incorporated with further powers :

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

A.D. 1880.

with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as the Malton Gas Act, 1880.

Incorporation
of general Acts.
8 & 9 Vict.
c. 16.
26 & 27 Vict.
c. 118.
32 & 33 Vict.
c. 48.
10 & 11 Vict.
c. 15.
34 & 35 Vict.
c. 41.

2. The Companies Clauses Consolidation Act, 1845, Part 1 (cancellation and surrender of shares), Part 2 (additional capital), and Part 3 (debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, are, subject to the provisions of this Act, incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the registered company as if the same had been authorised by this Act.

Interpreta-
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

The expression "the Company" shall mean the Company incorporated by this Act :

The expression "the late company" shall mean "the registered company" which is dissolved by this Act :

The expressions "the works," "the gasworks," and "the undertaking" 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, right, title, property, privileges, effects, and undertaking of the Company, and every part thereof respectively :

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Limits of
Act.

4. The limits of this Act shall be the parishes of St. Michael and St. Leonard, in New Malton, and of Old Malton and Norton, all in the borough of Malton, in the north and east ridings of the county of York.

Incorporation
of
Company

5. From and after the passing of this Act the late company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that company, and all other persons and corporations who have

subscribed to or who shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose herein-after mentioned, and shall be incorporated by the name of The Malton Gas Company, and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

A.D. 1880.

6. The Company shall be established for the purpose of manufacturing and supplying gas, and selling and disposing of the coke, tar, ammoniacal liquor, and other products resulting therefrom, and for manufacturing or converting such products into other materials, and selling and disposing of the same at the works and elsewhere, and for providing, fixing, selling, or letting on hire gas meters, gas stoves, gas engines, and other gas fittings, and all other articles and things connected with the use of gas within the limits aforesaid.

General purposes of the Company.

7. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, plant, rights, and easements which immediately before the passing of this Act were vested in the late company, or any person in trust for them, or to which the late company were in anywise entitled, and all mains and pipes, syphons, plugs, lamps, lamp-posts, irons, retorts, gauges, meters, apparatus, stock, effects, matters, and things which have been by them purchased, provided, laid down, erected, or placed in any place or house within the limits of this Act, and which immediately before the passing of this Act were the property of the late company, and all moneys, securities, credits, effects, and other property whatsoever, which immediately before the passing of this Act belonged to the late company, or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by or on behalf of the late 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 late company, or any trustee on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Property of late company vested in Company incorporated by this Act.

8. Subject to the provisions of this Act, the deed of settlement of the late company shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders shall be exempted from all provisions, restrictions, and requirements of any

Deed of settlement of the late company to be void, without

A.D. 1880.

prejudice
to remedies
for ante-
cedent
breaches
thereof.

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

Nothing to
affect pre-
vious rights
and liabi-
lities.

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 late company, or the members thereof as such, shall be as valid as if the Company had not been incorporated and the said deed of settlement had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated and the said deed of settlement were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Company and its shareholders and property shall to all intents and purposes represent the late company, and the members thereof as such, and the property of the late company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts
prior to Act
to be
binding.

10. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the late company, or any trustees or persons acting on behalf of the late 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 late company, or the trustees or persons acting on behalf of the late company, the Company had been a party thereto.

Actions,
&c. not to
abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the late company, or any member thereof in relation to the affairs of the late company, or to which the late company or any member thereof in relation

to such affairs were parties immediately before the passing of this Act, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the late 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 late company and its members respectively.

A.D. 1880.

12. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the late company were vested immediately before the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same, or otherwise, on behalf of the late 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 unto by reason of his having entered into such bond, covenant, contract, or engagement.

Trustees of late company to be indemnified.

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 late company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the late company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

Company to satisfy liabilities of late company.

14. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the late 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.

Recovery of gas rents, &c.

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

Payment of debts owing before passing of Act.

A.D. 1880.

Certificates,
&c. to
remain in
force.

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

Books, &c.
continued as
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 to
continue
until
removed.

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

Present
register of
members
to be
continued.

19. The books kept by the late 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 shall until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

Capital.

20. The original capital of the Company shall be twenty-four thousand pounds, consisting of two thousand four hundred shares of ten pounds each, herein-after referred to as the old shares.

Vesting of
old shares
in present
share-
holders.

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

Company
to call in
existing

22. The Company shall call in and cancel the existing certificates of shares in the late company, and issue in lieu thereof

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

A.D. 1880.
—
share
certificates
and issue
new certifi-
cates in lieu
thereof.

23. The Company may, in addition to their present capital, from time to time raise additional capital, not exceeding in the whole twenty-four thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by one or more of those modes respectively, but the Company shall not issue any shares 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 amount of such share or stock, together with any premium obtained on the sales 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 twenty-four 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 three thousand pounds.

Power to
raise addi-
tional
capital.

24. 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 three thousand pounds in respect of every subsequent year then expired.

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

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

Profits of the
Company
limited.

A.D. 1880.

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

New shares
to be offered
by auction
or tender.

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

27. Notwithstanding anything in this Act contained, the Company shall, when any shares or stock created under the powers of this Act are issued, and before issuing 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.

Purchase
money to be
paid within
three months.

28. It shall be one of the conditions of any sale of shares or of stock 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.

Notice to be
given as to
sale, &c. of
shares.

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the local board for the district of the said borough of Malton, and to the Secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulated within the said borough.

Shares not
sold by auc-
tion, &c. to be
offered to
shareholders.

30. 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 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.

A.D. 1880.

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

Application of premium arising on issue of shares or stock.

32. The standard price to be charged by the Company for gas supplied by them shall be four shillings per one thousand cubic feet; provided that the Company may increase or diminish such standard price, subject to a decrease or increase in the standard rates of dividend as defined by this Act and the Gasworks Clauses Act, 1847, incorporated therewith, to be calculated as follows:

Maximum price of gas, with sliding scale as to dividend.

For every penny charged in excess or in diminution of such standard price in any year, the standard rates of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum: Provided always, that the rate of dividend payable by the Company in respect of any preference shares or preference stock at any time created by the Company shall not be increased or diminished so long as such preference continues.

33. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend allowed by this Act, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Company from accident, strikes, or other circumstances which, in the opinion of a justice, due care and management could not have prevented; and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen:

If profits exceed the amount limited, excess may be invested and form an insurance fund.

A.D. 1880. Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital, the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

Application of excess of profits over standard rates of dividend.

34. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend on the ordinary share capital or stock of the Company, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Power to create a reserve fund out of divisible profits in excess of the standard rates of dividend, and application thereof.

35. Where in any year the amount of the standard rates of dividend of the Company on the ordinary share capital or stock of the Company shall, by reason of a diminution of the standard price charged by the Company in such year, be increased, then, out of the amount of the divisible profits of the Company applicable to the payment of such increase, the Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company, and any reserve or other fund of the Company existing at the passing of this Act, may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called the "Reserve Fund," and shall be applicable to the payment of dividends in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the standard rates of dividend on the ordinary share capital or stock of the Company; and, save as in this Act otherwise provided, no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow in respect of original capital.

36. The Company may at any time and from time to time after the passing of this Act borrow on mortgage, in respect of the original capital of twenty-four thousand pounds, any sums not exceeding in the whole six thousand pounds.

Power to borrow in respect of additional capital.

37. In addition to the sum of six thousand pounds which the Company are authorised to borrow by the last preceding section, they may from time to time borrow on mortgage, in respect of the additional capital of twenty-four thousand pounds by this Act authorised to be raised by shares or by stock, any sums not exceeding in the whole six thousand pounds: Provided that the aggregate amount so borrowed shall not at any time exceed one-fourth part

A.D. 1880.

of the amount of such additional capital actually paid up for the time being, and that no part thereof shall be borrowed until the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the capital in respect of which such borrowing powers are sought to be exercised has been 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.

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

As to conversion of borrowed money into capital.

39. All money 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.

Priority of mortgage over other debts.

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

Debenture stock.

41. The mortgagees of the Company may enforce the payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and 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 one thousand pounds in the whole.

Arrears to be enforced by appointment of receiver.

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

Application of money.

43. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five shareholders present in person, holding in the aggregate not less than one thousand pounds in the capital of the Company.

Quorum of general meetings.

- A.D. 1880. **44.** The number of directors shall be seven, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than five.
- Number of directors.
- Qualification of directors. **45.** The qualification of a director shall be the possession in his own right of not less than twenty shares.
- Quorum of directors. **46.** The quorum of a meeting of directors shall be three.
- Directors. **47.** William Simpson, Samuel King, William Metcalfe, Henry Pickering, William George Searle, John Staniland, and William Henry Rose, the persons who at the time of the passing of this Act are directors of the late company, 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 place of the directors then retiring from office, agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.
- Auditors. **48.** The auditors need not be shareholders.
- Powers as to construction and maintenance of gasworks, &c. **49.** 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 on which the same are erected, or any part thereof, and which are described in the schedule of 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, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper for making and storing gas, and for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, tar, pitch, asphaltum, ammoniacal liquor, and all other products or residuum of any materials employed in or resulting

from the manufacture of gas, and may also sell, provide, supply, let on hire, and deal in meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks, or with the supply of gas, as they may from time to time think fit.

50. Any mains, pipes, culverts, or other works which the Company may lay down or execute under, over, or across, or which may affect any railway or works of the North-eastern Railway Company, and also any mains, pipes, culverts, or other works already laid down or executed under, over, or across, or so as to affect any such railway or works, and which shall be hereafter removed by the Company, if and when re-laid or re-executed by them in the same or any other position, shall be laid down and executed, and subsequently maintained and repaired, by the Company under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said railway company, and in accordance with plans and sections previously submitted to and approved of by him.

Pipes, &c. crossing North-eastern Railway to be laid down under inspection of engineer of railway company.

51. 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 lay pipes against buildings.

52. The Company may for the purposes of their undertaking purchase by agreement, take, and hold, in addition to the lands described in the schedule to this Act, any lands and hereditaments, not exceeding in the whole two acres, which the Company may from time to time require for the purposes of their works and undertaking, but no land shall be used by the Company for the purpose of manufacturing gas or residual products except the land described in the schedule to this Act.

Power to purchase lands by agreement. Gas not to be manufactured except on land scheduled.

53. 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 six tenths of an inch in height, 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 consumers; 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

Pressure of gas.

A.D. 1880.

open any street, road, passage, or place vested in or under the control of any local, road, or other authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, *mutatis mutandis*, apply to such testing of pressure, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

54. The prescribed number of candles shall be fourteen.

Testing place.

55. Within six months from the passing of this Act a testing place shall be provided at the works or offices of the Company.

Burner.

56. 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 tails over the top of the glass a six-inch by two-inch chimney shall be used.

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

57. Where any money is deposited by any person by way of security with the Company for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Company shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Expenses of Act.

58. All costs, charges, and expenses of and incident to the obtaining of this Act shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

A.D. 1880.

A piece of land, containing one acre two roods and five perches or thereabouts, situate in and on the south side of the Sheep Foot Hill, and bounded on the north partly by the street or road known as Sheep Foot Hill and partly by the waterworks belonging or reputed to belong to the Malton Local Board of Health; on the east partly by the waterworks aforesaid and partly by a yard, buildings, and premises occupied as a flour mill and a roadway leading thereto, belonging or reputed to belong to Earl Fitzwilliam, and occupied by the Messieurs S. and W. W. King; on the south by the River Derwent; and on the west partly by a warehouse occupied by Messieurs S. and W. W. King aforesaid, partly by a stone yard and premises occupied by Henry Brown, and partly by a house, yard, and garden occupied by Isaac Pilmoor, all belonging or reputed to belong to Earl Fitzwilliam; the said piece of land being in the parishes of Old Malton and of St. Leonard, New Malton, in the borough of Malton, in the north riding of the county of York, and belonging or reputed to belong to Earl Fitzwilliam.