



CHAPTER xliv.

An Act to re-incorporate with further Powers the Hexham Gaslight Company Limited. A.D. 1881.
[3rd June 1881.]

WHEREAS the Hexham Gaslight Company Limited (hereinafter referred to as "the Limited Company") were constituted under a memorandum and articles of association in the year 1878 for the purpose of purchasing certain gasworks and property at Hexham in the county of Northumberland and of manufacturing purchasing and selling or otherwise dealing in gas electricity or other substance or means of producing light or heat:

And whereas the Limited Company purchased the said gasworks and property and are supplying gas at Hexham:

And whereas the capital of the Company consists of fifteen thousand pounds divided into one thousand five hundred shares of ten pounds each of which eight hundred and ten shares have been created and issued and fully paid-up and the Company owe two thousand pounds or thereabouts on debentures:

And whereas the demand for the supply of gas in and around the town of Hexham has increased and is increasing and in order to meet such demand it is expedient that the said Company be dissolved and re-incorporated with the powers and subject to the provisions of this Act:

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):—

1. This Act may be cited as the Hexham Gas Act 1881.

Short title.

2. The Companies Clauses Consolidation Act 1845.—Part I. (Cancellation and Surrender of Shares.)—Part II. (Additional Capital) and Part III. (Debenture Stock) of the Companies Clauses Act 1863.

Incorporation of general Acts. 8 & 9 Vict. c. 16.

A.D. 1881. (as amended by the Companies Clauses Act 1869) and the Gas-works Clauses Act 1847 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 undertaking of the Company by this Act incorporated as if the same had been authorised by this Act.

26 & 27 Vict.
c. 118.

32 & 33 Vict.
c. 48.

10 & 11 Vict.
c. 15.

34 & 35 Vict.
c. 41.

Interpreta-
tion of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly 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” means the Company incorporated by this Act;

The expression “the memorandum and articles of association” means the memorandum and articles of association of the Limited Company;

The expressions “the works” “the gasworks” and “the undertaking” 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;

In the Acts incorporated with this Act and for the purposes of this Act the expression “superior court” or “court of competent jurisdiction” shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Limits of
Act.

4. The limits of this Act with respect to supply shall be the parishes of Hexham and St. John Lee such part of the parochial township of Dilston in the parish of Corbridge as is situate to the west of the stream called the “Devil’s Water” the parochial township of Warden and the chapelry of Newbrough both in the parish of Warden and the parochial townships of Humshaugh and Haughton both in the parish of Simonburn all in the county of Northumberland.

Dissolution
and re-incor-
poration of
Company.

5. From and after the passing of this Act the Limited 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 Hexham 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.

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6. The Company shall be established for the purpose of manufacturing gas and producing heat and light by electricity or otherwise and of supplying gas heat and light within the limits of this Act and may make sell and dispose of coke coal-tar pitch asphaltum and ammoniacal liquor oil and all other products refuse or residuum arising remaining produced by resulting or obtained from the manufacture of gas or the materials used therein and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid or any of them and may manufacture and sell let hire or deal in meters pipes gas-fittings engines stoves pipes and other apparatus for warming lighting cooking or producing motive power and may but only for the purposes of the Company within the limits of this Act contract or take and use any leave license or authority to work use exercise or put in practice any invention or inventions under any Letters Patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the manufacture and distribution of gas the utilization of the residual products arising from the manufacture of gas the production of light and heat or otherwise in relation thereto but not so as to acquire an exclusive right to the working use exercise or putting in practice of any such invention or inventions and generally carry on the business usually carried on by gas companies or of producing heat and light or which is or may become incident thereto.

General powers of the Company.

7. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them or to which the Limited Company were in anywise entitled and all mains and pipes plant plugs lamps irons retorts gauges meters lamp-posts syphons apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of this Act and which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits choses in action books papers plans effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of that Company and immediately before the passing

Present property of Limited Company vested in the Company.

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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 Limited 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.

Certain pipes, &c. to be laid down and executed under inspection of engineer of North-eastern Railway Company.

8. Any mains or pipes which the Company may lay down in or along any road crossing by a bridge or on the level over the North-eastern Railway and also any mains or pipes relaid replaced or repaired in or along any road crossing by a bridge or on the level over such railway shall be laid down replaced or repaired as the case may be by the Company under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the North-eastern Railway Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him.

Memorandum, &c. to be void without prejudice to remedies for antecedent breaches thereof.

9. Subject to the provisions of this Act and as from the date of the passing thereof the memorandum and articles of association 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 Act which applied to the Limited 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 articles 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 Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

10. 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 Limited 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 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 were not avoided by this Act and this Act were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and

its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited 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. A.D. 1881.

11. Except as by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds securities contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of that Company or by to or with any 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 the Company had been a party thereto instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company. Contracts prior to Act to be binding.

12. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding in any court of justice which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited 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 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 or continued by or in favour of or against the Limited 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 Limited Company and its members respectively. Actions, &c. not to abate.

13. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited 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 Limited 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 Limited Company to be indemnified.

14. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all Company to satisfy liabilities of

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Recovery of gas rents and money due.

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

Payment of debts owing before passing of Act.

16. All persons who immediately before the passing of this Act owed any money to the Limited Company 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 Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates and transfers to remain in force.

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

Books and writings continued evidence.

18. All documents books and writings which if the said dissolution and avoidance had not been made 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.

19. All officers and servants of the Limited 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 and the Company may from time to time appoint suspend and remove such officers and servants as they think necessary at such salaries and allowances and upon such terms and conditions as the Company think fit.

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

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Present
register of
members to
be continued.

21. Subject to the provisions of this Act the capital of the Company shall be as follows :

Capital.

Original capital of eight thousand one hundred pounds divided into eight hundred and ten shares of ten pounds each.

Additional capital of fifteen thousand nine hundred pounds to be raised in manner herein-after mentioned.

22. The original capital of eight thousand one hundred pounds shall be appropriated and belong to the several persons who immediately before the passing of this Act were the registered shareholders of the Limited Company each such shareholder being entitled to one share therein in respect of each share in the Limited Company held by him at the passing of this Act.

Allotment of
shares to
present
shareholders.

23. Original capital allotted to any person who immediately before the passing of this Act was a registered member of the Limited Company shall be deemed to be in substitution for the share or shares in the capital of the Limited Company for which it is substituted and shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the share or shares in the Limited Company for which it is substituted and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Vesting of
shares in
present
shareholders.

24. The Company shall call in and cancel the existing certificates of the shares in the Limited Company but the holders of such existing certificates of shares shall not be entitled to any certificates of new shares instead thereof until they shall have delivered up to the Company to be cancelled the certificates of their share or shares in the Limited Company or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Existing
share cer-
tificates to be
cancelled,
&c.

25. The Company may from time to time raise all or any part of the additional capital by this Act authorised by the creation and issue of new ordinary shares or new preference shares or partly by one mode and partly by the other but the Company shall not issue any share of less nominal value than ten pounds nor shall any such

Power to
raise addi-
tional capital.

A.D. 1881. share vest in the person or corporation accepting the same unless and until the full nominal amount of such share if such share shall be raised at or above par together with any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that the Company shall not create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums that may be obtained on the sale thereof the sum of fifteen thousand nine hundred 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 ten thousand pounds.

New shares to be part of capital.

26. The capital in new shares created under the powers of this Act shall form part of the capital of the Company.

Receipt clause in case of persons not sui juris.

27. If any money be payable to a shareholder being a minor idiot or lunatic the receipt of the guardians or committee of his estate shall be a sufficient discharge to the Company.

Scale of voting.

28. The scale on which the shareholders of the Company shall be entitled to vote at meetings of the Company shall be

For one share and not exceeding five shares one vote ;

For more than five but not exceeding ten shares two votes :

For more than ten but not exceeding fifteen shares three votes ;

For more than fifteen and less than twenty shares four votes ;

For twenty shares five votes and

For every ten shares beyond the first twenty shares one additional vote ;

Provided that no shareholder shall be entitled to vote except in respect of shares which shall have been registered in his name three months at least before the date of the meeting unless such shares have been acquired or shall have come by bequest or by marriage or by succession to an intestate estate or by any deed of settlement after the death of any person who shall have been entitled to the dividends of such shares.

Profits of the Company limited.

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

Dividends on different classes of

30. In case in any year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the

prescribed maximum rate of dividend on each class of ordinary shares in the capital of the Company a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each class.

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shares to be paid rateably.

31. 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 eight thousand pounds any sum not exceeding in the whole two thousand pounds of which any debentures of the Company existing at the passing of this Act shall be deemed to form part.

Power to borrow in respect of original capital.

32. The Company may from time to time subject to the provisions of this Act borrow on mortgage in addition to the other money which they are by this Act authorised to borrow any sum or sums not exceeding in the whole six thousand pounds but no part thereof shall be borrowed until one half of the said additional capital by this Act authorised shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that one half of the said additional capital has been fully 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.

Power to borrow in respect of additional capital.

33. 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 one thousand pounds in the whole.

Appointment of receiver.

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

Conversion of borrowed money into capital.

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

Debenture stock.

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Priority of mortgages and debenture stock over other debts.

8 & 9 Vict.

c. 18.

23 & 24 Vict.

c. 106.

Application of moneys.

Place for meetings.

First ordinary meeting.

Quorum for general meetings.

Number of directors.

Qualification of directors.

Quorum.

First directors.

Election of directors.

36. 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. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividend on their mortgages or debenture stock.

37. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company.

38. All meetings of the Company shall be held at the Company's office in Hexham or at such other place as the directors may from time to time appoint.

39. The first ordinary meeting of the Company shall be held in the month of December next after the passing of this Act and the future ordinary meetings of the Company shall be held in the month of December in every year or at such other time as shall be appointed for that purpose by an order of a general meeting.

40. The quorum of all general meetings whether ordinary or extraordinary shall be seven shareholders present in person or by proxy holding not less in the aggregate than one thousand pounds in ordinary shares of the Company.

41. The number of directors shall be seven but the Company may reduce the number to five.

42. The qualification of a director shall be the possession in his own right of not less than twenty fully paid-up ordinary shares.

43. The quorum of a meeting of directors shall be three.

44. George Bell Thomas John Fenwick Dixon Pratt William Routledge Riddle Thomas Stainthorpe Wylam Walker and Thomas William Welford 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.

45. 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 resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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46. The prescribed number of auditors shall be one who need not hold shares in the Company.

Auditors need not hold shares.

47. Notwithstanding anything in this Act contained the Company shall when any new shares created under the powers of this Act are to be issued and before offering the same to the holder of any other shares in the Company and whether the ordinary shares of the Company are 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 and that the reserved price put upon such shares 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 in the Company except that if any bidding or offer by tender of any holder or holders of shares be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares shall be accepted in preference.

New shares to be offered by auction or tender.

48. It shall be one of the conditions of any sale of 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.

Time for paying up shares sold by auction.

49. The intention to sell any such shares by auction or by tender shall be communicated in writing to the clerk to the local board of Hexham and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day

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

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of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be advertised once in each of two consecutive weeks in one or more local newspapers circulating within the district of the said local board.

Shares not sold by auction or tender to be offered to shareholders.

50. When any shares created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered to the holders of ordinary shares of the Company and if not accepted may be disposed of by the Company in manner provided by the Companies Clauses Act 1863.

Application of premium arising on issue of shares.

51. Any sum of money which shall arise from the issue of any such shares 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.

Company may sell or lease lands not required.

52. The Company may from time to time subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous land sell or lease for any term or terms not exceeding seven years any lands vested in or acquired by them and which may not be required for the purposes of the Company.

Power to purchase lands by agreement.

53. 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 two acres which the Company may from time to time require for the purposes of their works and undertaking but no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Schedule to this Act.

Power to erect and maintain gas works, &c.

54. Subject to the provisions of this Act the Company may from time to time on the lands described in the Schedule to this Act or any part thereof respectively erect make maintain alter enlarge or discontinue retorts gasholders receivers meters apparatus and works for the manufacture and storing of gas together with all necessary and proper conveniences and may manufacture and store gas coke tar pitch asphaltum ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas.

Power to lay pipes against buildings.

55. 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.

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56. The price to be charged by the Company for gas supplied to persons who shall burn the same by meter shall not exceed four shillings and ninepence per thousand cubic feet for gas consumed within the township of Hexham and five shillings and ninepence per thousand cubic feet for gas consumed in any other part of the limits of this Act.

Price of gas.

57. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security during the time for every six months during which the same remains in their hands.

Interest to be paid on money deposited as security for gas meter, &c.

58. 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 of not less than six tenths of an inch and from sunset to midnight of 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. Provided that on each occasion of such testing at least two hours' previous notice in writing shall be given to the Company of the time and place at which the same shall be conducted to enable them to be represented.

Pressure of gas.

59. The prescribed number of candles shall be fourteen.

Quality of gas.

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

Testing place.

61. 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.

Burner.

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Shareholder
may be a
member of
sanitary
authority.

62. No shareholder of the Company shall by reason of being a shareholder be disqualified from being or acting as a member of any sanitary authority or town council or as a commissioner under and by virtue of any Act of Parliament passed or that may be passed for the better paving cleansing lighting watching or improving any parish or place within the limits of this Act or in anywise connected therewith or be liable to any penalty as such notwithstanding that the sanitary authority or town council of which he is a member or the commissioners acting under and by virtue of such Acts or any of them may enter into any contract with the Company or the directors for the time being. Provided that no such shareholder being a member of such sanitary authority or town council or such commissioner shall be entitled to vote in or concerning any such contract.

Contracts for
supplying
gas for pub-
lic purposes.

63. The Company may from time to time enter into and carry into effect any contract or arrangement with any sanitary authority having powers within any part of the limits of this Act or any corporation bodies or persons for the supply of gas by the Company for public purposes within the limits of this Act for any period not exceeding under any one such contract or arrangement seven years and may from time to time by mutual consent vary suspend or rescind any such contract or arrangement or enter into or carry into effect other contracts or arrangements in lieu thereof or in addition thereto.

Debts may
be recovered
in any court
of competent
jurisdiction.

64. Any money owing to the Company for a supply of gas or otherwise may be recovered by them with costs in any court having jurisdiction in cases of debts of the like amount and the remedy under this enactment shall be in addition to their other remedies for the recovery of such money.

Recovery of
debts before
justices.

65. In case any person who has been supplied with gas by the Company or who is liable under this Act to any payment in respect of a supply of gas or the use or repair of any meter fails after demand thereof in writing left upon the premises of such person by the Company their agent or collector to pay the amount due in respect of the supply or of the meter any justice on application by the Company shall issue his summons to the person requiring him to appear at a time and place named therein and then and there to show cause why the sum so demanded should not be paid and if on the appearance of the person or in default of appearance after proof of the service of the summons either personally or if he cannot be found at his last known place of abode or of business sufficient cause be not shown to the contrary the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels

of the person for the recovery of the amount proved before the justice to be due from the person with such costs to be settled by the justice and including the costs of cutting off the gas if the same be cut off by the Company as the justice thinks just and reasonable. A.D. 1881.
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66. All the costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company. Expenses of
Act.

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SCHEDULE referred to in the foregoing Act.

The lands now belonging or reputed to belong to the Limited Company namely:—

Lands now belonging or reputed to belong to the Limited Company in the parish of Hexham in the county of Northumberland which contain two roods and twenty-seven perches or thereabouts and are bounded as follows:—On or towards the north by a tan-yard warehouses and premises belonging or reputed to belong to and in the occupation of William Ridley and Ralph Henry Robb on or towards the east by Burn Lane on or towards the south by messuages lands and premises late belonging or reputed to belong to the devisees of James Burn (deceased) and now to Joseph Alexander and on or towards the west by a stream or burn between the said lands of the said Company and Gilesgate Hexham aforesaid.

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