



CHAPTER lxxix.

An Act to confer further powers on the South Shields Gas Company ; and for other purposes. A.D. 1886.
[25th June 1886.]

WHEREAS by the South Shields Gas Act 1857 (hereinafter referred to as "the Act of 1857") the South Shields Gas Company (hereinafter referred to as "the Company") were incorporated and were empowered to supply with gas the borough of South-Shields and the parish of Jarrow and by that Act the share capital of the Company was fixed at forty thousand pounds whereof twenty thousand pounds was to be called "original capital" and twenty thousand pounds "additional capital" and they were authorised to borrow on mortgage or bond to the extent of five thousand pounds in respect of the said share capital of twenty thousand pounds and to the further extent of four thousand eight hundred pounds in respect of the additional capital of twenty thousand pounds: 20 & 21 Vict.
c. vi.

And whereas by the South Shields Gas Act 1867 (hereinafter referred to as "the Act of 1867") the limits of the Company for the supply of gas were extended to the neighbouring parish of Boldon and were as to the parish of Jarrow restricted to the portions of that parish in that Act defined and the Company were authorised to raise an additional share capital of forty thousand pounds and to borrow on mortgage or bond an additional sum of ten thousand pounds: 30 & 31 Vict.
c. xxiv.

And whereas by the South Shields Gas Act 1879 (hereinafter referred to as "the Act of 1879") the limits of the Company for the supply of gas were extended to part of the neighbouring parish of Whitburn in that Act defined and the Company were authorised to raise by additional share capital a sum of eighty thousand pounds inclusive of premiums and to borrow on mortgage an additional sum of twenty thousand pounds and the then existing capital of the Company was by that Act converted into stock and by such conversion was made to consist of ninety-one thousand five hundred pounds: 42 & 43 Vict.
c. cxxxiv.

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And whereas it is provided by section 20 of the Act of 1879 that the Company shall not hold for the purposes of their undertaking more than ten acres of land nor erect any works for the manufacture of gas elsewhere than on the lands specified in the schedule thereto :

And whereas the whole of the capital of the Company has been issued as stock and has been fully paid up :

And whereas the demand for gas within the limits of the recited Acts is increasing and it is expedient that the Company be authorised to acquire additional lands and to erect thereon additional works for the manufacture of gas and of the residual products resulting therefrom and to make the new works hereinafter described :

And whereas it is expedient that the Company be authorised to raise further capital for the purposes of their undertaking :

And whereas the Company have not created any debenture stock :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county of Durham and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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 as the South Shields Gas Act 1886.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Gasworks Clauses Act 1847 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested; and

Part I. "Cancellation and surrender of shares" Part II. "Additional capital" and Part III. "Debenture stock" of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

are so far as the same respectively are applicable for the purposes of and not varied by or inconsistent with the provisions of this Act incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the undertaking of the Company as if the same had been authorised by the Act of 1879: Provided that section 24 of the Gasworks Clauses Act 1871 shall not be applicable within the borough of Jarrow.

3. In this Act unless the subject or context otherwise requires the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings: Interpre-
tation.

And for the purposes of this Act—

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

4. The limits within which the Company may supply gas are hereby extended so as to include in addition to their existing limits as defined in the Act of 1867 and the Act of 1879 the townships of Fulwell (detached) Southwick (detached) and Monkwearmouth (detached) all forming part of the parish of Monkwearmouth in the county of Durham and within and throughout the limits as by this Act extended this Act and the recited Acts (as respectively amended by any of those Acts and by this Act) shall henceforth be in force and have effect. Extending
limits of
supply.

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Repeal of
parts of
recited Acts.

5. The following portions of the Act of 1879 namely:—

Section 20 (limiting quantity of land to be held and restricting the erection of works on land other than that described in the schedule);

The proviso to section 37 which limits the reserve fund to eight thousand pounds; and

Section 49 (as to interest on deposits);

are hereby repealed and section 31 (Liability for public lighting) of the Act of 1867 shall cease to have any operation within the borough of South Shields.

Power to
make works.

6. Subject to the provisions of this Act the Company may in the lines and situation and according to the levels shown on the deposited plans make and maintain wholly in the parish of Jarrow in the county of Durham the works shown on the deposited plans (except the railway shown thereon) among which are the following:—

Number 1. A new street or back lane in the township of Hedworth Monkton and Jarrow in the parish of Jarrow to commence out of the lane at the back of the west side of West Ferry Road at its junction with the said back lane and terminating in West Ferry Road aforesaid about fifty-seven feet south of its junction with Tyne Street;

Number 2. An embanking in the said township of the south shore of the River Tyne commencing at a point about forty yards east of the road leading out of Tyne Street to the Tyne General Ferry Landing Stage and terminating at a point about one hundred and eighty-eight yards east of that road;

Number 3. A landing stage in the said township commencing at a point about forty yards east of the said road and terminating at a point about one hundred and eighty-eight yards east of the said road;

Number 4. A bridge and approaches across Oyston Street in the townships of South Shields and Westoe for the use of the Company to connect the northern and southern parts of the works of the Company on the opposite sides of that street;

Number 6. All necessary walls piers embankments viaducts piling arches scaffolding sewers drains works and conveniences with the said several works or any or either of them connected or requisite or convenient therefor.

Works in the
River Tyne
to be ap-
proved by
Board of
Trade.

7. It shall not be lawful for the Company under the powers of this Act to construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of the secretary or one of the assistant

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secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the said Board of Trade may approve of such approval being signified as last aforesaid and where any such works shall have been constructed it shall not be lawful for the Company at any time to alter and extend the same without obtaining previously to making any such alteration or extension the like consent or approval and if any such work shall be commenced or completed contrary to the provisions of this Act it shall be lawful for the said Board of Trade to abate and remove the same and to restore the site thereof to its former condition at the cost and charge of the Company and the amount thereof may be recovered in the same manner as a penalty is recoverable against the Company.

8. The Company shall during the whole time of the constructing altering extending or removal of the hereinbefore described works Numbers 2 and 3 respectively exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the work when completed always maintain exhibit and keep burning at their own expense every night from sunsēt to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves. If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on works.

9. If a work constructed by the Company on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

10. If at any time the Board of Trade deems it expedient to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Survey of works by Board of Trade.

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Works in
River Tyne
to be ap-
proved by
Tyne Com-
missioners.

11. The Company shall before interfering with the bed or the foreshore of the River Tyne within the flow of the tide obtain in writing the consent of the Tyne Improvement Commissioners and before constructing any works in the said river or on the foreshore thereof within the flow of the tide submit plans and sections of the intended works to the said Commissioners and obtain in writing their approval of such plans and sections and their sanction to the construction of such works.

Company
to exhibit
lights.

12. The Company shall at the outer extremity of their works below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) as the Tyne Improvement Commissioners shall from time to time direct.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Power to
deviate.

13. In making any of the works shown on the deposited plans the Company may deviate to any extent not exceeding three feet from the levels shown on the deposited sections and may deviate laterally within the limits of deviation shown on the deposited plans: Provided that no deviation of such work shall be made from the lines thereof as marked on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Power to
take lands.

14. Subject to the provisions of this Act the Company may enter upon take hold and use all or any of the lands and hereditaments shown on the deposited plans and described in the deposited book of reference and may stop up and extinguish all rights of way in and over Hood Street and that portion of the back lane parallel with Tyne Street which is within the limits of the lands compulsorily purchased and which is marked on the deposited plans as intended to be stopped up And the fee simple and inheritance of Hood Street and of the said portion of the said back lane shall if and so far as the Company are or become the owners of the lands on both sides thereof be wholly and absolutely vested in them and they may appropriate the same to the purposes of their undertaking: Provided that the Company shall not enter upon take or use any lands belonging to the Harton Coal Company (Limited) except with their previous consent under their common seal or any of the lands described in the deposited book of reference which would have been required for the railway shown on the deposited plans.

15. If any omission misstatement or wrong description of any lands or of any owner lessee or occupier of any lands described in or intended or purporting to be described in the deposited plans and book of reference be discovered the following provisions shall have effect (that is to say) :—

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Correction
of errors as
to lands.

The Company may apply to two justices for the correction thereof giving ten days notice in writing to the owners lessees and occupiers of the lands affected by the proposed correction. If it appears to such justices that the omission misstatement or wrong description arose from mistake they shall certify the same stating in the certificate the particulars of the omission misstatement or wrong description. The certificate shall be deposited with the clerk of the peace for the county of Durham who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference ;

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and the Company may enter on take and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate as if there had not been any omission misstatement or wrong description ;

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

16. 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
the compul-
sory purchase
of lands.

17. If the works shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing those works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for
completion
of works.

18. Subject to the provisions of this Act the Company may upon the lands described in Part II. of the schedule to this Act from time to time erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery approaches and other works apparatus and conveniences and may do all such acts as they

Power as to
construction
and main-
tenance of
gasworks &c.

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may think proper for making and storing gas and for supplying gas and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar ammoniacal liquor and all other products resulting from any materials employed in the manufacture of gas and also meters tubes and pipes and may purchase sell provide supply and deal in fittings gas-engines stoves boilers and other articles and things in any way connected with the supply of gas as they may from time to time think fit and may also from time to time erect fit up maintain and let houses cottages and dwellings for the officers and servants employed by the Company for the purposes of their undertaking.

Company to supply dry as well as wet meters.

19. Every consumer of gas desiring to have a meter for determining the quantity consumed shall be entitled to require the Company to furnish him on sale or hire with a dry meter or a wet meter at his option at a price proportionate to the cost of manufacture and the cost of maintenance of the said meters respectively.

Power to purchase lands by agreement and gas not to be manufactured except on lands scheduled.

20. 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 resulting therefrom except the lands described in the said schedule. No buildings shall be erected upon the lands which the Company are hereby empowered to purchase take and hold by agreement except buildings required for or to be used in connection with the gas undertaking of the Company.

As to taking houses of labouring class.

21. (1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

(2) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

22. (1) Any mains pipes culverts or other works of the Company now existing or which the Company may lay down or execute under over or across or which may affect any railway or works or property of the North Eastern Railway Company shall be laid down and executed and subsequently maintained and repaired by the Company at such times as may be required or approved by and 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.

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 Pipes &c.
 crossing
 North
 Eastern
 Company's
 railways to
 be laid down
 under super-
 intendence of
 their engi-
 neer.

(2) The said mains pipes culverts and works shall be so laid down executed maintained repaired and used by the Company as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3) The Company shall at all times keep the said railway company indemnified against all damages losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down maintaining and using any works of the Company or otherwise in connection therewith.

23. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and may from time to time raise (in addition to their present authorised capital) any further sums not exceeding in the whole one hundred and twenty thousand pounds by the creation and issue of stock but such stock shall not vest in the person or corporation accepting the same unless and until the full nominal amount thereof 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 stock than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of one hundred and twenty thousand pounds.

Power to
 Company
 to raise
 additional
 capital.

24. Subject to the proviso hereinafter contained the Company shall not create and issue within any one year any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid forty thousand pounds: Provided that if in any year or years the Company have not created and issued capital to the full amount hereinbefore 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 forty thousand pounds in respect of any one year.

Restriction
 on amount
 of capital to
 be issued in
 any one
 year.

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Power to
borrow on
mortgage.

25. In addition to the moneys which the Company are authorised to borrow under the recited Acts they may from time to time borrow on mortgage in respect of the additional capital of one hundred and twenty thousand pounds by this Act authorised to be raised by stock any sums not exceeding in the whole the sum of thirty thousand pounds and the Company may as each sum of thirty thousand pounds of such additional capital has been issued and accepted and one-half the amount of such sum has been paid up borrow on mortgage in respect of each sum of thirty thousand pounds any sum or sums not exceeding in the whole seven thousand five hundred pounds but in no case shall any part of any of the said respective sums of seven thousand five hundred pounds be borrowed until the Company shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that stock for one-half of that part of the additional capital in respect of which the borrowing power is to be exercised is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such stock was issued and accepted and paid up bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns 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.

Debenture
stock.

26. 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 and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Certain
sections of
Act of 1879
incorporated.

27. The following sections of the Act of 1879 (that is to say):—
 Section 25 (New stock to form part of capital);
 Section 26 (Rights of new stock);
 Section 27 (New stock to be offered by auction or tender);
 Section 28 (Purchase money of capital sold by auction to be paid within three months);
 Section 29 (As to notice to be given as to sale &c. of stock);
 Section 30 (Where shareholder bids or tenders for stock the same amount as any other person shareholder to be declared the purchaser);

Section 31 (Stock not sold by auction or by tender to be offered to shareholders); A.D. 1886.

Section 32 (Application of premium arising on issue of stock);

Section 33 (Standard rate of dividend);

Section 35 (If profits exceed the amount limited excess may be invested and form an insurance fund);

Section 36 (Application of excess of profits over standard rate of dividend);

Section 37 (Power to create a reserve fund out of dividends in excess of the standard rate of dividend and application thereof) as amended by this Act;

Section 38 (As to conversion of borrowed money into capital);

Section 39 (Receipt of guardians &c. to be sufficient discharge);

Section 41 (Priority of existing mortgages); and

Section 42 (Priority of mortgages over other debts);

shall mutatis mutandis extend and apply to and in relation to the capital and moneys by this Act authorised to be raised by stock mortgage and debenture stock and the proprietors thereof and the Company: Provided that the reserve fund shall never exceed the sum of fourteen thousand pounds.

28. With respect to public lighting in the borough of South Shields the following provisions shall have effect (that is to say): — As to public lighting in the borough of South Shields.

(1) In this section "the corporation" means the mayor aldermen and burgesses of the borough of South Shields;

(2) The Company shall supply gas to and clean light and extinguish every public lamp within the said borough at a charge for each lamp during every week when such lamp is lighted which if not agreed on between the corporation and the Company shall be settled by arbitration in the manner provided by section 24 of the Gasworks Clauses Act 1871;

(3) The burner of every such lamp shall be of such size and make as to consume at least five cubic feet of gas an hour with a water pressure of one inch and a quarter;

(4) The corporation may at any time or times between the twenty-sixth day of April and the twenty-third day of August (both inclusive) diminish the number of public lamps to be lighted by the Company to a number which shall not be less than one-half of the whole number of public lamps within the lighted district of the Company within the borough of South Shields:

(5) If the corporation so diminish the number of lamps or in any other way alter the terms on or conditions under which the said charge was so agreed on or determined the said charge shall on the application of the corporation be re-adjusted in such

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manner as may be agreed on between the Company and the corporation or as in default of agreement shall be settled by arbitration in manner aforesaid.

For appointment of a receiver.

29. Section 43 (For appointment of a receiver) of the Act of 1879 is hereby repealed but without prejudice to any (if any) appointment heretofore made or to any (if any) proceedings pending at the passing of this Act and in lieu thereof 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 and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than five thousand pounds.

Application of moneys.

30. All moneys raised under this Act by the Company whether by stock debenture stock or borrowing shall be applied only to the purposes by the recited Acts or this Act authorised to which capital is properly applicable.

Rate of interest on deposits.

31. 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 four 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.

Saving rights of Tyne Commissioners.

32. Nothing in this Act shall extend or be construed to extend to take away prejudice or lessen any of the powers rights privileges exemptions or authorities of the Tyne Improvement Commissioners granted by the several Acts relating to or affecting the said Commissioners.

Expenses of Act.

33. All the costs charges and expenses of and incident to the preparing for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act. A.D. 1886.

PART I.

The lands belonging or reputed to belong to the Company and on which they are already authorised to erect gasworks and manufacture gas being all the lands described in the schedule to the Act of 1879 except a small piece of land about 38½ square yards in extent situate in the township of Westoe now contracted to be sold by the Company to the Harton Coal Company (Limited).

PART II.

A piece of land in the township of Hedworth Monkton and Jarrow about 1,177 square yards in extent situate in Tyne Street Jarrow adjoining the Company's works bounded on the north by Tyne Street on the south by the south boundary of a back lane on the east by the Company's works and on the west by land belonging or reputed to belong to Thomas Drewitt Drewitt and Isabella Drewitt or one of them.

A piece of land in the township of Westoe about 279 square yards in extent adjoining the south-western portion of the Company's southern works and abutting on the south-west on the elevated wagon way of the Tyne Plate Glass Company and belonging or reputed to belong to the Harton Coal Company (Limited) but contracted to be sold by that company to the Company.

Certain land in the township of Westoe about 2,295 square yards in extent adjoining to and bounded on the east by the North Eastern Railway on the south-west by Garden Lane on the north-west by land and buildings belonging or reputed to belong to the representatives of Robert Bell deceased and on the south-east by the roadway leading from Garden Lane to back Franklin Street.

Certain land in the township of Westoe about 118 square yards in extent bounded on the north-west by the said last-mentioned roadway on the south-west by Garden Lane and on the east by the North Eastern Railway.

Certain land in the said township of Westoe about 1 acre 1 rood and 35 perches in extent belonging or reputed to belong to the Company bounded on the north-west by Oyston Street on the north-east by Garden Lane on the south-east by land belonging or reputed to belong to the Harton Coal Company (Limited) and on the south-west by the said southern works of the Company.

