



CHAPTER xlv.

An Act to confer further powers on the Southend Gas Company. A.D. 1898.
[1st July 1898.]

WHEREAS the Southend Gas Company incorporated under the Southend Gas Act 1877 (herein-after called "the Act of 1877") have under that Act and the Southend Gas Act 1892 (herein-after called "the Act of 1892") powers for the supply of gas within the parishes of Prittlewell and Southchurch in the county of Essex : 40 & 41 Vict.
c. cliv.
55 & 56 Vict.
c. lxxxii.

And whereas the capital of the Company as now authorised under the Southend Gas Acts 1877 and 1892 is as follows :—

Under the Act of 1877 twenty thousand pounds consisting of nine thousand pounds original capital with a dividend limited to ten pounds per centum per annum one thousand pounds improvement stock with a fixed dividend at the rate of five pounds per centum per annum and ten thousand pounds additional ordinary capital with a dividend limited to seven pounds per centum per annum ;

And the Company are by the Act of 1877 authorised to borrow two thousand two hundred and fifty pounds in respect of the original capital of nine thousand pounds and two thousand five hundred pounds in respect of the additional capital of ten thousand pounds and to create and issue debenture stock ;

Under the Act of 1892 twenty-eight thousand pounds consisting of eighteen thousand seven hundred and eighty pounds additional ordinary capital with a dividend limited to seven pounds per centum per annum and nine thousand two hundred and twenty pounds premiums obtained on the sale thereof ;

And the Company are by the Act of 1892 authorised to borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the said amount of twenty-eight thousand pounds :

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And whereas since the date of the Acts of 1877 and 1892 the said parish of Prittlewell has been constituted a municipal borough under the title of the borough of Southend-on-Sea and subsequently the said parish of Southchurch has been included in the borough and such borough is under the government of the mayor aldermen and burgesses thereof (in this Act called "the corporation") and the population of the borough and neighbourhood has increased and is rapidly increasing and the lands which the Company are authorised to hold and use for the purposes of their undertaking are insufficient for those purposes and it is expedient that the Company be authorised to acquire additional lands and to hold and use the same and other lands belonging to them for the manufacture and storage of gas :

And whereas by the Act of 1892 the Company were authorised to make a jetty or landing stage therein described for the purposes of their undertaking and in connexion therewith to lay down a line of rails on and across a certain road known as Scott's Villas Road :

And whereas the Company's powers under the Act of 1892 of taking land for the purposes of the then intended jetty and landing-stage and line of rails have ceased and it is expedient that instead of the jetty landing-stage and line of rails authorised by the said Act the Company should be empowered to construct the pier jetty and other works by this Act authorised :

And whereas plans and sections showing the line and level of the pier and jetty 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 Essex and are herein-after referred to as the deposited plans sections and book of reference :

And whereas it is expedient that the other provisions contained in this Act be made :

And whereas the purposes of this Act 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 :--

Short title.

1. This Act may be cited as the Southend-on-Sea Gas Act 1898.

2. The Southend Gas Acts 1877 and 1892 and this Act may be cited together as the Southend Gas Acts 1877 1892 and 1898.

Mode of citing Acts of Company.

3. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

Incorporation of general Acts.

The Lands Clauses Acts :

The Gasworks Clauses Act 1847.

4. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

Application of parts of Companies Clauses Acts.

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 nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The consolidation of shares into stock ;

The making of dividends ;

The giving of notices ;

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

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise.

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

Interpretation.

The expression " the Company " means the Southend Gas Company.

6. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference and described in Part I. of the Schedule to this Act as they may require for the purposes of their undertaking and the Company may manufacture and store gas and residual products on the said

Power to take lands.

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Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to construct pier or landing place.

8. Subject to the provisions of this Act the Company may make and maintain a pier jetty or landing-place in the parishes of Prittlewell and Southchurch or one of them in the line or situation shown on the deposited plans and according to the level shown on the deposited sections commencing in the Company's works at or near the entrance thereto from Scott's Villas Road and terminating at a point on the foreshore one hundred yards or thereabouts below high-water mark of ordinary spring tides And the Company may lay rails or tramways on the said pier or jetty and make such approaches landing-stage or other incidental works as the Company may think fit and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

The said pier jetty or landing-place and other works shall be constructed in such manner at such level of such dimensions and of such design as shall be approved in writing by the corporation before the works are commenced or in the event of their failing to approve the same within one month after the Company shall have furnished them with all necessary plans sections drawings and other particulars then as shall be approved in writing by the President of the Institution of Civil Engineers or an engineer to be nominated by him.

In determining the design and construction of the said works regard shall be had to any improvements then carried out or contemplated or intended to be effected by the corporation along the sea front.

Any fees of such president or other engineer in reference to the matters aforesaid shall be paid by the Company.

Period for completion of pier or jetty.

9. The pier or jetty by this Act authorised shall not be commenced until after the expiration of two years from the passing of this Act and if it is not completed within seven 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 the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Limits of deviation.

10. In constructing the works by this Act authorised the Company may deviate laterally from the lines thereof as shown

on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said work as shown on the said sections to any extent not exceeding three feet upwards and three feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

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11. The Company shall on or near the work hereby authorised below high-water mark during the whole time of construction exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade require or approve 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 during construction.

12. The Company shall at the outer extremity of the pier or jetty exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House Deptford Strond shall direct If the Company fail to comply with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to exhibit lights.

13. The Company shall not under the powers of this Act 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 one of the secretaries or assistant-secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high-water mark not to be commenced without consent of Board of Trade.

14. In case of injury to or destruction or decay of the pier or works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall be directed by the

Provision against danger to navigation.

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Corporation of Trinity House Deptford Strond and shall apply to the Trinity House for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement
of work
abandoned
or decayed.

15. If any work constructed by the Company under the powers of this Act on in over through or across tidal lands or 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 as a Crown debt or summarily.

Survey of
work by
Board of
Trade.

16. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water 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 as a Crown debt or summarily.

Saving rights
of the Crown
in the fore-
shore.

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

Saving rights
of the Crown
under Crown
Lands Act.

18. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Power to
purchase
lands by
agreement.

19. 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 First Schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes

of their works and undertaking but the Company shall not create or permit a nuisance on any such lands. A.D. 1898.

20. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means mechanics artisans 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.

21.—(1) As from and after the thirty-first day of December one thousand eight hundred and ninety-eight the existing ordinary stock and share capital of the Company (original and improvement stock and new shares) shall by virtue of this Act be consolidated and converted into one and the same class of ordinary stock (in this Act called "original consolidated stock") bearing a uniform dividend at the rate of five per cent. per annum as follows (that is to say):— Conversion and consolidation of existing ordinary capital.

Nine thousand pounds original stock fully paid up into eighteen thousand pounds original consolidated stock fully paid up;

One thousand pounds improvement stock fully paid up into one thousand pounds original consolidated stock fully paid up;

Ten thousand pounds new shares into fourteen thousand pounds original consolidated stock fully paid up:

Eighteen thousand seven hundred and eighty pounds new shares into twenty-six thousand two hundred and ninety-two pounds original consolidated stock fully paid up.

(2) The original consolidated stock shall be divided among and vested in the several persons who on the said thirty-first day of December one thousand eight hundred and ninety-eight are holders of the existing stock and shares of the Company respectively in proportion to the amount of such stock and shares held by them respectively.

(3) The Company shall create and issue original consolidated stock sufficient for the purposes aforesaid.

(4) All persons in whom any such original consolidated stock shall be so vested shall stand possessed thereof upon the like trusts

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and subject and liable to the like powers provisions declarations agreements charges liens and incumbrances to which the stock and shares in respect of which such original consolidated stock is so vested were on the said thirty-first day of December one thousand eight hundred and ninety-eight subject and every deed or other instrument and every will or testamentary disposition of or affecting or purporting to affect or deal with the existing stock or shares shall take effect with reference to the whole or a proportionate part as the case may be of the original consolidated stock substituted therefor.

(5) The Company shall call in and cancel the certificates of the existing stock and shares and shall issue in lieu thereof to every holder of stock and shares new certificates for equivalent amounts of original consolidated stock as provided by this Act.

(6) Every new certificate shall be issued free of charge.

(7) No holder of stock or shares shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the stock or share certificate for which such certificate of original consolidated stock is substituted or shall have proved to the reasonable satisfaction of the Company the loss thereof.

(8) Subject to the provisions of this section the provisions of the Companies Clauses Consolidation Act 1845 with respect to the consolidation of shares into stock shall extend and apply to the original consolidated stock.

Provided that in every case where under the provisions hereinbefore contained a holder of existing stock would be entitled to any fractional part of a pound of original consolidated stock the Company shall not be bound to register such fractional part of a pound of stock but may at the option of the Company pay to such holder such a sum in cash as shall be equal to the market value of such fractional part or receive from such holder such a sum in cash as will make up the amount of stock to be vested in him to an integral number of pounds and the amount of original consolidated stock vesting in such holder shall thereupon be reduced or increased accordingly and the directors may raise the money necessary to enable the Company to make such cash payment as aforesaid by the issue and sale from time to time of such an amount of original consolidated stock as may be requisite in that behalf.

Power to
raise
additional
capital.

22. The Company may raise additional capital not exceeding in the whole one hundred thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or partly in one way and partly in the other but such shares or

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stock shall not vest in the person accepting the same unless and until the full price of such shares or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of one hundred 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 thirty thousand pounds or within any subsequent year fifteen thousand pounds.

23. 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 thirty thousand pounds in respect of the year following the passing of this Act and fifteen thousand pounds in respect of every subsequent year then expired.

If authorised capital for any year not raised the amount may be made up in subsequent years.

24. Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares or stock.

25. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

26. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

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Profits of
the Company
limited.

27. Except as by this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (which are in this Act referred to as "the standard rates of dividend") (that is to say) On the original consolidated stock the rate of five pounds in respect of every one hundred pounds of such capital and on the additional capital to be raised under the powers of this Act the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of four pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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

28. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are or is to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve 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 except that if any bidding or offer by tender of any holder or holders of shares or stock 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 or stock shall be accepted in preference.

Purchase
money of
capital sold
to be paid
within three
months.

29. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium 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 of shares
or stock.

30. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Southend-on-Sea 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 circulating within the said borough.

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31. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve 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 or stock created under the powers of this Act but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

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

32. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving 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.

33. The Company may after the passing of this Act borrow on mortgage of the undertaking in respect of the original consolidated stock of fifty-nine thousand two hundred and ninety-two pounds any sums not exceeding in the whole fifteen thousand pounds including the sum of eleven thousand seven hundred and fifty pounds authorised to be raised by creation and issue of debenture stock under the Acts of 1877 and 1892 respectively.

Power to borrow in respect of original capital.

34. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at

Power to borrow in respect of additional capital.

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the time issued together with the premium (if any) realised on the sale thereof 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 such shares and stock and premium (if any) have been issued and 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.

Priority of existing mortgages.

35. All mortgages in pursuance of the powers of any Act of Parliament granted by the Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repeal of provisions of former Acts with respect to appointment of receiver.

36. Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of arrears of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

For appointment of receiver.

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

Debenture stock.

38. The Company may create and issue debenture stock subject to the provisions of section 42 of the Act of 1892.

Debenture stock &c. to be disposed of by auction or tender.

39. The provisions of this Act with respect to disposing of shares or stock by auction or tender and to the application of any money arising by way of premium shall mutatis mutandis apply to debenture stock issued and to any mortgages granted by the Company under this Act.

Priority of mortgages and debenture stock over other debts.

40. 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 Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

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41. If any money is payable to a shareholder or stockholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not *sui juris*.

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 and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Application of money.

43. As from the thirty-first day of December one thousand eight hundred and ninety-eight section 47 of the Act of 1892 so far as it relates to reduction or increase in the standard rate of dividend shall cease to apply and in lieu thereof the following provisions shall have effect and apply to the ordinary stock created under this Act whether created for conversion or for additional capital :—

Dividend dependent on price charged.

The standard price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall be four shillings and threepence per one thousand cubic feet and the power of the Company to increase or diminish the standard price shall continue unaffected by this Act :

Provided that if the Company increase or reduce the price of gas charged by them above or below the standard price there shall be a reduction or increase in the dividend payable by the Company on the ordinary stock created under this Act whether for conversion or for additional capital as follows :—

In respect of any year during any part of which the price charged by the Company shall have been one penny or more above the standard price the dividend payable by the Company on the said ordinary stock shall in respect of each penny by

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which the standard price shall have been increased be reduced below the standard rate of dividend by two shillings and sixpence on every hundred pounds of ordinary stock and so in proportion for any fraction of one hundred pounds :

And in respect of any year during the whole of which the price charged shall have been one penny or more below the standard price the dividend payable by the Company on the said ordinary stock may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate of dividend by two shillings and sixpence on every hundred pounds of ordinary stock and so in proportion for any fraction of one hundred pounds :

But the provisions of the Acts of the Company relating to the dividend payable on the shares and stock existing at the passing of this Act as in force immediately before the passing of this Act shall until conversion continue in force unaffected by anything in this Act.

Company may contract with local authority &c. for supply in bulk.

44. The Company may contract with any district council or other local authority company or person whether within or beyond the Company's limits of supply but only with the consent in writing of any local authority or any company authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Agreements with corporation as to exercise of electric lighting powers.

45. The Company may enter into any agreement with the mayor aldermen and burgesses of the borough of Southend-on-Sea (herein-after called "the corporation") with respect to the transfer by the corporation to the Company of all or any of the powers of the corporation under the Southend Electric Lighting Order 1891 confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1891 so far as the same are in force and now exercise-able by the corporation and may exercise such of the powers aforesaid as may be so transferred.

Company may apply for Provisional Order to supply electricity.

46. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 or any other Act for the time being in force with respect to the supply of electricity but subject to the previous consent in writing of the corporation make application for a Provisional Order or licence to produce and supply electricity for public and private purposes.

Any moneys raised under this Act may be employed in giving effect to the purposes of this section including the defraying of the

costs of any such application as aforesaid but nothing in this section shall empower the Company to create or permit any nuisance.

If under any such agreement with the corporation as aforesaid or by any Provisional Order or licence the Company are authorised to supply electricity the Company may subject to the previous consent in writing of the corporation provide and maintain stations for generating electric power upon any part of the lands mentioned in the schedule to this Act.

47. The provisions of the Southend Gas Act 1877 with reference to general meetings of the Company quorum and the scale of voting at meetings shall be amended as follows viz. :—

As to meetings quorum and voting.

(A) The ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint and the transfer books of the Company may be closed for fourteen days preceding any such meeting :

(B) The quorum for all general meetings of the Company shall be ten share or stock holders personally present and holding in the aggregate not less than three thousand pounds of shares or stock of the Company :

(c) At all general meetings of the Company every share or stock holder shall be entitled to vote according to the following scale :—

If holding 10l. of shares or stock and less than 20l.	one vote ;
" 20l.	" " 30l. two votes ;
" 30l.	" " 40l. three votes ;
" 40l.	" " 50l. four votes ;
" 50l.	" " 100l. five votes ;
" 100l.	" " 200l. six votes ;
" 200l.	" " 300l. seven votes ;
" 300l.	" " 400l. eight votes ;
" 400l.	" " 500l. nine votes ;
" 500l.	" " 1,000l. ten votes ;
" 1,000l. or upwards	" " - - - twenty votes.

48. In the event of any meter used by a consumer being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the current quarter in which the said meter shall be so tested unless the contrary shall be proved to the satisfaction of the inspector testing the said meter The amount of the allowance to be made to or of the surcharge to be made upon the consumer

As to incorrect meters in certain cases.

A.D. 1898. — by the Company in pursuance of the certificate of the inspector shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Company.

Exemption from Part III. of Southend-on-Sea Corporation Act 1895.

49. As from the passing of this Act there shall be exempted from Part III. (Provisions as to buildings streets and sanitary matters) of the Southend-on-Sea Corporation Act 1895 any building (not being a dwelling-house) belonging to and used by the Company as part of or in connexion with their undertaking.

As to audit of accounts of the Company.

50. The following provisions in relation to the audit of the accounts of the Company at the instance of the corporation shall apply and have effect:—

- (1) The corporation may once in every year have the accounts of the Company audited by a competent and impartial person from time to time appointed by the Board of Trade on the application of the corporation for the purpose of ascertaining whether or not the profits of the Company are properly applied to revenue and whether or not any portion of such profits are applied to purposes to which capital is properly applicable:
- (2) Such audit shall take place during the period of seven days before or the period of twenty-one days after the first ordinary meeting of the Company in each year:
- (3) The Company shall for the necessary purposes of the audit give to the auditor his clerks and assistants access to the books and documents of the Company and shall when required furnish to him and them all vouchers and information requisite for such purposes and shall afford to him and them all requisite facilities for the proper execution of his and their duty:
- (4) The auditor shall within fourteen days after the completion of his audit make and deliver a report of the result of his audit to the corporation and to the Company:
- (5) There shall be paid to such auditor by the corporation out of the district fund and general district rate of the borough such reasonable remuneration in respect of each audit under this section as the Board of Trade shall appoint.

Costs of Act

51. All costs charges and expenses of and incident to the preparing for 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. 1898.

PART I.

DESCRIBING LANDS TO BE ACQUIRED UNDER THE POWERS OF THE FOREGOING ACT.

A piece of land (No. 1) in the parish of Prittlewell in the borough of Southend-on-Sea in the county of Essex belonging or reputed to belong to Messrs. Baker and Wiseman adjoining the site of the Company's works and bounded on the north by the site of the said works on the south by Scott's Villas Road on the east by the Company's private road leading from Scott's Villas Road to their works and on the west by the road or passage leading from Scott's Villas Road to the rear of Scott's Villas.

A piece of land (No. 2) in the said parish of Prittlewell adjoining the north side of the said site of the Company's works and bounded on the south by the northern boundary fence of the said site on the east by the parish boundary between the parishes of Southchurch and Prittlewell on the north by an imaginary line drawn parallel to and at a distance of 65 yards or thereabouts from the said northern boundary fence of the said site on the west by an imaginary line drawn in continuation of the fence forming the western boundary of the said site to and intercepting the imaginary line lastly described which said lands belong or are reputed to belong to Joseph Constant and comprise an area of $1\frac{1}{2}$ acres or thereabouts.

A piece of land (No. 3) in the parish of Southchurch and borough of Southend-on-Sea being about 25 yards in width and 130 yards in length adjoining the Company's property which said piece of land belongs or is reputed to belong to Messrs. Thomas Dowsett and James Colbert Ingram and is bounded on the south by Ashburnham Terrace Passage on the west by the fence of the Company's land extending from the north-western corner of Ashburnham Terrace Passage for a distance of about 130 yards northwardly from that corner and on the north and east by other lands belonging or reputed to belong to Thomas Dowsett and James Colbert Ingram.

PART II.

DESCRIBING LANDS BELONGING OR REPUTED TO BELONG TO THE COMPANY AND INTENDED TO BE USED IN ADDITION TO THE LANDS TO BE PURCHASED AS AFORESAID FOR THE MANUFACTURE AND STORAGE OF GAS.

A piece of land (No. 4) in the said parish of Prittlewell belonging or reputed to belong to the Company containing 10 perches or thereabouts situate at the north-western corner of the site of the Company's works bounded on the east and south by the said site and on the north by the piece of land (No. 2) herein-before described.

A.D. 1898.

— A piece of land (No. 5) in the parish of Southchurch in the said borough of Southend-on-Sea and county of Essex belonging or reputed to belong to the Company containing 2 acres or thereabouts and adjoining the present site of the Company's works on the east side thereof bounded on the north in part by the site of the Southend Sewerage Pumping Works and in the remaining part by land belonging or reputed to belong to Thomas Dowsett and James Colbert Ingram on the west by the site of the Company's works on the south by an imaginary line drawn in continuation of Ashburnham Terrace Passage to the northern corner of the Company's private road to the said works from Scott's Villas Road and on the east by the piece of land herein-before described as (No. 3).

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