



CHAPTER lii.

An Act for incorporating and conferring powers on the
Saint Anne's-on-the-Sea Gas Company. [1st July 1898.]

A.D. 1898.

WHEREAS in the year one thousand eight hundred and seventy-five certain persons formed themselves into a gas company under the name of the Saint Anne's-on-the-Sea Gas Light and Coke Company Limited (in this Act referred to as "the Limited Company") for the purpose of manufacturing and selling gas and lighting therewith the town of Saint Anne's-on-the-Sea in the county of Lancaster and generally for carrying on the business usually carried on by gas companies and such company was duly registered without articles of association under the Companies Acts 1862 to 1867 :

And whereas by the Saint Anne's-on-the-Sea Gas Order 1876 (in this Act called "the Order of 1876") made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 and confirmed by the Gas and Water Orders Confirmation Act 1876 No. 1 the Limited Company were constituted the undertakers for the purposes of that Order and it was provided that the limits within which the provisions of the Order should be in force should be so much of the parish of Lytham in the county of Lancaster as was not comprised within the limits of the Lytham Improvement Act 1847 and the whole of the township of Marton in the same county and that the share capital of the Limited Company for the purposes of their gas undertaking should not exceed fifteen thousand pounds unless they were thereafter authorised to raise additional share capital by Provisional Order or by Act of Parliament :

And whereas pursuant to a power in that behalf contained in the Blackpool Improvement Act 1893 the corporation of Blackpool purchased so much of the undertaking of the Limited Company as was situate in that portion of the said township of Marton which

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And whereas the share capital of the Limited Company consists of fifteen thousand pounds divided into three thousand shares of five pounds each whereof one thousand four hundred and nine have been issued as ordinary shares one thousand one hundred and sixty-eight as preference shares entitled to a cumulative preferential dividend of ten per centum per annum and four hundred and twenty-three as preference shares entitled to a cumulative preferential dividend of seven per centum per annum and the whole of such shares have been subscribed and fully paid up :

And whereas the Limited Company from time to time borrowed various sums of money on security of their gas undertaking the total sums so borrowed amounting to thirteen thousand pounds :

And whereas the Limited Company in the year one thousand eight hundred and eighty-six created a contingent yearly rentcharge of two hundred and sixty-eight pounds ten shillings in favour of the Saint Anne's-on-the-Sea Land and Building Company Limited in discharge of moneys owing to that company by the Limited Company amounting to five thousand three hundred and seventy pounds seventeen shillings :

And whereas no dividends whatever have been paid on the ordinary shares of the Company and there are still arrears of dividends payable on the said seven per centum preference shares :

And whereas the Limited Company took a lease for a long term of years of the lands described in the first part of the schedule to this Act and erected gasworks thereon and have from time to time improved and enlarged the same with the capital raised by them and are now supplying gas at Saint-Anne's-on-the-Sea as aforesaid :

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated with further powers and that the Order of 1876 be repealed :

And whereas the demand for gas in the district supplied by the Limited Company has increased and is increasing and it is expedient that the Company incorporated by this Act should be empowered to improve and extend their works and to acquire the lands described in the schedule to this Act and to erect gasworks and other buildings thereon and to make the subway in this Act mentioned and that for such purposes and other the purposes of this Act the Company should be authorised to raise additional capital as by this Act provided :

And whereas a plan showing the lands which may be taken for the purposes or under the powers of this Act and a plan and section showing the line and level of the subway authorised by this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Lancaster and are herein-after respectively referred to as the deposited plan section and book of reference :

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 (that is to say) :—

1. This Act may be cited as the Saint Anne's-on-the-Sea Gas Act 1898. Short title.

2. The Companies Clauses Consolidation Act 1845 the Gasworks Clauses Act 1847 except section 31 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 subsequent Acts and the Lands Clauses Acts are subject to the provisions of this Act incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall subject to the like provisions apply to the existing undertaking of the Limited Company as if the same had been authorised by this Act. Incorporation of Acts.

3. 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 Saint Anne's-on-the-Sea Gas Company incorporated by this Act ;

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 and enlargement or extension thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges and effects and the undertaking of the Company and every part thereof respectively.

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Limits of
Act.

Incorpora-
tion of
Company.

4. The limits of this Act shall be the urban district of Saint Anne's-on-the Sea.

5. From and after the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons 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 purposes herein-after mentioned and shall be incorporated by the name of "The Saint Anne's-on-the-Sea Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General
purposes of
the Com-
pany.

6. The Company shall be established for the purpose of manufacturing storing and supplying gas for lighting heating motive power and other purposes within the limits of this Act and may produce purchase store sell dispose of and deal in gas coke tar pitch asphaltum ammoniacal liquor oil sulphate of ammonia and all other products refuse or residuum arising remaining produced by or 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 provide manufacture and sell let hire and deal in fit up fix and repair meters pipes gas fittings engines machinery stoves and other apparatus and things for warming lighting cooking ventilating or producing motive power by gas and may provide skilled labour in connexion therewith and may (but only for the purposes of the Company within the limits of this Act) acquire or take and use any leave license or authority (not being exclusive) 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 production utilization and distribution of gas the production of coke tar pitch asphaltum ammoniacal liquor and other products from coal and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto (but not so as to acquire any exclusive right to the working use exercising or putting in practice of any such invention or inventions) and generally may carry on any business usually carried on by gas companies or which is or may become incidental thereto and may carry the powers of this Act into execution.

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 gas stoves fires cookers gas fittings 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 or which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits 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 the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the 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.

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Present property of Limited Company vested in Company incorporated by this Act.

8. Subject to the provisions of this Act the memorandum of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Order of 1876 shall be repealed and the Company and the shareholders shall be exempted from all the 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 memorandum of association or of the Order of 1876 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.

Memo-randum of association of Limited Company to be void and Order of 1876 repealed without prejudice to remedies for antecedent breaches thereof.

9. Except as is by this Act otherwise expressly provided every-thing 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

Nothing to affect previous rights and liabilities.

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and the said memorandum of association had not been avoided and the Order of 1876 had not been repealed by this Act and such incorporation and avoidance and repeal 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 of association were not avoided and the Order of 1876 were not repealed by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the 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.

Contracts
prior to
Act to be
binding.

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

Actions &c.
not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action or other proceeding 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 proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the 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.

12. 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 authorized 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.

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Trustees of
Limited
Company
to be
indemnified.

13. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Company
to satisfy
liabilities
of Limited
Company.

14. 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.

Recovery of
gas rents &c.

15. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the 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.

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

16. Notwithstanding the avoidance of the said memorandum of association and the repeal of the Order of 1876 all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Certificates
&c. to remain
in force.

17. All documents books and writings which if the said dissolution and avoidance had not taken place would have been

Books &c.
continued
evidence.

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Officers to continue until removed.

18. 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.

Present registers of members to be continued.

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

Capital.

20. The capital of the Company shall be sixty thousand pounds whereof fifteen thousand pounds is in this Act called "the original capital" and forty-five thousand pounds is in this Act called "the additional capital" and shall be raised in manner herein-after mentioned and the original capital shall be divided into shares of ten pounds each and half-shares of five pounds each which shares and half-shares are in this Act called "the old shares" and the Company may convert into stock the whole or part of their original or additional capital when fully paid up.

Creation of half-shares for certain purposes.

21.—(1) If at the time of the passing of this Act a single old share is held separately or an odd old share would remain after appropriating to any member of the Limited Company one whole share of ten pounds for every two old shares held by such member there shall be created such a number of ordinary shares in the original capital to be called "half-shares" as shall be necessary in order to appropriate in respect of every such single or odd old share one such half-share as aforesaid.

(2) Every two such half-shares shall be deemed to represent and be in lieu of one ordinary share of ten pounds.

(3) Such half-shares shall be numbered in arithmetical progression beginning with number one and every half-share shall be distinguished by its appropriate number and entered in the register of shareholders The directors shall cause an entry to be made in

the said register of the division of any old shares into half-shares and after the consolidation as herein-after mentioned of any half-shares into entire shares the last-mentioned shares shall be numbered in arithmetical progression next after the then existing old shares and shall thenceforth be distinguished in the register of shareholders by their appropriate numbers.

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22. In construing in connexion with this Act the clauses of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with this Act and in construing this Act unless there be something in the subject or context repugnant to such construction the word "share" shall include "half-share" provided that no single half-share shall confer a right of voting at meetings of the Company.

As to the word "share" in incorporated Acts and this Act.

23.—(1) The old shares shall be vested in the several persons who immediately before the passing of this Act were the registered members of the Limited Company one share of ten pounds being substituted for two shares of five pounds each of the Limited Company and one half-share being substituted for a single or odd share of the Limited Company.

Vesting of old shares in present shareholders.

(2) If at any time two of such half-shares shall become vested in the same person such two half-shares shall immediately thereupon become ipso facto consolidated into one share of ten pounds and shall thereafter be dealt with as an old share.

(3) Every share or half-share so vested shall be subject to the same liability for calls and be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as at the time of vesting affected the shares or share for which the same is substituted and so as to give effect to and not revoke any agreement deed or other instrument or any testamentary disposition of or affecting such shares or share and every agreement deed or other instrument or testamentary disposition made before the passing of this Act and affecting shares in the Limited Company shall take effect with reference to the whole or a proportionate part as the case may be of the shares substituted therefor.

24. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship

Company to call in and cancel existing share certificates and issue new certificates in lieu thereof.

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issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Power
to raise
additional
capital.

25. The Company may from time to time raise additional capital not exceeding in the whole forty-five thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share 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 premium which may be obtained on the sale thereof the sum of forty-five 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 eight thousand pounds or within any subsequent year two thousand pounds Provided also that the Company shall not at any time issue new preference shares or stock exceeding in nominal amount the nominal amount of new ordinary shares or stock then issued or exceeding in nominal amount twenty thousand pounds.

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

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

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 capital the rate of ten pounds in respect of every one hundred pounds issued as ordinary capital ten pounds in respect of every one hundred pounds issued as ten pounds per centum preference capital and seven pounds in respect of every one hundred pounds issued as

seven pounds per centum preference 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 whether issued as ordinary capital or as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the dividends to which the said ordinary capital was entitled prior to the passing of this Act or which after the passing of this Act shall have fallen short of the standard rates of dividend.

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28. In case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

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

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

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

30. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof together with any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

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

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

31. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the Urban District Council of Saint Anne's-on-the-Sea and to the secretary of the committee of the Manchester 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 district.

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

32. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to and in accordance with the foregoing provisions of this Act with respect to the sale of shares and stock but at a lower reserved 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 reserved price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

33. Any sum of money which shall arise by way of premium from the issue of any such shares or stock 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 Provided that in any case where a power to raise money by borrowing or to create an insurance fund is made proportionate to the paid-up capital the premiums received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

Power to borrow in respect of

34. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in addition to the moneys

already borrowed as aforesaid and amounting to eighteen thousand three hundred and seventy pounds seventeen shillings any sum or sums not exceeding in the whole one thousand six hundred and twenty pounds but no part thereof beyond the moneys already borrowed shall be borrowed until the whole of the new shares or stock by this Act authorised to be 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.

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additional
capital.

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

As to con-
version of
borrowed
money into
capital.

36. All mortgages including the said yearly rentcharge of two hundred and sixty-eight pounds ten shillings granted by the Limited Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and yearly rentcharge have priority over all mortgages and debenture stock granted created and issued by virtue of this Act.

Priority of
existing
mortgages.

37. The mortgagees of the Company (including the Saint Anne's-on-the-Sea Land and Building Company Limited or their assigns in respect of the said rentcharge) may enforce the payment of arrears of interest or principal or principal and interest due on their mortgages and of the said rentcharge by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Arrears to be
enforced by
the appoint-
ment of
receiver.

38. 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

Debenture
stock.

A.D. 1898. of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any such subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the same were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages over other debts.

39. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of the said rentcharge payable to the Saint Anne's-on-the-Sea Land and Building Company Limited or 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 or to be 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.

Receipt in case of persons not *sui juris*.

40. 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.

Application of money.

41. 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.

First and future ordinary meetings after passing of Act.

42. The first ordinary meeting of the Company after the passing of this Act shall be held in the month of March one thousand eight hundred and ninety-nine and the future ordinary meetings of the Company shall be held in the month of March in every year or at such other time as shall be appointed for that purpose by an order of a general meeting of the Company.

43. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be seven shareholders present in person or by proxy holding in the aggregate not less than one-twentieth of the subscribed capital of the Company. A.D. 1898.
Quorum of
general
meetings.

44. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than ten holding in the aggregate not less than two thousand pounds (nominal value) in the capital of the Company. Extraordi-
nary meeting
convened by
shareholders.

45. At all general meetings of the Company every stockholder or shareholder shall have one vote for every ten pounds (nominal value) of the capital of the Company up to one hundred pounds and an additional vote for every fifty pounds (nominal value) of the capital of the Company beyond the first one hundred pounds held by him. Voting.

46. The number of directors shall be five but the Company may reduce the number provided that the number be not at any time less than four. Number of
directors.

47. The qualification of a director shall be the possession in his own right of stock or shares of the Company to the nominal amount of not less than two hundred pounds. Qualifica-
tion of
directors.

48. The quorum of a meeting of directors shall be three. Quorum
of directors.

49. George Webb Thomas Barrowclough Elijah Hargreaves Harold Porritt and Richard Whitaker shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the 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 varying the number of directors) elect persons to supply the place of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed or disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First
directors.

Election of
directors.

50. The prescribed number of auditors shall be one The auditor need not hold shares in the Company. Auditors.

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Interim
dividend.

51. The directors may in any year without calling a meeting of shareholders for the purpose declare an interim half-yearly dividend not exceeding one-half of the amount of the authorised rates of dividend out of the then ascertained profits of the Company Provided that the amount of dividends which under the powers of this Act they may be entitled to make in respect of each year shall not be exceeded.

Closing of
transfer
books
previous
to declaring
interim
dividend.

52. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

Power to
take lands.

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

Power to
make
subway.

54. Subject to the provisions of this Act the Company may make and maintain in the line and according to the level shown on the deposited plan and section the subway herein-after described with all necessary approaches works and conveniences (that is to say):—

A subway under the Blackpool and Lytham Branch of the Preston and Wyre Railway and property of the Lancashire and Yorkshire and London and North Western Railway Companies between the lands firstly described and the lands secondly described in the schedule to this Act.

For protec-
tion of
Lancashire
and York-
shire and
London and
North
Western
Railway
Companies.

55. For the protection of the Lancashire and Yorkshire and the London and North Western Railway Companies (in this section referred to as "the two companies") the following provisions shall have effect unless otherwise agreed in writing between the two companies and the Company:—

(1) In this section the expression "the subway" means the subway to be constructed and maintained by the Company under the railway and lands of the two companies and all works temporary or permanent necessary and incident to such construction or maintenance so far as they affect the railway or the land or property of the two companies:

(2) The Company shall construct the subway in accordance with the provisions of this section and according to such plans and sections and specifications showing the quality and strength of materials and mode of construction as shall be previously submitted to and reasonably approved in writing by the principal engineer of the two companies and the Company shall not commence the construction of the subway or enter upon or interfere with any land works or property belonging to or used by the two companies until such plans sections or specifications have been so submitted and approved. Provided always that if the said principal engineer shall for the period of one month neglect or refuse to approve such plans sections or specifications or disapprove the same and in case the said principal engineer and the engineer of the Company fail to agree or if any difference arise between them then the subway and the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed upon or in default of agreement to be appointed at the request of either the Company or the two companies by the President of the Institution of Civil Engineers :

(3) The subway shall be executed by and in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the said principal engineer :

(4) The Company shall not (except with the previous consent in writing of the two companies) purchase or acquire any lands or property of the two companies but the Company may purchase and take and the two companies shall sell and grant accordingly an easement or right of using so much of the lands of the two companies as may be necessary for the construction of the subway in accordance with the provisions of this section :

(5) During the construction of the subway the Company shall bear and on demand pay to the two companies all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by the two companies for watching their railway property and works with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise :

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(6) The Company shall at all times maintain the subway in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Company fail so to do the two companies may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such expenditure shall be repaid to the two companies by the Company and in default may be recovered by them from the Company in any court of competent jurisdiction :

(7) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the two companies all costs losses damages and expenses which may be occasioned to them or to their railway works or property or to the traffic thereon or otherwise by reason of the execution or failure of the subway or of any act or default of the Company or their contractors or of any of the persons in the employ of the Company or of their contractors or others and the Company shall effectually indemnify and hold harmless the two companies from all claims and demands upon or against them by reason of such execution or failure and of such act or omission :

(8) If the Company acquire any portion of the plot of land numbered on the deposited plan 2 in the parish of Saint Anne's-on-the-Sea they shall forthwith thereafter sell and convey to the two companies and the two companies shall purchase from the Company on such terms as shall be agreed upon or failing agreement shall be settled by arbitration under the provisions of the Lands Clauses Consolidation Act 1845 a strip of such land adjoining the western fence of their said railway and having a width of five yards throughout the whole length of the said plot and the Company shall continue the said subway shown on the deposited plan and section under such strip of land for the full width thereof and the provisions of this section with respect to the construction and maintenance of the subway so shown shall extend and apply to and in relation to the said continuation thereof.

Correction
of errors &c.
in deposited
plan and
book of
reference.

56. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two

justices acting for the county of Lancaster for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plan and the book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

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

Limit of time for compulsory purchase of lands.

58. Subject to the provisions of this Act the Company may maintain alter improve enlarge extend and renew or discontinue their existing gasworks and manufactories upon the lands on which the same are erected or any part thereof and which are firstly described in the schedule to this Act and also upon the other lands secondly and thirdly described in the said schedule or any part thereof and they may also erect lay down provide and maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers manufactories condensers scrubbers exhausters purifiers gasholders sulphate plant tanks receivers drains sewers mains pipes meters gas stoves fire cookers gas fittings lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may produce sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor sulphate of ammonia and other products employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other similar articles and things in any way connected with gasworks or with the supply of gas as they may think fit:

Powers as to construction and maintenance of gasworks &c.

Provided that the Company shall not manufacture any stoves engines machines fittings apparatus or appliances for lighting heating or cooking by means of gas or any engines or machines for domestic manufacturing industrial or any other purpose whatsoever to be worked by means of gas for the production of motive power or any materials or fittings to be used in connexion

A.D. 1898. — therewith on the lands secondly described in the said schedule and no such manufacture shall be carried on upon the lands firstly and thirdly described in the said schedule so as to be a nuisance or injuriously affect the adjoining property belonging or reputed to belong to John Talbot Clifton.

Power to purchase lands by agreement.

59. The Company may for the purposes of their undertaking purchase take and hold by agreement (but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole three acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and 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.

Gas not to be manufactured except on lands scheduled

Restriction on taking houses of labouring class.

60. 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.

For the purpose of this section the expression "labouring class" means and includes 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.

Power to lay pipes against buildings.

61. 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 with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Power to supply gas fittings engines and other apparatus.

62. Subject to the provisions of this Act the Company may manufacture purchase provide or hire and may supply sell or let for hire stoves ranges meters pipes lamps tubes burners fittings apparatus and appliances for lighting heating or cooking

by means of gas and any other materials or fittings for the use of gas for domestic or other purposes and also engines and machines for domestic manufacturing industrial or any other purposes whatever to be worked by means of gas for the production of motive power and any materials or fittings to be used in connexion therewith and charge for any stoves ranges meters engines machines fittings and other things supplied sold or let under the powers of this Act such price rent or sum as may be agreed upon between the Company and the other party to any such agreement.

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63. The Company may on the request of the owner or occupier of any property within the limits of the Company's supply give and continue to give a supply of gas for heating and ventilating such premises or for motive power cooking or other purpose on such property and may furnish and lay any pipes stoves apparatus fittings or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Power to supply gas for heating cooking and other purposes.

64. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings per thousand cubic feet.

Limiting the price of gas.

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

Pressure of gas.

66. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was caused by an unavoidable cause or accident.

No penalty in case of unavoidable cause.

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Quality of
gas.

67. The prescribed number of candles shall be fifteen.

Testing
place.

68. Within six months from the passing of this Act if the same has not already been done a testing place shall be provided at the works of the Company.

Burner.

69. 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 and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Company to
pay interest
on money
deposited as
security.

70. When any money is deposited by any person by way of security with the Company for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Company shall pay interest after the rate of three 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.

Notice of
discontinu-
ance.

71. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing and be left at or sent by post to the office of the Company.

Power to
refuse to
supply per-
sons in debt
for other
property.

72. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Company without paying all gas or meter rent and rent for gas stoves cookers pipes and fittings due from him the Company may refuse to furnish to him a supply of gas until he pays the same.

Period of
error in
defective
meters.

73. In the event of any meter used by a consumer of gas 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 during the quarter of the year preceding the testing unless it shall be proved to have first occurred during the then current quarter. The amount of the allowance to be made to or of the surcharges to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in any court of competent jurisdiction for the recovery of debts of like amount.

Power to
inspect gas
fittings in
new
buildings.

74. Every person intending to lay down or fix any pipes or other fittings for the distribution or supply of gas by the Company in any new building within the limits of this Act and which are

A.D. 1898.

intended to be covered over shall before such pipes or fittings be covered over give to the Company twenty-four hours' notice in writing specifying the situation of such building and any officer of the Company duly appointed for that purpose may before the expiration of such notice enter such building between the hours of ten in the forenoon and four in the afternoon and inspect such pipes and fittings and may by order in writing prohibit any such as by reason of improper arrangement inferior workmanship or insufficiency in size or material will in the opinion of such officer be dangerous by allowing the escape of gas or be insufficient to ensure a satisfactory supply of gas to such building and if any person shall fail to give such notice as aforesaid or shall refuse entry to such officer into such building within the time and for the purpose aforesaid or shall prevent him from making such inspection or shall not to the reasonable satisfaction of such officer make such alteration in the pipes and fittings as he may reasonably require the Company shall not be bound to furnish to such person a supply of gas for such house building or premises Provided that any person deeming himself aggrieved by any order made under this section may appeal to two justices sitting in petty sessions within seven days after the date of the said order Notice of the provisions of this section shall be given by advertisement published three times in one and the same newspaper circulating in St. Anne's.

75. Where any owner lessee or tenant lets or sublets any premises for a period not exceeding three months such owner lessee or tenant may be required by the Company to pay the rents or sums due to the Company for gas meter rent hire of meter gas stove cooker taps fittings or pipes due from the tenant or sub-tenant in like manner as if such owner lessee or tenant had retained possession of such premises and not let or sublet the same.

Tenant's liability for sub-tenant's gas supply.

76. Twenty-four hours' notice in writing shall be given to the Company at their office by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the state of the register of the meter on such premises Notice of the provisions of this section shall be given on every demand note for gas rent.

Gas consumers to give notice to Company before removing.

77. The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply

Power to lay pipes in streets not dedicated to public use.

A.D. 1898. — such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are respectively applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof Provided that the provisions of this section shall not in any way apply to the roads in Lytham Park.

Contracts for supplying gas for public purposes.

78. The Company may enter into and fulfil any contract or arrangement with any county urban rural or local authority having powers within any part of the limits of this Act 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.

Copy of Act to be registered.

79. The Company shall forward to the registrar of joint stock companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every director and manager of the Company who knowingly and wilfully authorises or permits such default shall incur the like penalty and every penalty under this Act shall be recoverable summarily.

Costs of Act.

80. 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.

The SCHEDULE referred to in the foregoing Act. A.D. 1898.

LANDS ON WHICH THE COMPANY MAY ERECT AND MAINTAIN
WORKS AND MANUFACTURE GAS AND RESIDUAL PRODUCTS
AND STORE GAS.

Firstly.—Certain lands in the parish and urban district of Saint Anne's-on-the-Sea in the county of Lancaster on which the existing works of the Limited Company are situate bounded on the westerly side thereof by the Blackpool and Lytham Branch of the Preston and Wyre Railway of the Lancashire and Yorkshire and London and North Western Railway Companies and on all other sides thereof by land belonging or reputed to belong to John Talbot Clifton Esquire and being distant nine hundred yards or thereabouts from and to the north of Saint Anne's Road and containing in area fourteen thousand five hundred and twenty-two square yards or thereabouts and in lineal measure of circumference the following dimensions (namely) on the north and south sides respectively three hundred and eight feet three inches and on the east and west sides respectively four hundred and twenty-four feet.

Secondly.—Certain other lands in the same parish and urban district bounded on the easterly side thereof by the said Blackpool and Lytham Branch and on all other sides thereof by land belonging or reputed to belong to John Talbot Clifton Esquire and being distant nine hundred yards or thereabouts from and to the north of Saint Anne's Road and containing in area fourteen thousand five hundred and twenty-two square yards or thereabouts and in lineal measure of circumference the following dimensions (namely) on the north and south sides respectively three hundred and eight feet three inches and on the east and west sides respectively four hundred and twenty-four feet.

Thirdly.—Certain other lands in the same parish and urban district bounded on the westerly side thereof by the said Blackpool and Lytham Branch on the southerly side thereof by the lands firstly herein-before described and on the northerly and easterly sides thereof by land belonging or reputed to belong to John Talbot Clifton Esquire and containing in area fourteen thousand five hundred and twenty-two square yards or

[Ch. lii.] *Saint Anne's-on-the-Sea Gas Act, 1898.* [61 & 62 VICT.]

A.D. 1898. — thereabouts and in lineal measure of circumference the following dimensions on the north and south sides respectively three hundred and eight feet three inches and on the east and west sides respectively four hundred and twenty-four feet.

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