



CHAPTER ccxxviii.

An Act for incorporating and conferring powers on the Belfast and North East Ireland Electricity and Power-Gas Company and for other purposes. A.D. 1904.

[15th August 1904.]

WHEREAS the erection of generating stations and works as herein-after provided and the supply therefrom of electrical energy within the area of supply herein-after defined and the manufacture and supply of power-gas for the purposes of motive power and heating but not of illumination within the same area would be of public and local advantage :

And whereas the persons in this Act named with others are willing at their own expense to construct such stations and works and undertake such generation manufacture and supply and it is expedient that they should be incorporated into a company (in this Act called "the Company") and that powers should be conferred on them for that purpose and for acquiring lands for the stations and works and generally for carrying out the objects and provisions of this Act :

And whereas plans describing the lands to be taken or used compulsorily for the purposes of this Act with a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerks of the peace for the counties of Antrim Down Armagh and Londonderry and are in this Act referred to as the deposited plans and book of reference :

A.D. 1904.

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 King'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
and division
of Act into
Parts.

1. This Act may be cited as the Belfast and North East Ireland Electricity and Power-Gas Act 1904.

This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—General Purposes Lands &c.

Part III.—Supply of Electrical Energy.

Part IV.—Supply of Power-Gas.

Part V.—Capital.

Part VI.—Meetings and Appointment of Directors.

Part VII.—Miscellaneous.

PART I.

PRELIMINARY.

Incorporation
of Acts.

2. The following Acts or portions of Acts (as far as they are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say) :—

The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

The Lands Clauses Acts :

The Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers and except any provisions which relate exclusively to the supply of gas for lighting purposes) and the Gasworks Clauses Act 1871 (except

[4 EDW. 7.] *Belfast and North East Ireland* [Ch. ccxxviii.]
Electricity and Power-Gas Act, 1904.

sections 11 and 12 and sections 24 to 33 and sections 35 and 36 and the schedules):

A.D. 1904.

The Waterworks Clauses Act 1847 sections 62 to 67 with respect to fouling the water.

3. The provisions of the Electric Lighting Act 1888 and the Electric Lighting (Clauses) Act 1899 which are contained in the sections thereof herein-after mentioned shall not except as herein-after provided apply to the undertaking authorised by this Act or to the Company in relation to that undertaking anything in either of the said Acts to the contrary notwithstanding (that is to say):—

Excepting certain provisions of Electric Lighting Acts.

Sections 2 and 3 of the Electric Lighting Act 1888:

And sections 2 3 5 to 9 21 to 29 30 (so far as regards a supply in bulk) 31 to 37 41 48 60 64 to 68 75 and 78 of the schedule to the Electric Lighting (Clauses) Act 1899 and section 81 of the said schedule shall not apply to any generating station or stations or works erected on any of the lands described in the First Schedule to this Act but except as aforesaid the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 are incorporated with and form Part of this Act for the purposes of this Act relating to electrical energy and the provisions of section 14 of the said schedule shall so far as the same relates to the Postmaster General extend and apply to any cables pipes wires or other works laid down or placed in under along or across any river or tidal water.

4. The provisions of sections 14 to 18 of the Electric Lighting (Clauses) Act 1899 shall apply and have effect in the exercise of the powers of this Act in relation to power-gas provided that the expression "electric lines" shall be construed to mean "power-gas mains and pipes."

Application of certain sections of Electric Lighting (Clauses) Act 1899 to power-gas.

5. The provisions of section 13 of the Electric Lighting Act 1882 and of section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 in so far as they restrict the breaking up of tramways or railways where laid across or along any highway on the level or of the roadway of or approaches to any bridge over any railway within the area of supply shall not apply to the Company.

Railway and tramway crossings.

A.D. 1904.

Interpreta-
tion.

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

The expression "the Company" means the Company incorporated by this Act;

The expression "the undertaking" means the undertaking by this Act authorised;

The expression "power-gas" means the producer gas known as Mond gas and any development of Mond gas approved by the Board of Trade for the purposes of motive or other power heating or any other purpose to which such power-gas can be applied except illumination;

The expression "local authority" means with respect to each part of the area of supply the local authority for that part;

The expression "road authority" where used with reference to any road footpath or other right of way means the council or other person by whom such road or footpath is repairable or in whom such right of way is vested and in the case of any road not entirely maintained by an urban district council means the county council;

The expression "authorised distributor" means any local authority company body or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to give a general supply of electrical energy within any part of the area of supply as defined by this Act;

The expression "authorised undertaker" means—

(1) Any authority authorised by any general or special Act to undertake or contract for the lighting of streets bridges or public places within any part of the area of supply as defined by this Act;

(2) Any authorised distributor as defined by this Act;

The expression "plan" means a plan drawn to a horizontal scale of at least 1 inch to 88 feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least 1 inch to 11 feet or to such other scale as the Board of Trade may approve of for both plan and section together with such detail plan and sections as may be necessary.

7. William Boyd Robert Garrett Campbell William Crawford Frederick Hoey Charles Blakiston Houston Edmund Albert Letts James Martin McCalmont John Arthur Major Torrens Ernest James Travers Alexander George Wilson Abraham Wilson and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes herein-after mentioned by the name of "The Belfast and North East Ireland Electricity and Power-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.

A.D. 1904.
Company in-
corporated.

PART II.

GENERAL PURPOSES LANDS &C.

8. Subject to the provisions of this Act the Company may within the area of supply herein-after defined generate use sell supply and distribute electrical energy and manufacture use supply sell and distribute power-gas and manufacture sell and deal in sulphate of ammonia and any bye products or residuals of power-gas and may erect lay down improve maintain let or dispose of any buildings works machinery plant vessels producers retorts dynamos engines fittings mains pipes wires and other apparatus which may be necessary or useful for those purposes or any of them and may acquire and work any patents relating to the generation storage supply production measurement transformation and distribution of electrical energy or power-gas or grant licences to use the same and generally may do all such acts and things as may be necessary or useful for or incidental to the purposes aforesaid and the carrying into effect of the purposes of this Act.

General
purposes of
Company.

9. The area within which the Company may supply electrical energy and power-gas (in this Act called "the area of supply") shall be the following area exclusive of the city of Belfast In the county of Londonderry the baronies of Coleraine and the north-east liberties of Coleraine in the county of Antrim the baronies of Lower and Upper Toome Lower and Upper Antrim Lower and Upper Belfast Carrickfergus Lower and Upper Massareene Upper Glenarm the parishes of Finvoy and Rasharkin in the barony of Kilconway and the parish of

Area of
supply.

A.D. 1904.

Ballymoney in the barony of Upper Dunluce in the county of Down the baronies of Lower and Upper Castlereagh Lower Iveagh Upper Iveagh (upper half) and the lordship of Newry in the county of Armagh the barony of O'Neilland East the parish of Drumcree in the barony of O'Neilland West the parish of Ballymore in the barony of Lower Orior and the parish of Newry in the barony of Upper Orior.

Lands for generating stations and other purposes.

10. The Company may subject to the provisions of this Act enter upon take and use the lands or any part or parts thereof in the counties of Antrim Down Armagh and Londonderry shown on the deposited plans and described in the deposited book of reference and in the First Schedule to this Act and may use those lands or any portion thereof for the erection establishment and maintenance of a station or stations for generating electrical energy and manufacturing power-gas and converting any materials or residual products arising from or in the process of the generation or manufacture of electrical energy or power-gas and for all or any of the purposes of this Act.

Storage and distributing works.

11. Subject to the provisions of this Act the Company may manufacture acquire maintain and use and sell let on hire and otherwise dispose of electric power-gas and other mains storage and other batteries dynamos producers accumulators cables conductors service wires tubes pipes insulators meters distributing cut-out and other boxes switches transformers fittings motors and other apparatus for producing transmitting storing measuring regulating and distributing electrical energy or power-gas for public and private purposes or for converting the same into motive power heat or otherwise but as regards power-gas not for illumination and any other machinery apparatus and appliances necessary or useful for any of the purposes of this Act.

Errors and omissions in plans &c. may be corrected by two justices.

12. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands described in the deposited plans or book of reference it shall be lawful for the Company after giving ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction to apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they

shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county within which such lands are situated and shall also be deposited with the clerks of the councils of any districts within which such lands are situated and such certificate shall be kept by such clerks of the peace and clerks of the said district councils respectively along with the other documents to which it relates and thereupon such plans or 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 in accordance with such certificate.

A.D. 1904.

13. The Company may subject to the provisions of this Act enter upon pass over and use at all times and may erect lay down maintain use repair remove and inspect cables wires posts poles brackets cranes bridges conduits pipes tubes apparatus and other conveniences and appliances in under over and along—

Power to
acquire easements.

- (A) The road and embankment of the Musgrave Channel in the parish of Ballymacarrett in the city of Belfast in the county of Down ;
- (B) The subway under the railway station of the Great Northern Railway Company of Ireland and the road leading into Watson Street on the one side and into the Company's lands on the other side in the parish of Seagoe in the urban district of Portadown and townland of Edenderry in the county of Armagh ;
- (c) (1) The embankment of the Newry river (2) the Newry canal and banks and Newry river and banks in the parish and urban district of Newry and the townland of Drumalane in the county of Armagh all of which are described in the book of reference and shown on the deposited plans and included within the limits marked thereon :

And the Company may break up the surface of the said roads and lands for all or any of the purposes aforesaid Provided that the Company shall make to the owners lessees and occupiers and other parties having any estate or interest in such lands compensation for the right or easement of erecting laying down

A.D. 1904. — and maintaining such cables wires posts poles brackets cranes bridges conduits pipes tubes or apparatus as herein-before described and may give notice to treat in respect of such right or easement and the provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to the purchase of such right or easement as if such purchase were a purchase of land within the meaning of such Acts :

Provided further that the Company shall not acquire any such right or easement as aforesaid in relation to the subway under the railway station of the Great Northern Railway Company of Ireland except upon such terms and conditions as the Postmaster General may impose and that the provisions of section 14 of the Electric Lighting (Clauses) Act 1899 shall so far as the same relate to the Postmaster General extend and apply to any works erected or laid down over or along the said roads and lands.

Persons
empowered
by Lands
Clauses Acts
to sell lands
may grant
easements
&c.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required by the Company for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
purchase
lands by
agreement.

15. The Company may for the purposes of this Act purchase and hold or take on lease (by agreement but not otherwise) in addition to the lands delineated on the deposited plans and described in the deposited book of reference any lands and hereditaments not exceeding in the whole fifty acres which the Company may from time to time require for the purposes of their undertaking.

Nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands acquired under this section or authorise the Company to erect any station for manufacturing power-gas or any residual

product upon any lands acquired under this Act other than on the lands referred to in the section of this Act of which the marginal note is "Lands for generating stations and other purposes." A.D. 1904.

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

17.—(1) The Company shall not under the powers of this Act purchase or acquire in any urban district 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 for Ireland 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.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board for Ireland by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) 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 The expression "house" means any house or part of a house occupied as a separate dwelling.

18.—(1) It shall be lawful for the Company within the area of supply to lay down maintain repair alter and use pipes for conveying water and any materials matters or things used by them in or resulting from the process of generating or transforming electrical energy or manufacturing power-gas to or from any generating transforming or manufacturing station of the Company and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the Power to lay down pipes for water &c.

A.D. 1904. purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes.

(2) Where any pipe to be laid by the Company under the powers of this section crosses over or under or is situate within three feet of any mains pipes or other works of any company or authority supplying water the same shall be laid down under the superintendence and to the reasonable satisfaction of the engineer of that company or authority as the case may be.

As to route
for mains
and pipes.

19.—(1) Any mains pipes wires or other apparatus laid down by the Company under the powers by this Act granted under any street shall be laid in such line or route and in a trench of such dimensions and in such position as may be agreed between the Company and the road authority or as failing agreement shall be settled by the Board of Trade as herein-after provided and the Company shall show on the plan of the works to be served on such road authority in accordance with the provisions of this Act and of the enactments incorporated with this Act the route proposed to be taken and the dimensions and position of the proposed trench.

(2) Where the road authority affected object to any proposed line or route on the ground that it would traverse the principal thoroughfares or busy streets of such road authority or be otherwise inconvenient and indicate an alternative route or deviation which in the opinion of the Board of Trade is reasonable such alternative route or deviation shall be adopted :

Provided nevertheless that the provisions of this subsection shall not take away or prejudicially affect the rights of the Postmaster-General under section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply in respect of such alternative route or deviation as though it were the route originally proposed by the Company.

(3) The reasonable and proper costs charges and expenses incurred by any road authority in relation to any reference to the Board of Trade under this section shall unless the Board of Trade shall certify that the action of the road authority in the matter has been unreasonable be paid by the Company.

Power to
inspect plans
of sewers

20. The Company may give to any local authority or company owning or controlling any sewer drain watercourse

gas or water mains or pipes or any electric pneumatic or other wires lines tubes pipes or apparatus in or under any street within the area of supply in or under which the Company may desire to lay or place mains pipes or apparatus written notice requiring such local authority or company to produce for the inspection of the Company by their authorised officer any plans and sections in their possession showing the situation of every such sewer drain watercourse gas or water main or pipes wires lines tubes and apparatus as may belong to or be controlled by them respectively and every such local authority or company shall comply with the notice within one week from the date thereof and the Company by such officer may take copies of such plans and sections All expenses properly incurred by any such local authority or company under this section shall be paid by the Company.

A.D. 1904.
mains pipes
&c.

PART III.

SUPPLY OF ELECTRICAL ENERGY.

21. The powers of the Company for the supply of electrical energy under this Act shall be subject to the following provisions :—

Conditions
affecting
supply.

- (1) Electrical energy shall be supplied under this Act only within the area of supply and—
 - (A) To authorised undertakers; and
 - (B) To persons requiring a supply for power :
- (2) The electrical energy supplied to authorised undertakers may be used by them for lighting or other purposes and the electrical energy supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised but save as aforesaid and save when they become undertakers themselves under the provisions of this Act the Company shall not supply electrical energy for lighting purposes :
- (3) The Company shall not supply electrical energy (except to authorised undertakers or to any railway or water company or proprietors or trustees of any canal or navigation for power) in any area which at the date of the passing of this Act forms part of the area of supply of any authorised distributors without the

A.D. 1904.

consent of those distributors which consent shall not be unreasonably withheld :

- (4) If any question arises as to whether the consent of any authorised distributors is unreasonably withheld that question shall be determined by the Board of Trade. The consent shall be deemed to be unreasonably refused or withheld if such authorised distributors are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Board of Trade shall amongst other things have regard to the terms upon which and the time within which the Company are willing and in a position to give the supply :
- (5) If at any time after the passing of this Act any local authority company or person become authorised distributors in any area within the area of supply the Company shall be subject to any provisions which may be made by the Act or Provisional Order under which the distributors become authorised as to the taking over of any supply then given by the Company for use exclusively within the area of supply of the distributors or otherwise as to the powers of the Company to supply within that area and such provisions may be made in any such Provisional Order under the Electric Lighting Acts.

Company to furnish supply of electrical energy to authorised undertakers within area of supply.

22. The Company shall upon being required to do so by any authorised undertaker give such a supply of electrical energy at such a point within the area of supply as the authorised undertaker may reasonably require and shall furnish and lay such electric lines as may be necessary for the purpose of supplying to such authorised undertaker at such point the maximum power with which such authorised undertaker may be entitled to be supplied under this Act subject to the conditions following (that is to say) :—

Every such authorised undertaker requiring a supply of electrical energy shall—

Serve a notice upon the Company specifying the point at which such supply is required to be given and the maximum power required to be supplied and

the day upon which such supply is required to commence (not being an earlier day than a reasonable time after the date of the service of such notice having regard to the situation of the district and to the length of electric line required to be laid and plant required to be erected for affording such supply) ; and

A.D. 1904.

Enter into a written contract with the Company (if required by them so to do) to continue to receive and pay for a supply of electrical energy for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty pounds per centum per annum on the outlay (excluding expenditure on generating plant and any electric line then laid) incurred by the Company in making provision for such supply.

The Company may charge for a supply of electrical energy to such undertaker either by the actual amount of electrical energy so supplied or by the electrical quantity contained in the supply or by such other method as may be agreed between the Company and such undertaker.

If any difference arises under this section such difference shall be determined by a single arbitrator to be appointed on the application of either party by the Board of Trade.

23. The prices to be charged by the Company for electrical energy shall not exceed those respectively stated in that behalf in the Second Schedule to this Act and such prices shall include the cost of transforming the energy supplied to such pressure as the authorised undertaker or consumer may reasonably require Provided that the Company shall charge according to section I. of the said schedule unless the authorised undertaker or consumer in the notice requiring the Company to give a supply request to be charged in accordance with section II. of the said schedule.

Stated prices
for electrical
energy.

24. The Company shall give a supply of electrical energy to any person who requires a supply which may be given by this Act other than a supply in bulk upon that person entering into a binding agreement to take the electrical energy upon such terms as failing agreement shall be fixed by a single arbitrator appointed by the Board of Trade and in fixing such terms (including a minimum annual sum to be paid to the Company)

Arbitration
as regards
supply of
electrical
energy.

A.D. 1904. — the arbitrator shall have regard to the following amongst other considerations:—

- (1) The period for which the person to whom the supply is to be given is prepared to bind himself to take electrical energy:
- (2) The amount of electrical energy required and the hours during which the Company can be called upon to supply such electrical energy:
- (3) The capital expenditure in connexion with the supply of such electrical energy:
- (4) How far capital expended in connexion with such supply may become unproductive to the Company upon the discontinuance of such supply.

Notice of discontinuance of supply of electrical energy.

25. Any authorised undertaker or consumer who is desirous of discontinuing to receive a supply shall give to the Company twelve months notice in writing of their desire. Such notice may be given so as to expire at the end of the period for which such undertaker or consumer has contracted for such supply or at any subsequent date.

Maximum power.

26. The maximum power with which any such authorised undertaker or consumer shall be entitled to be supplied shall be of such amount as they may demand to be supplied with and which the Company are in a position to supply not exceeding what may be reasonably anticipated as the maximum consumption.

If any difference arises between any such authorised undertaker or consumer and the Company as to what may be reasonably anticipated as the consumption of such authorised undertaker or consumer such difference shall be determined by a single arbitrator to be appointed by the Board of Trade.

Appointment of electric inspectors.

27. The Board of Trade may on the application of the Company or of any authorised undertaker or consumer of electrical energy under this Act appoint and keep appointed one or more competent and impartial person or persons to be an electric inspector or electric inspectors under this Act and the Board of Trade may prescribe the fees to be taken by any such inspector and those fees shall be accounted for and applied as may be directed by the Board of Trade.

28.—(1) Nothing contained in this Act shall prevent the Company from applying and the Company may apply for Provisional Orders under the Electric Lighting Acts 1882 and 1888.

(2) The Company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom a Provisional Order under the Electric Lighting Acts 1882 and 1888 shall have been or may be granted relating to a district or place within the Company's area of supply the undertaking authorised by such Provisional Order and the powers rights authorities and privileges of the undertakers under such Provisional Order and any such undertakers to whom a Provisional Order has prior to the date of the passing of this Act been granted (whether such Order has been confirmed before or shall be confirmed after such date) may with the approval of the Board of Trade transfer their undertaking powers rights authorities and privileges to the Company on such terms and conditions as may be agreed upon and in the event of the Company so acquiring such undertaking powers rights authorities and privileges they shall be deemed to be the undertakers for all the purposes of the Provisional Order so acquired by them and the provisions of such Provisional Order shall apply to the supply of electricity by the Company within the area of supply as defined by such Order Provided that (a) in the case of any Provisional Order granted prior to the year one thousand nine hundred to any local authority or other undertakers the provisions of the Electric Lighting (Clauses) Act 1899 shall from and after such transfer be deemed to have been incorporated with such Provisional Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith and (b) none of the provisions of any Provisional Order so acquired by the Company or of the Electric Lighting Acts 1882 and 1888 shall extend to authorise the purchase by any local authority or other undertakers of any generating station or other works of the Company used or required for the purposes of supplying any other portions of the Company's area of supply.

(3) In the event of any Provisional Order being granted to the Company or in the event of their acquiring any undertaking in accordance with the terms of this section all the provisions of the Electric Lighting Act 1888 and the Electric Lighting (Clauses) Act 1899 shall subject to any modifications

A.D. 1904.

As to application for Provisional Orders and transfer of electric lighting undertakings to Company.

A.D. 1904. of those Acts made by such Order apply to that undertaking and where the undertakers are a local authority the undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888. Provided that the periods at which the local authority may under the provisions of the said section repurchase the undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company.

(4) Any capital moneys received by any local authority in respect of any transfer under this section shall be applied by such authority in manner provided by subsection (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

Overhead
wires.

29. The consent of a rural district council as the local authority to the placing of electric lines above ground under section 14 of the Electric Lighting Act 1882 and paragraph (b) of section 10 of the schedule to the Electric Lighting (Clauses) Act 1899 shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld or not that question shall be decided by the Board of Trade.

PART IV.

SUPPLY OF POWER-GAS.

Obligation
of Company
to supply
power-gas.

30. The Company shall on being required so to do by the owner or occupier of any premises situate within one hundred yards from any gas main of the Company give and continue to give a supply of power-gas to such premises for any of the purposes for which the Company are authorised to supply power-gas and they shall furnish and lay any pipe that may be necessary for such purpose subject to the conditions following (that is to say):—

Every owner or occupier of premises requiring a supply of power-gas shall—

Serve a notice upon the Company at their office specifying the premises in respect of which such supply is required and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence;

Enter into a written contract with the Company (if required by them so to do) to continue to receive and

pay for a supply of power-gas for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty pounds per centum per annum on the outlay (excluding expenditure on generating plant and any pipes then laid) incurred by the Company in making provision for such supply: A.D. 1904.

Provided that the Company shall not be obliged to supply any person with power-gas unless such person is willing to contract for a supply of not less than one million cubic feet in a year nor shall the Company supply power-gas for use in private dwelling-houses.

31. For the protection of local authorities the following provisions in regard to the laying of mains pipes or other apparatus for the supply of power-gas shall unless otherwise agreed between the Company and any such local authority apply and have effect (that is to say):— Further provisions for protection of local authorities in regard to power-gas mains &c.

- (1) The Company shall not lay or place any mains pipes or other apparatus above the surface of any street nor lay or place any mains pipes or other apparatus in under along or above any part of any highway intended for the exclusive use of foot passengers except for the purpose of connecting consumers premises with the mains of the Company nor open break up or interfere with any sewer or drain of any such local authority:
- (2) The Company shall not open or break up at any one time a greater consecutive length than one hundred yards of any street or public footpath nor shall such openings or breakings up be carried out without leaving a clear space of one furlong between consecutive openings or breakings up:
- (3) The Company shall not in any way during the process of laying or placing their mains pipes and apparatus or during any subsequent alteration or repair thereof stop up impede or obstruct the public traffic passing along any street or public footpath for more of the said street or public footpath than is equivalent to one-half of the width of such street or public footpath respectively:

A.D. 1904.

- (4) None of the matters herein-before referred to shall be carried out without the consent of the local authority affected which shall not be unreasonably withheld :
- (5) The mains and distribution pipes of the Company shall be so laid as not to unnecessarily interfere with the sewers water gas or electric supply mains of any such local authority and shall be so constructed that the upper surface of the Company's said mains and distribution pipes shall throughout their entire length where they pass under the streets and public foot-paths be not less than two feet six inches below the surface of such streets or footpaths :
- (6) If any difference shall arise under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

Supply of
power-gas
by meter.

32. The Company may require any consumer of power-gas supplied by them to consume such power-gas by a proportional meter to be supplied and fixed by and at the expense of the Company instead of by a meter which is a legal meter within the meaning of the Sale of Gas Act 1859 and in every such case the provisions of this section shall apply in lieu of those of the said Act.

An inspector under the Sale of Gas Act 1859 may at the request of any consumer of gas supplied by the Company by a proportional meter on giving not less than twenty-four hours written notice to the Company of his intention examine and test any proportional meter within his jurisdiction as such inspector by which power-gas is supplied to such consumer and if necessary may remove the meter for that purpose doing as little damage as may be.

If upon such examination and testing it appears that the meter measures or registers incorrectly more than three per centum in favour of the Company the same shall not be refixed or used again unless and until altered and repaired at the expense of the Company so as to measure and register correctly and the fees and expenses of the inspector shall be borne and paid by the Company but if it appears that the meter measures or registers correctly or three per centum or less in favour of the Company then the fees and expenses of the inspector shall be borne and paid by the consumer.

Sections 21 and 22 of the Sale of Gas Act 1859 which relate to appeals from the decision of inspectors shall apply for the purposes of this section as if they were with any necessary modifications re-enacted in this Act. A.D. 1904.

A proportional meter means a meter which measures and records a constant fraction of the total quantity passing through the meter.

33.—(1) The Company shall not supply power-gas for the purpose of illumination and no power-gas supplied by the Company shall be used for that purpose. Power-gas not to be supplied for illumination.

(2) If any person supplied by the Company with power-gas shall use the same for the purpose of illumination the Company shall forthwith upon becoming aware thereof discontinue the supply.

(3) If the Company act in contravention of the provisions of this section they shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and such penalty may be recovered on the prosecution of the authority or company owning the gas undertaking within whose district such contravention occurs.

34. The Company may charge and receive in respect of power-gas supplied by them such sums as may be agreed between them and the consumer being at a rate or price not exceeding threepence per one thousand cubic feet if the quantity taken by the consumer be not less than four million cubic feet per quarter of thirteen weeks and not exceeding fourpence per one thousand cubic feet if the quantity taken by the consumer be less than the above Provided that if at any time it be proved to the satisfaction of the Board of Trade that the price of slack suitable for the purposes of the Company exceeds the price of six shillings per ton delivered at the works of the Company then the Board of Trade may by order authorise an increase in the price of power-gas beyond the above maximum by one-eighth of a penny per one thousand cubic feet for every one shilling by which the price of slack per ton shall exceed the price of six shillings per ton delivered at the works of the Company or by such other proportionate amount as the Board of Trade may determine and for such period in either case as the Board of Trade may fix with power to the Board

Charges for supply of power-gas.

A.D. 1904. to extend any such period so long as such excess of price continues :

Provided that every person entitled to demand a supply of power-gas from the Company shall be entitled to such supply on the same terms as any other person who is receiving a corresponding supply for a similar purpose in like circumstances and the Company shall not in making any agreement for affording a supply of power-gas show any undue preference to any person.

The Board of Trade may in order to ascertain the price of slack for the purposes of this section institute at the expense of the Company such inquiries as they may see fit.

Conditions as to quality of power-gas supplied.

35.—(1) It shall not be lawful for the Company at any time to supply power-gas—

(A) which contains more than fourteen per centum of carbon monoxide; or

(B) which does not possess a distinctive and readily perceptible smell.

(2) For any contravention of this section by the Company the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their districts so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 41 of the Coal Mines Regulation Act 1887 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively :

Provided that no proceedings shall be taken against the Company by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Testing place for power-gas.

36. The Company shall cause to be provided at each of their generating stations in the said district before they shall

supply power-gas from such generating station a testing place with apparatus therein for the purpose of testing-- A.D. 1904.

- (A) The thermal power of the power-gas supplied ;
- (B) The presence of carbon monoxide in the power-gas supplied.

The said apparatus shall be in accordance with such rules and regulations as may from time to time be prescribed by the Board of Trade and shall be so situated and arranged as to be used for the purpose of testing the thermal power of and the presence of carbon monoxide in the power-gas supplied by the Company and the Company shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order All expenses incurred by the Board of Trade in prescribing such rules and regulations shall be paid by the Company.

37. The local authority of any district within the area of supply may from time to time appoint and keep appointed a competent and impartial person to be a power-gas examiner to test the power-gas at the testing place at the generating station from which the supply in such district is derived and such examiner may there test the thermal power of and the presence of carbon monoxide in the power-gas supplied by the Company on any or every day between the hours of eight o'clock in the morning and six o'clock in the afternoon.

Appointment and powers of power-gas examiners.

38. Where no such power-gas examiner is appointed or where the testing of the gas is imperfectly attended to by the local authority two justices on the application of consumers of the power-gas not being less than five in number may by order in writing appoint some competent and impartial person to be power-gas examiner and such person may at any time within the hours aforesaid on producing the said order enter on the premises of the Company and there test the thermal power of and presence of carbon monoxide in the power-gas supplied by them.

Two justices may appoint power-gas examiner.

39. Any test taken in pursuance of this Act shall be taken in accordance with the rules prescribed from time to time by the Board of Trade and all expenses incurred by the Board in prescribing such rules shall be paid by the Company.

Mode of testing power-gas.

A.D. 1904.

Representa-
tion of
Company.

Report of
examiners.

40. The Company may if they think fit on each occasion of the testing of the power-gas by the examiner be represented by some officer but such officer shall not interfere in the testing.

41. The power-gas examiner shall on the day immediately following that on which the testing of the power-gas has been conducted make and deliver a report of the result of his testing to the local authority or justices by whom he was appointed and to the Company and such report shall be receivable in evidence.

Penalty for
failure to
supply
power-gas.

42. If it shall be proved to the satisfaction of any two justices not being shareholders in the Company after hearing the parties that on any day the power-gas supplied by the Company is of less thermal power than it ought to be according to the provisions of this Act the Company shall in every such case forfeit and pay to the local authority or the consumers making application for testing the power-gas such sum not exceeding twenty pounds as the justices shall determine.

Penalties not
cumulative.

43. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for such purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Minimum
heating
value of
power-gas
supplied.

44. The power-gas supplied by the Company shall have a minimum heating value of 125 British thermal units per cubic foot at thirty-two degrees Fahrenheit and thirty inches of mercury pressure the product of combustion being cooled to sixty degrees Fahrenheit.

Board of
Trade
inquiry.

45.—(1) If the Company shall at any time be desirous of manufacturing supplying selling and distributing any gas being a development of Mond gas they shall give notice to the Board of Trade of their desire together with information as to the nature of the development.

(2) Thereupon the Board of Trade shall appoint a competent and impartial person as referee to hold a public local inquiry and to report to the Board his opinion of the proposals of the Company.

(3) The Company shall give such notice of the time and place of the local inquiry as may be required by the Board of Trade so that all local authorities in the district affected

and all persons interested may have an opportunity of being heard either for or against the proposals of the Company. A.D. 1904.

(4) The referee shall hear all such persons and shall report the effect of their evidence and his opinion thereon to the Board of Trade and the Board shall have power either to give (with or without modifications or additions) or to withhold their approval of the proposals of the Company and shall communicate their decision to the Company and to all local authorities appearing on the inquiry.

(5) The remuneration of the referee shall be fixed by the Board of Trade and shall as well as the expenses of all necessary notices and of providing a place for the inquiry be paid by the Company.

46. The Company may make byelaws for preventing the abstraction waste or misuse of power-gas supplied by them and for preventing any fraudulent or wrongful interference with any fittings engines machinery or apparatus or any meters or other instruments and may attach to the breach of any such byelaws penalties not exceeding five pounds for any single offence but such byelaws shall not be of any force until they have received the approval of the Board of Trade.

Byelaws by
Company as
to power-
gas.

47. The Company may by their agents officers servants and workmen at all reasonable hours enter any lands or buildings supplied by them with power-gas for the purpose of examining repairing or replacing any engines machinery meters or other apparatus supplied or let by them making reasonable compensation to all persons injured by the exercise of the powers of this section.

Entry for
examination
of power-gas
machinery
&c.

48. Nothing in this Act contained shall prejudice or affect the right of any consumer of power-gas supplied by the Company to recover damages from them for the failure on the part of the Company to supply power-gas.

Failure to
supply
power-gas.

49. Subject and without prejudice to the rights of the Company under the agreement set out in the Third Schedule to this Act nothing in this Act contained shall be construed as entitling the Company to any monopoly or exclusive right to supply power-gas for the purposes of motive power and heating within the area of supply.

No power-
gas mono-
poly to be
created.

A.D. 1904.

Provision as
to general
Acts relating
to power-
gas.

50. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to the manufacture or supply of power-gas passed before or after the commencement of this Act or from any regulations which may be made under any such general Act.

Confirmation
of scheduled
agreement.

51. The agreement a copy whereof is set forth in the Third Schedule to this Act is hereby confirmed and made binding on the Power-Gas Corporation Limited and on the Company as if the Company were a party thereto in the place of John Sturgeon and William Edward Rowcliffe.

PART V.

CAPITAL.

Capital.

52. The capital of the Company shall be one million five hundred thousand pounds in one million five hundred thousand shares of one pound each.

Shares not
to be issued
until one-
fifth paid.

53. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

54. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in
case of per-
sons not sui
juris.

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

Power to
divide
shares.

56. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less

than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

A.D. 1904.

57. The dividends which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

Dividends
on half
shares.

58. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Dividend on
preferred
half shares
to be paid
out of profits
of year only.

59. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half shares
to be regis-
tered and
certificates
issued.

60. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of
issue to be
stated on
certificates.

A.D. 1904.

Forfeiture
of preferred
half shares.

61. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half
shares not to be
cancelled or
surrendered.

62. No preferred half share created under the authority of this Act shall be cancelled or surrendered to the Company.

Half shares
to be half
shares in
capital.

63. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Portion of
capital to be
subscribed
before com-
pulsory
powers put
in force.

64. When any sum not less than one hundred thousand pounds part of the capital of the Company shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land for the purposes of this Act The deposit with the Board of Trade of a statutory declaration by two of the directors and the secretary of the Company that the said sum of one hundred thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof.

Power to
subscribe for
shares or lend
money to
other under-
takings.

65. The Company may subscribe for purchase hold and dispose of shares or stock in any company taking or agreeing to take a supply of electrical energy or power-gas from the Company or who are establishing or are about to establish factories or works on any of the lands of the Company and may lend money on mortgage bond or other security to any such company or to any firm or person taking or agreeing to take such supply

from the Company or who are establishing or are about to establish factories or works on any of the lands of the Company Provided that the amount so subscribed expended and lent by the Company under this section shall not at any one time exceed fifty thousand pounds. A.D. 1904.

66. The Company may in respect of the capital of one million five hundred thousand pounds by this Act authorised borrow on mortgage of the undertaking any sum or sums not exceeding in the whole the sum of five hundred thousand pounds and of the said sum of five hundred thousand pounds they may borrow a sum of fifty thousand pounds in respect of each one hundred and fifty thousand pounds of the said capital Provided that no part of any of such sums of fifty thousand pounds shall be borrowed until the whole of the portion of the capital in respect of which the borrowing is hereby authorised to be made shall have been issued and accepted and one-half 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 the whole of the portion of the said capital in respect of which it is proposed to borrow has been issued and one-half thereof fully paid up and upon the 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 shall be sufficient evidence thereof. Power to borrow.

67. The mortgagees of the undertaking 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 ten thousand pounds in the whole. For appointment of a receiver.

68. 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 created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by Debenture stock.

A.D. 1904. which the stock and mortgages 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.

Application
of moneys.

69. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Accounts
and audit.

70.—(1) The Company shall keep full true and plain accounts of their receipts and expenditure in respect of the undertaking prepared in a form approved by the Board of Trade and shall at least once in every year cause to be prepared a true balance sheet prepared in a form approved by the Board of Trade showing the capital assets property and liabilities of the Company and the said accounts and balance sheet shall in or within one month before each ordinary meeting be examined and audited in such manner and subject to such regulations as the Board of Trade may prescribe and shall be presented together with the report or certificate of the auditor to such ordinary meeting.

(2) A copy of the accounts and balance sheet for each financial year together with the report or certificate of the auditor shall within three months after the expiration of such year be forwarded by the Company to the council of each borough and of each urban or rural district wholly or partly situate within the area of supply and any such council shall be entitled to make a representation with respect to such accounts or balance sheet to the Board of Trade and the Board may thereupon require the Company to make such alterations therein as they may deem necessary for the rectification thereof The Company shall keep copies of such accounts and balance sheet at their office and sell the same to any applicant at a price not exceeding one shilling for each such copy If the Company make default in complying with the provisions of this subsection they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Division of
surplus
profits.

71.—(1) If in any financial year the profits of the Company shall be more than sufficient to pay a dividend at the rate of ten pounds per centum per annum on the share capital for the time being of the Company one-third of the surplus shall be applied in forming a reserve fund subject and according to the

provisions herein-after contained one-third shall be applied in making a rateable reduction of the charges for electrical energy and power-gas supplied to consumers in the financial year in which the surplus is earned and the remaining one-third of the surplus shall be paid as a dividend upon the share capital additional to the ten pounds per centum per annum above referred to but if and when such reserve fund shall amount to the sum of one hundred thousand pounds then the surplus profits shall be applied as to one-half in reduction of the charges to consumers as aforesaid and as to the other half in payment of additional dividend upon the share capital. A.D. 1904.

(2) The amount of reduction to which each consumer may be so entitled is in this section referred to as a rebate and any consumer who has paid his account for any financial year or any part of such year before the amount of his rebate is ascertained may recover from the Company the amount of his rebate summarily or by action in any county court having jurisdiction in the district.

72.—(1) A reserve fund under this Act shall be formed by investing the moneys appropriated thereto and the resulting income of such investments in any securities in which trustees are for the time being empowered by law to invest trust moneys and accumulating the same at compound interest until the fund amounts to one hundred thousand pounds. Reserve fund.

(2) The reserve fund so formed shall be applicable to meet any deficiency at any time occurring in the income of the Company from the undertaking or to meet any extraordinary claim or demand at any time arising against the Company in respect of the undertaking and so that if the fund is at any time reduced below the sum of one hundred thousand pounds it may again be restored to that sum and so from time to time as often as such reduction happens.

(3) So long as the reserve fund amounts to or exceeds one hundred thousand pounds the resulting income thereof shall be applied to any of the general purposes of the Company to which the profits of the Company's undertaking are applicable.

PART VI.

MEETINGS AND APPOINTMENT OF DIRECTORS.

73. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

A.D. 1904.

Number of
directors.

74. The number of directors shall be nine but the Company may vary the number provided that the number be not less than five nor more than twelve.

Power-gas
Corporation
to nominate
a director.

75. The Power-Gas Corporation Limited shall have the right so long as the agreement set out in the Third Schedule to this Act is operative to nominate a director of the Company and upon any vacancy in the office of the director so appointed to nominate another director in his place.

Qualification
of directors.

76. The qualification of a director shall be the possession in his own right of not less than five hundred shares except in the case of the director nominated by the Power-Gas Corporation Limited.

Quorum.

77. The quorum of a meeting of directors shall be three unless the number of directors exceeds nine when the quorum shall be five.

First
directors.

78. Frederick Hoey Charles Blakiston Houston Edmund Albert Letts Ernest James Travers Alexander George Wilson and four other persons to be nominated by them or the majority of them and consenting to such nomination 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.

Election of
directors.

79. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act (or nominated as aforesaid) 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 (or nominated as aforesaid) being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

PART VII.

A.D. 1904.

MISCELLANEOUS.

80. 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 of such approval being signified as last 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 section 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.

81. Nothing herein contained 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 land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein 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 King's Majesty.

Saving rights of Crown.

82. Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the Company under or across any tidal water shall be laid or placed at such depth

Cables wires &c. under or across tidal water to be laid as required by Board of Trade.

A.D. 1904. under or such height over the tidal water as the Board of Trade may require.

For protec-
tion of Down
County
Council.

83. The following provisions for the protection of the county council of the county of Down (in this section called "the county council") and the inhabitants of the said county shall (notwithstanding anything in this Act contained) unless otherwise agreed in writing between the county council and the Company apply and have effect:—

(1) The Company shall not in the construction of the works by this Act authorised without the previous consent in writing of the county council under the hand of their secretary raise lower or divert any road repairable by or under the control of the county council nor shall the Company without such consent as aforesaid interfere with the structure of any bridge culvert or approach repairable by or under the control of the county council:

(2) All mains pipes wires or other works to be laid or constructed in along or across or in any way affecting any such road bridge culvert or approach shall be constructed and laid under the superintendence if the same be given and to the reasonable satisfaction of the surveyor of the county council (in this section referred to as "the county surveyor") and in such position as he shall by writing under his hand direct and in accordance with plans and sections to be approved by him in writing before the commencement of the work and the Company shall in executing any such work conform to all reasonable requirements of the county surveyor and shall pay to the county council any special expenses incurred by them in relation to such superintendence approval and requirement:

(3) No electric lines shall be placed above ground along or across any such road bridge culvert or approach without the consent in writing of the county council which consent may be given or withheld at their absolute discretion:

(4) All works shall be executed so as not to stop or more than (in the opinion of the county surveyor) is

absolutely necessary for the purpose to impede or interfere with the traffic over or along any such road bridge culvert or approach and the Company shall not without the consent of the county surveyor open or break up at any one time a greater consecutive length than one hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of a quarter of a mile between consecutive openings or breakings up unless with the like consent :

A.D. 1904.

- (5) The Company shall during the progress of the works take all necessary steps at their own expense for protecting the public using any such road bridge culvert or approach from injury and shall be liable for and indemnify the county council against all damage that may be incurred consequent upon their neglect or omission to provide such protection and the Company shall also be liable for all damages that may be incurred by the county council consequent upon any defects in any of the mains pipes wires or other works of the Company :
- (6) On completion of the works the Company shall reinstate to the reasonable satisfaction of the county surveyor such roads bridges culverts and approaches and shall repay to the county council all reasonable expenses of and incident to the maintenance and repair of the roadway and footway for such period (not being more than twelve months from the proper reinstatement thereof) as there shall be any subsidence in the surface thereof caused by such works :
- (7) The Company shall on demand pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any such road including the roadway over any such bridge culvert and approach upon or in which any mains pipes wires or other works are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said mains pipes wires or other works or any part or parts thereof :

A.D. 1904.

- (8) The county council shall not be liable for any claim for damages in respect of any injury which may be caused to any mains pipes wires or other works belonging to the Company through the reasonable and proper use by the county council of any steam roller :
- (9) Nothing in this Act contained shall in any way limit or affect the powers of the county council to divert improve widen or reconstruct any such road or to remove alter widen or rebuild any such bridge culvert or approach in alongside or near to which such mains pipes wires or other works are laid in the same manner as they might have diverted improved removed altered widened reconstructed or rebuilt any such road bridge culvert or approach if this Act had not been passed without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of the exercise by the county council of such powers and in the event of any such road bridge culvert or approach in alongside or near to which the mains pipes wires or other works are laid being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Company shall at their own expense and within such reasonable time as the county surveyor may prescribe alter the position of such mains pipes wires or other works and replace the same to the satisfaction of the county surveyor provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such road bridge culvert or approach shall be commenced the county council shall (except in case of emergency) give one month's notice in writing to the Company of their intention to carry out such works and shall afford all reasonable facilities for temporarily carrying the mains pipes wires or other works along such road or across or under the stream so as not to interrupt the continuous supply of electrical energy or power-gas :
- (10) The Company shall free of charge supply to the county council in each year a copy of the map and section to be made and corrected as mentioned in section 60 of

the schedule to the Electric Lighting (Clauses) Act · A.D. 1904,
1899 and the Company shall forthwith after com-
mencing to supply power-gas under this Act cause
a map to be made of the area of supply and shall
cause to be marked thereon the line and the depth
below the surface of all their then existing mains and
other underground works and shall once in every year
cause that map to be duly corrected so as to show the
then existing underground works and shall free of
charge supply to the county council in each year a
copy of such map:

- (11) If owing to the abandonment of the undertaking or any part thereof any mains pipes wires or other works laid in pursuance of the powers of this Act under any such road bridge culvert or approach shall for the space of three years be disused and such disuser be proved to the satisfaction of the Board of Trade the said Board may if they think fit by order sanction the removal of such mains pipes wires or other works and the county council may (subject however to any agreement between them and the Company) forthwith remove the same with all reasonable care and the Company shall pay to the county council the reasonable cost of such removal and of the reinstatement of such road bridge culvert or approach in which the same were laid and if the Company fail to pay such cost within one month after the ascertainment of and application for the same the county council may without any previous notice to the Company (but without prejudice to any other remedy they may have for the recovery of the amount) sell and dispose of the materials of the mains pipes wires and other works so removed either by public auction or private contract and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse themselves the reasonable cost of such removal and reinstatement of such road bridge culvert or approach and the cost of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the county council to the Company:

A.D. 1904.

(12) The Company shall in addition to their liability under section 77 of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act be answerable for all accidents damages and injuries happening through or resulting from the act or default of the Company their contractors or servants in relation to power-gas and shall save harmless the county council their officers and servants from all damages and costs in respect of such accidents damages and injuries :

(13) Any notice or demand served on the Company by the county council or any of their officers may be forwarded by post in a registered letter addressed to the Company at their principal office and the date of such service shall be deemed to be the day next but one after the posting of such notice or demand :

(14) If any difference shall arise between the county council and the Company touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

For protec-
tion of roads
and bridges.

84. For the protection of corporations county councils and local and other authorities (in this section referred to as "the road authority") having the control of roads or bridges and the length of roadway adjacent thereto (in this section referred to as "the roads") within that part of the area of supply of the Company which is in the county of Down the following provisions shall unless otherwise agreed between the Company and any such road authority apply and have effect (that is to say) :—

(1) Nothing in this Act contained shall tend to lessen or control any right power or authority now vested in the road authority for altering amending or diverting any road repairable by the road authority which may be affected by the works of the Company but all such rights powers and authorities shall remain in as full force as if this Act had not been passed and the road authority shall not be liable to make any

compensation whatever for any damage or injury to the works of the Company by the altering amending or diverting any such road or any portion thereof Provided that in altering amending or diverting any road or any part thereof nothing shall be done to impede or interfere with the said works for any greater length of time than shall be necessary for the execution of the works of alteration amendment and diversion and before commencing such alteration amendment and diversion twenty-eight days notice shall (except in cases of emergency arising from subsidences and then as long as is possible before commencing the work) be given to the Company by the road authority and the road authority shall afford to the Company all necessary and reasonable temporary facilities for enabling them to carry on the works by this Act authorised during such alteration amendment or diversion :

A.D. 1904.

- (2) The Company shall on demand pay to the road authority the reasonable costs which the road authority may incur in the repair and reinstatement of so much of any road under which the mains pipes wires or apparatus of the Company are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said mains pipes or apparatus or any part or parts thereof Provided nevertheless that such repairs and reinstatement may on the request of the Company but subject to the approval of the road authority be executed by the Company :
- (3) The Company shall maintain the parts of any road affected by the works by this Act authorised for such period (not being more than twelve months from the date of the efficient restoration thereof) as there shall be any subsidence in the surface thereof caused by such works :
- (4) If any bridge repairable by the road authority upon or along which any mains pipes wires or apparatus of the Company are laid be altered or rebuilt by the road authority the road authority may require the

A.D. 1904;

Company to alter temporarily or permanently any such mains in such manner as the circumstances of the case may reasonably require :

- (5) All works affecting any road shall be executed under the superintendence and to the reasonable satisfaction of the road authority's surveyor and the Company shall pay all reasonable expenses to which the road authority is put on account of such superintendence :
- (6) The Company shall not except in the case of negligence on the part of the road authority be entitled to claim damages or compensation from the road authority for any injury to be caused to the Company's gas mains or pipes laid at a less depth than two feet six inches measured from the surface of the ground to the top of the pipe (nor to the Company's electric pipes or wires) by the ordinary use of any steam roller belonging to the road authority upon any road repairable by the road authority under which such mains pipes or wires are or shall be laid :
- (7) Any notice or demand served on the Company by the road authority or any of its officers may be forwarded by post in a registered letter addressed to the Company at their principal office and the date of such service shall be deemed to be the day next but one after the posting of such notice or demand :
- (8) If any difference shall arise under this section such difference shall be determined by a single arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

For protection of
Belfast and
County
Down Rail-
way Com-
pany.

85. Notwithstanding any of the provisions of this Act or of the Electric Lighting Acts 1882 and 1883 or of the Electric Lighting (Clauses) Act 1899 or of any other Act or Acts wholly or partially incorporated with this Act the powers of the Company shall not be exercised so as in any way to interfere with or affect any of the railways works and property of the Belfast and County Down Railway Company or any roads streets bridges or level crossings under their control without the consent of the said railway company in writing under the hand of their secretary first had and obtained and all works and all alterations repairs or renewals to which the said railway company may so

consent shall be constructed carried out and completed under the direction and superintendence and to the reasonable satisfaction of the engineer of the said railway company. A.D. 1904.

86. For the protection of the lord mayor aldermen and citizens of the city of Belfast (herein-after called "the corporation") the following provisions shall apply and have effect notwithstanding anything contained in this Act to the contrary (that is to say) :— For protection of corporation of Belfast.

- (1) The Company shall not supply electrical energy or power-gas in or for use within the city of Belfast Provided that this restriction shall not prevent the supply by the Company of electrical energy or power-gas from the station by this Act authorised to be constructed by the Company in the city of Belfast to the Belfast Harbour Commissioners for use by those commissioners upon the harbour works :
- (2) The Company may lay down and maintain a main or cable from the said generating station to a point on the northern boundary of the city and to a point on the southern boundary of the city along such streets as the corporation shall specify and subject to the provisions of this section and not otherwise may open and break up the streets so specified for laying and maintaining the main or cable thereunder :
- (3) The streets so specified by the corporation shall only be broken up or interfered with by the Company under the supervision and to the reasonable satisfaction of the city engineer and the said streets shall be opened or broken up reinstated and repaired to the like satisfaction and the main or cable shall be laid in such manner and in such position in the street or road as the city engineer may prescribe and the Company shall be responsible for and make good all claims costs demands and charges which may be made against or be claimed from or be payable by the corporation in relation to the opening and reinstatement of the streets and the laying of the main or cable and shall indemnify the corporation accordingly If any difference shall arise under this subsection as to whether any requirement of the city

A.D. 1904.

engineer is reasonable the same shall be referred to and determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protec-
tion of Bel-
fast Harbour
Commis-
sioners.

87. For the protection of the Belfast Harbour Commissioners (in this section called "the commissioners") the following provisions shall have effect:—

(A) The commissioners may if they think fit allocate a site adjacent to a navigable channel (but without any preferential usage or right in such channel) for the erection of an electrical generating station and power-gas manufacture upon the estate of the commissioners and notwithstanding anything to the contrary contained in any of the Belfast Harbour Acts the commissioners may demise such site to the Company for any term of years not exceeding thirty-one years at such rent and under such conditions as may be mutually arranged:

(B) Notwithstanding any of the provisions of this Act or of the Electric Lighting Acts 1882 and 1888 or of the Electric Lighting (Clauses) Act 1899 or of any other Act or Acts wholly or partially incorporated with this Act the powers of the Company shall not be exercised by the Company their successors or assigns so as in any way to take interfere with use or affect in any way any of the lands docks basins locks channels streets roads works or property of any kind of the commissioners or any railways tramways roads streets bridges or level crossings under their control without the consent of the commissioners in writing under the hand of their secretary for the time being first had and obtained and all works and all alterations repairs or renewals to which the commissioners may so consent shall be constructed carried out and completed under the direction and superintendence and to the reasonable satisfaction of their engineer:

(C) The commissioners within the boundaries of their own estate shall for all purposes incident to or connected with the Electric Lighting Acts 1882 and 1888 and of the Electric Lighting (Clauses) Act 1899 and of

this Act have all the rights and authorities of a local authority or an authorised distributor to the exclusion of any other corporate body company or person whatsoever acting or professing to act in the character of a local authority or an authorised distributor for all purposes contemplated by the said last-mentioned Acts and this Act :

A.D. 1904.

- (D) The Company shall not supply electrical energy or power-gas either in bulk or otherwise to any corporate body company or person upon the estate of the commissioners except with the express consent of the commissioners first had and obtained in writing under the hand of their secretary for the time being.

88.—(1) Notwithstanding anything contained in this Act or shown on the deposited plans and described in the deposited book of reference the Company shall not without the consent under seal of the Newry Port and Harbour Trustees enter upon take use or in any way interfere with the properties numbered 7 1 4 2 5 in the townland of Drumalane county Armagh on the deposited plans.

For protection of Newry Port and Harbour Trustees.

(2) The powers conferred on the Company by the sections of this Act of which the marginal notes are respectively "Power to acquire easements" "Persons empowered by Lands Clauses Acts to sell lands may grant easements &c." and "Power to purchase lands by agreement" shall not without the consent under seal of the Newry Port and Harbour Trustees be exercised over lands and properties belonging to the said trustees or adjacent to the Albert Basin Newry Canal or Newry River and which might in the opinion of the engineer for the time being of the said port and harbour trustees be required for any improvement or extension of the said basin or the navigation to and from Newry.

89. The following provisions for the protection of the Great Northern Railway Company (Ireland) (in this section referred to as "the Northern Company") shall apply and have effect :—

For protection of Great Northern Railway Company (Ireland).

- (1) Unless otherwise agreed between the Company and the Northern Company the Company shall not lay or place any mains pipes or other apparatus for or in connexion with the supply of power-gas in under

A.D. 1904.

over or along any bridges over the railways of the Northern Company but the Company if they intend to carry any such mains pipes or apparatus across the railways of the Northern Company shall construct and thereafter maintain at their own expense such bridges culverts or other works as may be requisite or necessary for carrying the same across the railways works and property of the Northern Company and the position and the design of such bridges culverts or other works shall be such as may be reasonably required by the engineer-in-chief of that company (herein-after in this section called "the said engineer") or in case of difference as may be determined by arbitration in the manner herein-after provided:

- (2) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the works or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Northern Company or the bridges approaches viaducts stations or other works or any level crossing over the railways of the Northern Company the same shall be done under the superintendence and to the reasonable satisfaction of the said engineer and only according to such plans sections and specifications and in such position and manner and of such material as shall be previously reasonably approved by him in writing or in case of difference as may be determined by arbitration in the manner herein-after provided:
- (3) All such works shall be done by and at the expense of the Company except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the Northern Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or

interfered with by or owing to any operations of the Company Provided always that should the Northern Company elect so to do where any mains or pipes for the supply of electrical energy require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Company :

- (4) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or to or from any station thereon :
- (5) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any mains pipes or works of the Company or any works constructed by the Company under the provisions of this section in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the Northern Company the Company shall make compensation to the Northern Company in respect thereof and the amount of such compensation unless agreed upon shall be determined by arbitration in the manner herein-after provided :
- (6) The Company shall acquire only such an easement across over or under any of the railways works or property of the Northern Company as may be necessary for constructing or maintaining any of the works of the Company and shall pay to the Northern Company for any such easement to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands so far as respects

A.D. 1904.

the proceedings for the acquisition thereof and also for the purposes of such arbitration :

- (7) If the Northern Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the Northern Company may on giving to the Company twenty-eight days notice in writing under the hand of their secretary or general manager and in case of emergency of which the said engineer shall be the sole judge without notice divert support or carry the said works of the Company across over or under their lands railways bridges viaducts or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works provided that such works shall be done without unduly interfering with the supply of gas by the Company :
- (8) If the traffic over any railway level crossing of the Northern Company shall by or on account of the user of such crossing by the employés horses or carts of the Company or for or in connexion with the purposes of the Company be or become a source of delay inconvenience or danger to the working of the railway or to the traffic thereon of which the Northern Company shall be the sole judges the Northern Company may by notice in writing require the Company to construct a bridge over the said railway in substitution for such level crossing and the Company shall upon receipt of such notice at their own expense forthwith proceed to construct such bridge according to such plans sections and specifications and in such position and manner and of such material as shall be reasonably approved in writing by the said engineer or in case of difference as may be determined by arbitration in manner herein-after provided and upon

the completion of the said bridge the Company shall absolutely close up and cease to use such crossing as a means of access to or egress from the adjoining lands : A.D. 1904.

- (9) Except as in this section otherwise provided any dispute or difference which may arise between the Northern Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be agreed upon by the Northern Company and the Company or failing agreement appointed by the Board of Trade on the application of the Northern Company and the Company or either of them.

90. The following provisions for the protection of the railway works and property of the Midland Railway Company (herein-after referred to as "the Midland Company") shall unless otherwise agreed between the Midland Company and the Company have full force and be binding upon the Company :— For protection of
Midland
Railway
Company.

- (1) All mains pipes wires or other apparatus authorised by this Act crossing the railway and property of the Midland Company shall for their entire length across the said railway and for ten feet on each side of the boundary fence of such railway be constructed and laid under the said railway and property and in such manner as shall be reasonably approved by the principal engineer of the Midland Company :
- (2) The mains pipes wires or other apparatus shall for the entire length of such crossings under the said railway and property of the Midland Company be laid in and carried by means of metal pipes troughs or conduits of such form and dimensions as shall be reasonably approved by the principal engineer of the Midland Company and be constructed with an inspection chamber so as to admit of such mains pipes wires or other apparatus being examined and repaired without disturbing the said railway or any of the works thereof :
- (3) All works in any way affecting the railway and property of the Midland Company and such metal pipes troughs or conduits and works herein-before specified

A.D. 1904.

shall be constructed according to plans and sections to be previously submitted to and reasonably approved by such engineer and all such works at such crossings and all maintenance repairs and renewals thereof shall be done and executed by the Company to the reasonable satisfaction in all respects and under the superintendence of such engineer and at such times as he shall approve and in all things at the expense of the Company and whenever any such works maintenance repairs or renewals are constructed or carried out they shall be so constructed executed and maintained that the said railway or any of the works thereof shall not be injured nor the traffic upon the said railway be in any way impeded :

- (4) If by reason of any works or proceedings of the Company or of their contractors or of their workmen the said railway of the Midland Company or any of the works or lands thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the Midland Company may make good the same and recover the reasonable expense thereof from the Company with full costs and if any interruption shall be caused to the traffic of the said railway by reason of any works of the Company the Company shall make good and repay to the Midland Company any loss damage or expense which they may sustain or be put to by reason of the construction of any of the said mains pipes works or other apparatus or in respect of the interruption to the traffic of the said railway :
- (5) If the Company shall hereafter acquire under the powers of this Act the properties numbered on the deposited plans 1 in Larne Lough or any portion thereof to which the provisions of this section will apply they shall within three months of such acquisition offer to the Midland Company to sell and convey to that company a strip of land adjoining the Midland Railway of a uniform width throughout of one hundred feet And if within one month after the receipt

of such offer the Midland Company accept the same the purchase money or other consideration to be paid by the Midland Company to the Company for the purchase of the said strip of land shall be settled in case of difference by arbitration as if the purchase were made by the Midland Company under the powers of the Lands Clauses Acts :

- (6) If having regard to the proposed position of any mains pipes wires or other apparatus by this Act authorised when considered in relation to the works of the Midland Company at the point where the same will be laid over and under the railway property and works of the Midland Company it becomes advisable in order to avoid danger or the interruption of the telegraphic telephonic or signal communications of the Midland Company that the electric telegraphic telephonic or signal wires or apparatus of the Midland Company should be altered the Midland Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Company :
- (7) The Company shall not without the consent in writing of the Midland Company under their common seal purchase take enter upon or use temporarily or permanently any lands property or works of the Midland Company or any estate right easement privilege or authority in over or upon the same respectively or alter vary or interfere with the said railway or any of the respective works thereof or thereto appertaining except that the Company may purchase and the Midland Company may and shall sell and grant to the Company such easement as may be necessary for carrying the said mains pipes wires or other apparatus under or over the said railway according to the provisions herein-before prescribed and for repairing maintaining and renewing the same and the works thereof at such crossing The amount to be paid for the acquisition of such easement shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

A.D. 1904.

For pro-
tection of
county
council of
Antrim.

91. For the protection of the county council of the administrative county of Antrim (in this section called "the county council") the following provisions shall in addition to any other provisions in this Act and notwithstanding anything in this Act contained unless otherwise agreed in writing between the county council and the Company apply and have effect (that is to say) :—

(1) No electric lines shall be placed above ground along or across any road bridge culvert or approach repairable by the county council without the consent in writing of the county council and which consent may be given or withheld at their absolute discretion :

(2) The Company shall free of charge supply to the county council in each year a copy of the map and section to be made and corrected as mentioned in section 60 of the schedule to the Electric Lighting (Clauses) Act 1899 and the Company shall forthwith after commencing any work intended to supply power-gas under this Act cause a map to be made of the area of supply and shall cause to be marked thereon the line and depth below the surface of all their then existing mains and other underground works and shall once in every year cause that map to be duly corrected so as to show the then existing underground works and shall free of charge supply to the county council in each year a copy of such map :

(3) The section of this Act whereof the marginal note is "Cesser of powers" shall in so far as the same applies to the county of Antrim be read and construed as if the word "three" were substituted for the word "four" in that section and as if the word "four" were substituted for the word "seven."

For protec-
tion of road
authorities
in county
Antrim.

92. For the protection of any road authority as defined by this Act in the administrative county of Antrim (in this section called "the road authority") in executing the works and exercising the powers by this Act authorised the following provisions shall notwithstanding anything in this Act contained unless otherwise agreed in writing between the road authority and the Company apply and have effect (that is to say) :—

(1) The Company shall before commencing any work in execution of such of the powers of this Act as relate

to power-gas which may affect any road culvert or bridge vested in the road authority deliver to the road authority plans and sections thereof: A.D. 1904.

- (2) All mains pipes wires or other works to be constructed or laid in or along any roads repairable by the road authority shall unless otherwise required by the Board of Trade be constructed and laid at the side thereof which the road authority shall by writing under the hand of the surveyor of the road authority direct and shall not without the surveyor's written consent be constructed or laid in upon or across any bridge or culvert or any arch connected therewith but shall be carried alongside such bridge or culvert in such position and manner as the said surveyor shall in writing reasonably direct:
- (3) All mains pipes wires or other works laid down by the Company under the powers of this Act under any road repairable by the road authority or laid in or upon or across any bridge or culvert or any arch connected therewith shall be laid in such line or route and in a trench of such dimensions and in such position as shall be reasonably required by the surveyor to the road authority and the Company shall show on the plan of the works to be served on the road authority in accordance with the provisions of the Electric Lighting (Clauses) Act 1899 and on the plans and sections mentioned in subsection (1) of this section the route proposed to be taken and the dimensions and position of the several proposed trenches and if the road authority object to any proposed line of route aforesaid on the ground that it would traverse roads bridges or culverts which by reason of the traffic thereon or from any other circumstances within their discretion may be undesirable and indicate an alternative route or deviation which in the opinion of the Board of Trade is reasonable such alternative route or deviation shall be adopted by the Company:
- (4) The Company shall not in the construction of the works by this Act authorised without the previous consent in writing of the road authority under the hand of their clerk raise lower or divert any road vested in

A.D. 1904.

the road authority nor shall the Company without such consent as aforesaid interfere with the structure of any bridge culvert or approach repairable by or under the control of the county council :

- (5) The Company shall execute all works in accordance with the reasonable requirements of the surveyor of the road authority in such manner as not to stop any portion of any road or bridge more than is absolutely necessary for the purpose nor so as to unreasonably impede or interfere with the traffic over or along any such road bridge or approach and the Company shall not without the consent of the said surveyor open or break up at any one time a greater consecutive length than one hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of a quarter of a mile between consecutive openings or breakings unless with the like consent :
- (6) The Company shall during the progress of the works take all necessary steps at their own expense for protecting the public using any such road bridge or approach from injury and shall be liable for and indemnify the road authority against all damage that may be incurred consequent upon the neglect or omission of the Company to provide such protection and the Company shall also be liable for all damage that may be incurred by the road authority consequent upon any defects in any of the mains pipes wires or other works of the Company :
- (7) The Company shall pay to the road authority all the reasonable cost of or connected with the examination of the plans mentioned in subsections (1) and (3) hereof and the superintendence by the surveyor of the breaking up of any road bridge or culvert repairable by the road authority and the subsequent reinstatement and maintenance thereof as in this section provided :
- (8) Nothing in this Act contained shall in any way limit or affect the powers of the road authority to divert improve widen or reconstruct any such roads or to remove alter widen or rebuild any such bridge culvert or approach in alongside or near to which

such mains pipes wires or other works are laid in the same manner as they might have diverted improved removed altered widened reconstructed or rebuilt any such road bridge culvert or approach if this Act had not been passed without making any compensation to the Company for any expense or loss which the Company may be put to in consequence of the exercise by the road authority of such powers and in the event of any such road bridge culvert or approach in alongside or near to which the mains pipes wires or other works are laid being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Company shall at their own expense and within such reasonable time as the said surveyor may prescribe alter the position of such mains pipes wires or other works and replace the same to the satisfaction of the said surveyor Provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such road bridge culvert or approach shall be commenced the road authority shall (except in case of emergency) give one month's notice in writing to the Company of their intention to carry out such works and shall afford all reasonable facilities for temporarily carrying the mains pipes wires or other works along such road or across or under the stream so as not to interrupt the continuous supply of electrical energy or power-gas :

(9) The road authority shall not be liable for any injury which may be occasioned to any mains pipes wires or other works of the Company laid under any road repairable by the road authority or along any bridge arising out of the repair of such road or bridge whether by means of steam rollers or other appliances employed by the road authority or whether such injury shall arise from heavy traffic lawfully using such road or bridge :

(10) If any road repairable by the road authority is broken up by the Company for the purposes of their undertaking or any bridge culvert drain pipe or other property of the road authority is damaged by the

A.D. 1904.

Company: the Company shall repair such road bridge culvert drain pipe or other property to the reasonable satisfaction of the road authority and if the same is not so repaired the road authority may cause the necessary repairs to be done and may charge the cost against the Company and the same shall be a debt due from the Company to the road authority Provided that the rights or obligations conferred or imposed by this section shall be in addition to and not in substitution for any rights or obligations conferred or imposed by such of the provisions of the principal Act (as defined in the schedule to the Electric Lighting (Clauses) Act 1899) and in particular those of the Gasworks Clauses Act 1847 with respect to breaking up streets as are incorporated in the principal Act and set out in the appendix to the schedule to the Electric Lighting (Clauses) Act 1899 :

- (11) The Company shall from time to time make good all damage (if any) done by them to all roads bridges culverts and approaches under the control of the road authority in the course of the construction of the works by reason of extraordinary traffic and on completion of the works the Company shall reinstate to the reasonable satisfaction of the said surveyor of the road authority such roads bridges culverts or approaches and shall repay to the road authority all reasonable expenses of and incident to the maintenance and repair of the roadway and footway for such period (not being more than twelve months from the proper reinstatement thereof) as there shall be any subsidence in the surface thereof caused by such works :
- (12) The Company shall on demand pay to the road authority the reasonable costs which the road authority may incur in the repair and reinstatement of so much of any such road including the roadway over any such bridge and approach upon or in which any mains pipes wires or other works are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said mains pipes wires or other works or any part or parts thereof :

(13) If owing to the abandonment of the undertaking or any part thereof any mains pipes wires or other works laid in pursuance of the powers of this Act under any such road bridge culvert or approach shall for the space of three years be disused and such disuser be proved to the satisfaction of the Board of Trade the said Board may if they think fit by order sanction the removal of such mains pipes wires or other works and the road authority may (subject however to any agreement between them and the Company) forthwith remove the same with all reasonable care and the Company shall pay to the road authority the reasonable cost of such removal and of the reinstatement of such road bridge culvert or approach in which the same were laid and if the Company fail to pay such cost within one month after the ascertainment of and application for the same the road authority may without any previous notice to the Company (but without prejudice to any other remedy they may have for the recovery of the amount) sell and dispose of the materials of the mains pipes wires and other works so removed either by public auction or private contract and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse themselves the reasonable cost of such removal and reinstatement of such road bridge culvert or approach and the cost of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Company:

(14) The Company shall in addition to their liability under section 77 of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act be answerable for all accidents damages and injuries happening through or resulting from the act or default of the Company their contractors or servants in relation to power-gas and shall save harmless the road authority their officers and servants from all damages and costs in respect of such accidents damages and injuries:

(15) Notwithstanding anything in this Act contained if any difference arise between the Company and the road

A.D. 1904.

authority touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference.

For protection of Hon. Irish Society and their lessees.

93. For the protection of the Society of the Governor and Assistants London of the New Plantation in Ulster within the realm of Ireland commonly called the Honourable the Irish Society and herein-after referred to as "the society" and their successors and their lessees or tenants for the time being of their fisheries the following provisions shall have effect (that is to say):—

(1) Water shall not be abstracted by the Company from the River Bann or from any tributary thereof except for use for condensing and other purposes of their electric generating station and all water so abstracted and not consumed shall be returned from the Company's premises by the Company to the said river free from sewage oil or other offensive or deleterious matter or fluid and the Company shall take such precautions as the society may reasonably require for the prevention of the pollution of the waters of the said river and shall not discharge or permit to flow into the said river or any tributary thereof or on to the banks or foreshore thereof any solid or fluid material matter or thing which is poisonous or deleterious in any way or whereby the water of the said river or the condition of the said river or the bed and soil thereof may be in any way polluted or the purity thereof impaired and in case the Company neglect or fail to comply with the provisions of this subsection they shall for each such neglect or failure be liable to a penalty of ten pounds and to a daily penalty of forty shillings for every day on which such failure shall continue after conviction and such penalty shall be recoverable by the society or their successors or lessees or tenants for the time being in a summary manner :

(2) If the Company acquire the lands (D) described in the First Schedule to this Act they shall for ever preserve for the whole length of such lands abutting on

the River Bann a strip of land of not less than thirty-five feet in width free from all buildings and obstructions and available for the exercise by the society their successors or assigns or their lessees or tenants for the time being of fishing rights and shall allow the society their successors or assigns and their lessees and tenants for the time being access at all times to and uninterrupted user of such strip of land for the exercise of such rights of fishing or any purpose ancillary or incidental to the exercise thereof Provided that nothing in this section shall prohibit the erection and user by the Company of a wharf on the bank of the said river of a length of not greater than two hundred and fifty feet for the purpose of landing and embarking goods matters and things destined for or coming from the said lands:

A.D. 1904.

- (3) It shall not be lawful for the Company to erect construct or lay down any pipe or other work in or on any portion below Lough Neagh of the River Bann or the bank or foreshore thereof without the consent in writing of the society.

94. The following provisions for the protection of the Belfast City and District Water Commissioners (in this section referred to as "the commissioners") shall unless it is otherwise agreed between the Company and the commissioners have effect in addition to the other provisions in this Act contained:—

For protection of Belfast City and District Water Commissioners.

- (1) The expression "water company" in this Act and any Act incorporated with this Act shall include the commissioners:

- (2) The Company shall not lay or place (except at crossings) any electric line or apparatus—

(A) Directly above or under the mains or pipes of the commissioners;

(B) Nearer than two feet to any such main or pipe wherever it is practicable so to lay the Company's electric lines; and

(C) Nearer than one foot to any such main or pipe wherever it is impracticable to give a greater distance:

A.D. 1904.

(3) The following provisions shall have effect with regard to the laying of gas mains:—

(A) Where gas mains shall be laid by the Company they shall not without the consent of the commissioners be placed nearer than two feet to any water main of the commissioners or nearer than one foot to any hydrant of the commissioners;

(B) Where water mains shall be laid by the commissioners they shall not without the consent of the Company be placed nearer than two feet to any gas main of the Company;

(C) Where a water main is laid across a gas main or a gas main laid across a water main the new main shall unless with the consent of the Company or commissioners (as the case may be) owning the main to be crossed be placed as nearly as practicable at a right angle to the main to be crossed.

Penalty for failure to supply.

95. Whenever the Company make default in supplying electrical energy to any authorised undertaker or power-gas to any owner or occupier of premises to whom they may be and are required to supply electrical energy or power-gas in accordance with the foregoing provisions of this Act they shall be liable in respect of each default to a penalty not exceeding ten pounds in the case of electrical energy and forty shillings in the case of power-gas respectively for each day on which the default occurs:

Provided that the penalties to be inflicted on the Company under this section shall not exceed in respect of any one default not being a wilful default on the part of the Company the sum of two hundred pounds. And provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight and unimportant a character as not materially to affect the value of the supply.

Revision of prices.

96.—(1) The Board of Trade at any time after the expiration of a period of ten years from the passing of this Act on the application of the Company or in the case of electrical energy on the application of any three or more authorised distributors or of any twenty consumers or in the case of

power-gas on the application of any local authority within whose district a supply is given may revise the maximum prices contained in this Act.

(2) The Board of Trade may if they think fit on the like applications make a similar revision at the expiration of a period of ten years from the date at which the last such revision has taken place.

(3) On any such revision the Board of Trade may modify the provisions of this Act as to price so far as may be necessary to carry out their decisions on the revision.

97. The Company may erect and maintain upon the lands for the time being belonging to or leased by them cottages or dwelling-houses suitable for their officers workmen and servants.

Dwelling-houses for employees.

98. The Company and the proprietors or trustees of any canal or navigation or other body or person may enter into and carry into effect contracts agreements and arrangements for and with respect to the supply of water to the Company for condensing and other purposes of their undertaking by any such proprietors trustees body or person.

Agreements with regard to supply of water.

99.—(1) The Company shall forthwith after commencing to supply electrical energy or power-gas under this Act cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains electric service lines and other underground works and street boxes and shall once in every year cause that map to be duly corrected so as to show the then existing underground works The Company shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than electric service lines The said map and sections shall be made on such scale or scales as the Board of Trade prescribe.

Map of area of supply to be made.

(2) Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Company at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and those applicants may take copies of it or any part thereof The Company may demand and take from every such applicant such fee not

A.D. 1904. — exceeding one shilling for each inspection of the map section or copy and such further fee not exceeding five shillings for each copy of it or any part thereof taken by the applicant as they prescribe.

(3) The Company shall if required by the Board of Trade or the Postmaster-General or by any local authority in the area of supply supply to them or him free of charge a copy of any such map or section (but in the case of a local authority only so far as relates to the district of such authority) and cause that copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Company.

(4) If the Company fail to comply with any of the requirements of this section they shall for each default be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Security to
be given by
consumers.

100. Any authorised undertaker or person requiring a supply of electrical energy or power-gas shall give to the Company (if required to do so at any time during the continuance of the supply) security for the payment of all moneys which may become due to the Company in respect of the electrical energy or power-gas to be supplied to him under any contract and if such authorised undertaker or person fails within seven days after being required in writing by the Company to do so to give such security or if the same has become insufficient or invalid the Company may discontinue to supply electrical energy or power-gas to such authorised undertaker or person so long as such failure continues. Provided that where any such security is given [by way of deposit the Company shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited for every six months during which the same remains in their hands.

Recovery of
charges &c.

101. All charges rates and sums payable to the Company and all penalties under this Act or any byelaw made under this Act may be recovered either before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts or by action in any court of competent jurisdiction. Provided that charges rates and sums other than penalties or costs recoverable along with penalties shall only be recoverable as civil debts.

[4 EDW. 7.] *Belfast and North East Ireland* [Ch. ccxxviii.]
Electricity and Power-Gas Act, 1904.

102. The Company shall be answerable for all accidents, damages and injuries happening through or resulting from the act or default of the Company their contractors or servants by reason of or in consequence of any of the Company's works and shall save harmless all corporations companies and persons their officers and servants from all damages and costs in respect of such accidents, damages and injuries.

A.D. 1904.
Company to be responsible for all damages.

103. If within two years from the 1st day of January 1905 the Company have not substantially commenced their works for the purpose of carrying out their powers under this Act or if within four years after the said 1st day of January 1905 the Company have not provided a generating station or stations sufficient in the opinion of the Board of Trade and are not in a position to supply electrical energy therefrom or if within the period of seven years from the 1st day of January 1905 the Company have not provided an effective system of supply of power-gas within the district or limits of supply of any authority body or person lawfully supplying gas therein the Board of Trade may at any time thereafter upon the application of any authority body or person lawfully supplying gas or electrical energy within the area of supply and after hearing the parties order that any of the powers of the Company under this Act shall cease as to the whole or any part of the area of supply and on any such order being made all or any of those powers shall cease accordingly.

Cesser of powers.

104. If owing to the abandonment of the undertaking or any part thereof any mains pipes wires or apparatus laid under the powers of this Act under any main road or any county bridge shall for the space of three years be disused and such disuser be proved to the satisfaction of the Board of Trade the said Board may if they think fit by order sanction the removal of such mains pipes wires or apparatus and the authority having the control of the said main road or county bridge (in this section referred to as "the road authority") may (subject however to any agreement between the road authority and the Company providing for the removal of such mains pipes wires or apparatus by the Company) forthwith remove the same with all reasonable care and the Company shall pay to the road authority the reasonable cost of such removal and of the reinstatement of the said road or bridge in which the same were

As to removal of mains &c. after abandonment.

A.D. 1904.

laid and if the Company fail to pay such cost within one month after the ascertainment of and application for the same the road authority may without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of the materials of the mains pipes wires or apparatus so removed either by public auction or private sale and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse themselves the reasonable cost of such removal and reinstatement of the said road or bridge and the cost of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Company.

If any difference arise between the Company and the road authority under this section the same shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

Agreements.

105. The Company and any authorised undertakers or any company body or person within the area of supply may enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say) :—

The supply by or to the Company to or by such authorised undertakers company body or person of any plant fittings or materials required for the purposes of the undertaking by this Act authorised :

The prices to be charged for and the terms and conditions of such supply :

The execution or exercise by any such authorised undertakers company body or person on behalf of the Company or by the Company on behalf of such authorised undertakers company body or person of any works in reference to the supply or use of electrical energy or power-gas within the area of supply or the exercise of any of the powers of the Company on or affecting any property of or under the control of such authorised undertakers company body or person.

As to payment of interest out of capital.

106. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained the Company may out of any moneys by this Act authorised to be raised pay interest

at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him respectively from the respective times of such payments until the expiration of four years from the 1st day of January 1905 or such less period as the directors may determine subject to the following conditions (that is to say) :—

A.D. 1904.

- (1) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that one fifth at least of the share capital by this Act authorised has been actually issued and accepted and is held by shareholders who or whose executors administrators successors or assigns are legally liable for the same :
- (2) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (3) The aggregate amount to be so paid for interest shall not exceed sixty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid Provided nevertheless that such reduction shall apply only to the last portion of the moneys to be raised by borrowing as herein-before provided in this Act which portion shall be reduced accordingly to that extent :
- (4) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares which may be issued by or on behalf of the Company prior to the expiration of the period for which such interest shall be payable under the provisions of this Act and in every certificate of shares :
- (5) No interest shall be paid under this section upon any shares which are issued as fully paid up to the Power-Gas Corporation Limited :

A.D. 1904.

(6) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which such interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies' Clauses Consolidation Act 1845.

Costs of Act.

107. 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 SCHEDULES referred to in the foregoing Act. A.D. 1904.

THE FIRST SCHEDULE.

LANDS FOR GENERATING STATIONS.

(A) Certain lands containing seven acres or thereabouts in the parish of Ballymacarrett in the city of Belfast in the county of Down lying between the north-west embankment of the Musgrave Channel and the proposed extension eastwards of the Queen's Road bounded on the south-west by an imaginary line drawn parallel to Harland Road and 710 feet or thereabouts therefrom on the north-east by an imaginary line drawn parallel to the said south-west boundary line and 380 feet or thereabouts therefrom on the north-west by an imaginary line in direct continuation of the south-eastern boundary line of the Queen's Road and on the south-east by the road along the embankment of the Musgrave Channel together with an easement for the laying of pipes under the said embankment road to and from the Musgrave Channel for the supply of water to and discharge from the said land.

(B) Certain lands containing 6 acres 2 roods or thereabouts partly in the parish of Inver and partly in the parish of Larne in the urban district of Larne all in the county of Antrim bounded on the north and west by the Carrickfergus and Larne Branch of the Belfast and Northern Counties Railway on the south by an imaginary line drawn due east from the signal box on the south side of the Larne Station of the said railway and extending 300 feet or thereabouts therefrom and on the east by an imaginary line drawn from the extremity of the said southern boundary line to the bench mark on the said railway line opposite Quay Lane together with an easement for the use of the level crossing over the said railway from the Circular Road opposite the Paper Mills and for the laying of pipes and mains under and a footbridge over at the said crossing.

(C) Certain lands containing 5 acres 2 roods or thereabouts in the parish of Ballyclug and the urban district of Ballymena in the townland of Ballykeel in the county of Antrim situate in the angle between the Braid river and the Belfast and Northern Counties Railway bounded on the north-west west and south-west by the Braid river on the north-east by the embankment and land of the Belfast and Northern Counties Railway and on the east by the tail race and the weaving factory of Messrs. Gault Brothers Limited and by the fence or wall of the adjacent property to the north thereof together with the strip of land forming a roadway about

A.D. 1904. — 15 feet wide between the said property and the railway embankment and leading from the aforesaid lands to Railway Street Ballymena.

(D) Certain lands containing 5 acres 1 rood or thereabouts in the parish urban district and townland of Coleraine in the county of Londonderry bounded on the west by the River Bann on the north by the Northern Municipal Boundary line of the urban district of Coleraine on the east partly by the fence to the grounds of Westbrook Villa and the continuation of the line thereof to the point where the municipal boundary line turns northward and partly by the municipal boundary line from the said point and on the south by the strip of land adjacent to the north side of the embankment of the Northern Counties Railway as shown on the Ordnance sheets Londonderry VII. 3. 23 and VII. 3. 24 scale 10·56 feet to the mile dated 1882 together with the strip of land averaging about 22 feet in width along the south side of the aforesaid grounds of Westbrook Villa and leading from the said lands to the Portrush Road.

(E) Certain lands containing 10 acres or thereabouts in the parish of Seagoe in the urban district of Portadown and townland of Edenderry in the county of Armagh situated within the angle between the River Bann and the fence and line of the Great Northern Railway adjacent to the railway station at Portadown bounded on the west and north-west by the said River Bann on the south-east by the said Great Northern Railway and land belonging thereto and on the north-east by a drain running across the said land to the River Bann from a point at the railway fence at a distance of about 320 yards or thereabouts north-eastwards along the said fence from its commencement at the river bank together with an easement and right of way through the subway under the railway station and into Watson Street for the purpose of access to the said lands and for the laying of pipes and mains.

(F) Certain lands containing 9 acres 3 roods or thereabouts in the parish and urban district of Newry and the townland of Drumalane in the county of Armagh lying between the embankment of the Newry River and the Newry and Warrenpoint Railway bounded on the west by the said embankment on the east by the said railway on the north partly by the county boundary between the counties of Armagh and Down and partly by a line in direct continuation thereof to the said embankment and bounded on the south by an imaginary line drawn from the said railway to the said embankment parallel to and at a distance of 500 feet from the above described northern boundary line.

THE SECOND SCHEDULE.

A.D. 1904.

MAXIMUM PRICES TO BE CHARGED IN RESPECT OF A SUPPLY OF
ELECTRICAL ENERGY.

In this schedule the expression "unit" shall mean the electrical energy contained in a current of 1000 ampères flowing under an electro-motive force of one volt during one hour.

The following are the maximum prices which the Company are entitled to charge per quarter :—

SECTION I.

- (1) A standard charge for service at the rate of ten shillings per electrical horse power for the supply of which the Company is required to make provision ; and
- (2) In addition a charge for current determined by meter after transforming as follows :—
 - (A) For the first 5000 units consumed in any quarter at the rate of 3d. per unit ;
 - (B) For all units consumed between 5000 and 10000 in any quarter at the rate of 2 $\frac{3}{4}$ d. per unit ;
 - (C) For all units consumed between 10000 and 20000 in any quarter at the rate of 2 $\frac{1}{2}$ d. per unit ;
 - (D) For all units consumed between 20000 and 50000 in any quarter at the rate of 2d. per unit ;
 - (E) For all units consumed between 50000 and 100000 in any quarter at the rate of 1 $\frac{1}{2}$ d. per unit ;
 - (F) For all units consumed between 100000 and 200000 in any quarter at the rate of 1d. per unit ;
 - (G) Amounts over 200000 units consumed in any quarter at the rate of $\frac{3}{4}$ d. per unit ; or alternatively.

SECTION II.

- (1) For any quantity not exceeding the equivalent of one hundred hours of supply at the maximum power which has been demanded at the rate of fourpence per unit.
- (2) For any further quantity exceeding the equivalent of one hundred and not exceeding two hundred hours of supply at such maximum power at the rate of twopence per unit.
- (3) For any further supply exceeding the equivalent of two hundred hours of supply at such maximum power at the rate of one penny per unit.

A.D. 1904.

THE THIRD SCHEDULE.

AN AGREEMENT made the 14th day of December 1903 between the POWER-GAS CORPORATION Limited having its registered office at 39 Victoria Street Westminster (herein-after called "the Corporation") of the one part and JOHN STURGEON of 78 King Street Manchester engineer and WILLIAM EDWARD ROWCLIFFE of 37 Cross Street Manchester solicitor (herein-after called "the Trustees") on behalf of a company to be incorporated as herein-after mentioned of the other part.

WHEREAS the Corporation are the registered proprietors of certain letters patent for the United Kingdom :

And whereas a Bill is being promoted in the ensuing session of Parliament to incorporate a company under the name of the Belfast and North East Ireland Electricity and Power-Gas Company (herein-after called the New Company) with a share capital of 1500000*l.* divided into 1500000 shares of 1*l.* each for the purposes (among others) of manufacturing power-gas under the said patents or some of them and of supplying the same by means of mains and pipes for sale use or consumption in the area of supply herein-after set forth and of using the said gas in gas engines or otherwise for the production of electrical energy or for any other purpose in the same area :

And whereas with a view to assisting the incorporation of the New Company the Trustees have requested the Corporation to enter into this agreement which the Corporation are willing to do for the considerations upon the terms and subject to the conditions herein-after expressed :

Now therefore it is agreed as follows :—

1. When and so soon as (1) the New Company shall have been incorporated having a nominal capital of not less than 1500000*l.* divided into 1500000 shares of 1*l.* each and (2) shares in its capital of 1*l.* each to the number of not less than 350000 shall have been actually subscribed for by responsible persons and (3) the provisions hereof shall have become binding on the New Company as provided in clause 9 hereof the Corporation shall grant to the New Company and the New Company shall accept a licence to work and use the inventions the subject of the Letters Patent (short particulars whereof are set forth in the Form of Licence) in the area of supply herein set forth and such licence shall be in the form initialled on behalf of the Corporation and by the Trustees respectively.

2. The Corporation shall have the right of appointing one director of the New Company and on any vacancy from time to time in the office of any director so appointed to appoint another person in his place. Such director shall not be required to be in possession of any shares of the New Company in his own right and a clause to provide for this shall be inserted in the said Bill.

3. From and after the date of this agreement up to the 31st day of December 1906 and thereafter if this agreement shall then have become legally binding on the New Company and so long as the licence hereby agreed to be granted continues in force the Corporation or their successors or assigns of the patents aforesaid shall not grant to any person or company a licence to use or exercise the said patents or inventions or any improvements thereof for the purpose of sale or distribution within the area of supply herein set forth of any gas manufactured under the said patents or any improvements thereof. A.D. 1904.

4. The consideration for the grant of the said licence shall in addition to certain other considerations expressed in this agreement and in the deed granting the said licence consist of the allotment to the Corporation or their successors or their respective nominees of 37500 fully paid shares of 1*l.* each in the capital of the New Company which shall be deemed for all purposes to have been fully paid up such allotment and issue to be made as follows:—

(A) The first 12500 shares to be issued and allotted to the said Corporation or their successors or their respective nominees when the said licence is granted:

(B) As and whenever shares in the New Company in excess of 250000 shall be issued and allotted (inclusive of the shares issued under this agreement) there shall be issued and allotted to the Corporation or their successors or their respective nominees further shares equal in nominal value to one-twentieth part of the said shares so issued in excess of 250000 as aforesaid until 25000 further paid up shares (being the residue of the said 37500 shares) shall have been so allotted and issued to the said Corporation or their successors or their respective nominees.

5. Contemporaneously with the grant of the said licence the New Company shall execute and deliver to the Corporation or their successors or assigns a counterpart thereof.

6. The expenses of the preparation of this agreement and of the said licence and the stamp duties payable thereon respectively shall be borne and paid by the New Company.

7. The said paid-up shares to be issued and allotted as aforesaid shall only carry dividend as from the allotment thereof respectively.

8. The area of supply herein-before referred to shall be as follows:—

In the county of Londonderry the baronies of Coleraine and the North-east Liberties of Coleraine in the county of Antrim the baronies of Lower and Upper Toome Lower and Upper Antrim Lower and Upper Belfast Carrickfergus Lower and Upper Massareene Upper Glenarm the parishes of Finvoy and Rasharkin in the barony of Kilconway and the parish of Ballymoney in the barony of Upper Dunluce in the county of Down the baronies of Lower and Upper Castlereagh Lower Iveagh Upper Iveagh (upper half) and the lordship of Newry in the county of Armagh the barony

A.D. 1904.

of O'Neilland East the parish of Drumcree in the barony of O'Neilland West the parish of Ballymore in the barony of Lower Orior and the parish of Newry in the barony of Upper Orior.

9. This agreement shall be scheduled to the said Bill and a clause shall be inserted therein confirming this agreement and making the same binding on the said New Company in the place of the said John Sturgeon and William Edward Rowcliffe who shall upon the said Bill receiving the Royal Assent be discharged from all liability hereunder and the New Company shall thereupon be deemed a party hereto in their place.

10. Unless before the 31st day of December 1906 (1) this agreement shall have become legally binding on the New Company and (2) at least 350000*l.* in shares of the New Company shall have been actually subscribed in manner herein-before mentioned the Corporation may by notice in writing to the trustees or their executors administrators or assigns annul this agreement and thereupon this agreement shall become void.

11. This agreement is made subject to such alterations as Parliament may think fit to make therein.

In witness whereof the Power-Gas Corporation Limited have caused their common seal to be hereunto affixed and the said John Sturgeon and William Edward Rowcliffe have hereunto set their hands and seals the day and year first above written.

The common seal of the Power-Gas Corporation Limited was hereunto affixed in the presence of

EMILE SCHWEICH Director.
HERBERT BEDFORD Secretary.



Signed sealed and delivered by the above-named John Sturgeon in the presence of

ARCHIE R. FOWLER
Solicitor

28 Victoria Street
S.W.

JOHN STURGEON. (L.S.)

Signed sealed and delivered by the above-named William Edward Rowcliffe in the presence of

H. A. SOLOMON
37 Cross Street
Manchester.

W. E. ROWCLIFFE. (L.S.)

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.