



CHAPTER lxxxix.

An Act for consolidating the capital of the Peterborough Gas Company for enabling that Company to acquire additional lands and to raise additional capital and for other purposes. A.D. 1906
[20th July 1906.]

WHEREAS by the Peterborough Gas Act 1868 (in this Act called "the Act of 1868") the Peterborough Gas Company (in this Act called "the Company") were incorporated and by that Act and the Peterborough Gas Act 1874 (in this Act called "the Act of 1874") powers were conferred upon the Company for the purpose of manufacturing gas and supplying the same within the city and township of Peterborough and the other parishes and places mentioned in the Act of 1868 situate in the counties of Northampton Huntingdon and Cambridge :

31 & 32 Vict.
c. lxvi.
37 & 38 Vict.
c. xxxvi.

And whereas by the Act of 1868 the capital of the Company was fixed at twenty thousand pounds subject to augmentation as therein mentioned and the Company have under the powers of the said Act created and issued two thousand ordinary shares of ten pounds each entitled to a maximum dividend at the rate of ten pounds per centum per annum :

And whereas the Company were authorised by the said Act to raise in addition to the said capital of twenty thousand pounds such further sum or sums as they might think proper not exceeding in the whole ten thousand pounds and the Company have created and issued one thousand new ordinary shares of ten pounds each entitled to dividend at the maximum rate of seven pounds per centum per annum :

And whereas by the Act of 1874 the Company were empowered to raise additional capital not exceeding fifty thousand pounds in shares of ten pounds each to be called "New A Shares" and

A.D. 1906. the Company have created and issued four thousand and fifty ordinary shares of ten pounds each entitled to dividend at the maximum rate of seven pounds per centum per annum and have created and issued nine hundred and fifty shares of ten pounds each entitled to a preferential dividend of five pounds per centum per annum :

And whereas the capital of the Company is fully paid up and the Company have borrowed on mortgage of the undertaking under the provisions of the said Acts and now owe the sum of seven thousand five hundred pounds and have created and issued debenture stock to the amount of twelve thousand five hundred pounds :

And whereas it is expedient that the several classes of ordinary shares in the capital of the Company be respectively consolidated and converted into stock in the manner and subject to the provisions herein-after contained :

And whereas by the Act of 1874 the Company were empowered to acquire additional lands and to construct new works :

And whereas the demand for gas within the limits of supply of the Company has increased and is increasing and it is expedient for the purpose of meeting such demand that the works of the Company should be extended and improved and that the Company should be authorised to acquire additional lands and on those lands to manufacture and store gas :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of their undertaking :

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

And whereas a plan describing lands that may be taken compulsorily under the powers of this Act and a book of reference to that plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands and describing the same have been deposited with the clerk of the peace for the county of Northampton and with the clerk of the peace for the liberty of Peterborough which plan and book of reference are herein-after respectively referred to as "the deposited plan" and "the deposited book of reference" :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

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PRELIMINARY.

1. This Act may be cited as the Peterborough Gas Act 1906. Short title.

2. The following Acts so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act are hereby incorporated with this Act namely:— Incorporation and application of Acts

The Lands Clauses Acts :

The Gasworks Clauses Act 1847 (except sections 30 to 35 both inclusive) as amended by the Gasworks Clauses Act 1871 :

Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building."

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ;

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

A.D. 1906. and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise.

Interpretation.

4. 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.

LANDS.

Power to take lands.

5. The Company may enter upon take hold and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require.

Period for compulsory purchase of lands.

6. The powers of this Act for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Power to construct gasworks.

7. Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act erect construct lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks and works for the manufacture and storage of gas and for the manufacture conversion utilisation storage and distribution of materials used in or residual products resulting from such manufacture and the Company may also from time to time provide lay down maintain alter improve enlarge extend and renew all necessary retorts gasholders receivers drains sewers mains pipes machinery and other works and apparatus and conveniences and do all such acts as they think proper for making and storing gas and for supplying gas within their limits for the supply of gas and may supply gas accordingly and manufacture sell provide supply and deal in lime coke chemicals tar pitch asphaltum ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas.

Power to purchase lands by agreement.

8. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now belonging to them and any lands which they are authorised to take under the powers of this Act any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of their undertaking but

the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Act of 1868 and in the Act of 1874 and in the First Schedule to this Act.

9. The Company may purchase or take on lease dwelling-houses for persons in their employ and may erect and maintain dwelling-houses for such persons and offices and buildings for the purposes of the Company's business upon any lands for the time being belonging to or leased by the Company.

Dwelling-houses for persons in Company's employ.

10. The Company may sell and dispose of or may let on lease for such period as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and any such disposal or lease may be for such consideration and subject to such reservations stipulations and conditions as the Company think fit And notwithstanding anything in the Gasworks Clauses Act 1871 contained the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands sold or disposed of by the Company under the powers of this section.

Power to sell and lease lands.

CAPITAL.

11.—(1) As from the first day of January one thousand nine hundred and seven the ordinary shares in the capital of the Company shall be consolidated and converted into an equivalent amount of stock (to be called Peterborough Gas Consolidated Ordinary Stock) bearing a uniform dividend at the rate of seven pounds per centum per annum and shall be vested in and divided among the holders of ordinary shares in the existing capital of the Company as follows (that is to say):—

Consolidation and conversion of ordinary shares.

To each holder of ordinary shares entitled to a dividend of ten pounds per centum per annum fourteen pounds five shillings and ninepence consolidated ordinary stock for every such share held by him:

To each holder of new ordinary shares ten pounds of consolidated ordinary stock for every such share held by him:

To each holder of new A ordinary shares ten pounds of consolidated ordinary stock for every such share held by him.

(2) As from that date there shall by virtue of this Act be created such a nominal amount of consolidated ordinary stock of the Company as shall be necessary for the purpose of giving

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effect to the provisions of this section and the amounts of consolidated ordinary stock to which the holders of existing ordinary shares respectively become entitled under this section shall be forthwith registered in their respective names in the books of the Company.

(3) Consolidated ordinary stock issued under this section shall be held in the same rights upon the same trusts and subject to the same powers provisions charges and liabilities as those upon or to which the existing ordinary shares for which the consolidated ordinary stock is substituted were held or were subject to immediately before the said first day of January one thousand nine hundred and seven and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing ordinary shares and trustees executors or administrators or other parties under disability may accept consolidated ordinary stock in substitution for existing ordinary shares in the capital of the Company held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

(4) The Company shall call in the certificates of the shares for which consolidated ordinary stock shall be substituted and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of consolidated ordinary stock to the respective amounts to which those proprietors are by this Act respectively entitled but no proprietor shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof Provided always that until the issue of such new certificates the existing certificates shall (according to the amounts of consolidated ordinary stock substituted by this Act for the existing ordinary shares which they respectively represent) have and possess the same rights and advantages as if they were certificates for those respective amounts of consolidated ordinary stock but if any holder of any existing ordinary shares in the Company neglect or omit to send or deliver to the Company his existing certificate for the period of one year after notice in writing sent by registered letter to the address appearing in the shareholders' address book the Company may suspend the

payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock so held by him until such existing certificate is sent or delivered to the Company or is proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed.

(5) All transfers or other dispositions of any of the existing ordinary shares shall after the conversion thereof into consolidated ordinary stock and notwithstanding this Act be valid and have due effect given to them respectively as transfers of the amount of consolidated ordinary stock which the shares thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such conversion and the bequest of or any covenant or provision in any deed or agreement relating to any specific nominal amount of any such existing shares converted by this Act into stock of larger nominal value shall be held to apply to a nominal amount of consolidated ordinary stock equal to that into which such existing shares shall have been converted by virtue of this Act.

(6) Consolidated ordinary stock shall be transferable in amounts of one pound or multiples of one pound and in every case where under the provisions of this section a holder of any existing ordinary shares would be entitled to any fractional part of a pound of ordinary stock the Company shall not be bound to register such fractional part but may at the option of the Company pay to such holder such a sum in cash as shall be equal to the market value of such fractional part or receive from such holder such a sum in cash as will make up the amount of stock to be vested in him to an integral number of pounds of stock and the amount of consolidated ordinary stock vesting in such holder shall thereupon be reduced or increased accordingly and the directors may from time to time create and issue such additional amount of consolidated ordinary stock as may be requisite for giving effect to the provisions of this subsection.

12. The Company may from time to time apply for the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and may from time to time raise additional capital of such nominal amount as shall be sufficient to produce including the premiums (if any) which may be obtained from the sale thereof the sum of

Power to apply existing and raise additional capital.

A.D. 1906. eighty thousand pounds by the creation and issue of further consolidated ordinary stock but no stock created or issued by the Company under this section shall vest in the person or corporation accepting the same unless and until the full price of such stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof.

New stock to be offered by auction or tender.

13. Notwithstanding anything in this Act contained the Company shall when any stock created under the powers of this Act (other than stock created by this Act for the purposes of consolidation) is to be issued and before issuing the same to the holders of any other stock in the Company and whether the consolidated ordinary stock of the Company is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of stock and that notice of the amount of the reserve price put upon such stock shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or the last day for the reception of tenders and not sooner And provided that no priority of tender shall be allowed to any holder of stock in the Company except that if any offer by tender of any holder or holders of stock in the capital of the Company be the same in amount as any other offer made by any other person the offer of such holder or holders of stock shall be accepted in preference and preference may in like manner be given to any employee of the Company or consumer of gas supplied by the Company whose offer is the same in amount as any offer made by any other person not being a holder of stock.

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

14. It shall be one of the conditions of any sale of stock under this Act that the full amount thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of stock by auction or tender.

15. The intention to sell any such stock by auction or by tender shall be communicated in writing to the town clerk of the city and borough of Peterborough and to the clerk of every district council whose district or part of whose district is included within the limits of the Company for the supply of gas and to the

secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said city and borough and district. A.D. 1906.

16. When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold the same may be disposed of by the directors at the reserve price put upon the same for the purpose of sale by auction or tender or may be offered at such reserve price to the holders of consolidated ordinary stock in the Company or to the employees of the Company or consumers of gas supplied by the Company or partly to one and partly to the other or others. Stock not sold by auction or tender to be offered to holders of consolidated ordinary stock.

Any stock so offered and not accepted within the time prescribed by the directors shall be again offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of stock in the additional capital created under the powers of this Act at such time or times as the directors of the Company think fit and any stock not then sold may be offered to the holders of stock in the Company or disposed of by the directors at such price as the directors may determine.

17. Any sum of money which shall arise from the issue of any such stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend. Provided that all such sums shall be deemed to be part of the paid-up capital of the Company and shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to the reserve fund be reckoned as part of the paid-up capital. Application of premium arising on issue of stock.

18. The additional capital by this Act authorised shall form part of the consolidated ordinary stock of the Company and the proprietors of any stock issued under the authority of this Act shall subject to the provisions of this Act be entitled to the same rights as the other holders of such stock. Incidents of additional capital.

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Power to
borrow in
respect of
consolidated
stock.

19. The Company may at any time and from time to time after the first day of January one thousand nine hundred and seven borrow on mortgage of the undertaking any sum or sums not exceeding (inclusive of the sum of seventeen thousand six hundred and twenty-five pounds already raised in respect of the existing ordinary capital upon mortgage of the undertaking and by the issue of debenture stock in pursuance of the recited Acts) one-third of the nominal amount of the ordinary stock into which the ordinary capital of the Company is by this Act consolidated.

Power to
borrow.

20. The Company may subject to the provisions of this Act from time to time borrow on mortgage of the undertaking in respect of the additional capital by this Act authorised to be created and issued any sum or sums not exceeding in the whole one-third part of the amount which the Company have at the time actually raised by issue of stock in such additional capital but no part thereof shall be borrowed until the whole of the stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such stock together with the premium (if any) realised upon the sale thereof has been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appoint-
ment of
receiver.

21. Section 26 (Arrears may be enforced by appointment of a receiver) of the Act of 1868 and section 16 (Arrears may be enforced by the appointment of a receiver) of the Act of 1874 shall be and are hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the undertaking may enforce payment of arrears of interest or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture
stock.

22. 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

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

23. All money to be raised by the Company on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or other sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock nor shall anything herein-before contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Priority of mortgages and debenture stock over other debts.

24. All mortgages granted by the Company in pursuance of the Act of 1868 or of the Act of 1874 and subsisting at the date of the passing of this Act shall during the continuance thereof have priority over all mortgages granted in pursuance of this Act.

Existing mortgages to have priority.

25. All moneys raised under this Act whether by consolidated stock mortgages or debenture stock shall be applied only to the purposes of the Company to which capital is properly applicable.

Application of moneys.

26. The directors of the Company may if they think fit accumulate by annual appropriations out of the revenue of the Company and as part of the expenditure on revenue account a fund to be called "the renewal fund" not exceeding an amount equal to one per centum on the paid-up capital for the time

Renewals.

A.D. 1906. being of the Company to provide for the renewal and repair of their gasworks mains and pipes and may from time to time appropriate as occasion may require any portion of such fund to such purpose.

Such fund shall be invested in Government or other securities and the dividends and interest arising from the securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to ten pounds per centum of the paid-up capital for the time being of the Company Provided that when and so often as the said fund shall reach such sum the interest thereon shall be carried to the credit of the available fund for dividend Provided also that if such fund be at any time reduced below such sum it may thereafter be made up to such sum and so from time to time as often as such reduction shall happen.

If profits exceed the amount limited excess may be invested and form an insurance fund.

27. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay dividend at the authorised rate on the consolidated ordinary stock the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or the like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had to the insurance fund to meet any extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part as aforesaid.

28. When in any year the dividend on the ordinary stock shall exceed the standard rate (as herein-after defined) by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums so set apart by the Company and any reserve fund of the Company existing at the passing of this Act may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rate on the ordinary stock of the Company and save as in this Act provided no sum shall in any year be carried by the Company to a reserve fund.

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 Power to create a reserve fund out of dividends in excess of standard rate of dividend and application thereof.

29. On and as from the first day of January one thousand nine hundred and seven so much of section 13 (Limit of dividend on new capital) as relates to dividend upon the ordinary shares and section 22 (Price of gas) of the Act of 1874 shall be and the same are hereby repealed.

Repeal of sections 13 and 22 of Act of 1874.

30. Notwithstanding anything in the Act of 1868 or the Act of 1874 as from the first day of January one thousand nine hundred and seven the profits of the Company to be divided amongst the holders of consolidated ordinary stock in any year shall not (except as by this Act provided) exceed the rate of seven pounds in respect of every one hundred pounds of such consolidated ordinary stock which rate is in this Act referred to as "the standard rate of dividend."

Limitation of profits.

31. As from the first day of January one thousand nine hundred and seven the standard price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall be three shillings per one thousand cubic feet :

Dividend dependent on price charged.

Provided that the Company may increase or reduce the price charged by them for gas in the limits of supply subject to a reduction or increase in the standard rate of dividend as follows :—

If during any half-year the price charged by the Company shall have been increased by one penny or part of a penny

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above the price of three shillings and twopence then the dividend payable by the Company for that half-year shall be reduced at the rate of one shilling and ninepence on every one hundred pounds of consolidated ordinary stock in respect of each penny or part of a penny of increase ;

If throughout any half-year the price charged by the Company shall have been reduced below the price of two shillings and tenpence then the dividend payable by the Company for that half-year may be increased above the standard rate of dividend at the rate of one shilling and ninepence upon every one hundred pounds of consolidated ordinary stock in respect of each penny by which the price charged shall have been reduced below the standard price :

Provided also that if in any half-year the dividend payable shall be of such amount as to involve the payment of a fractional sum less than one quarter per centum the Company may defer the payment of such fractional sum until the payment of the next or some succeeding dividend and shall in the discretion of the Company either add such fractional sum to and pay the same with such succeeding dividend accordingly or add the same to the reserve fund.

Application of excess of profits over authorised rate of dividend.

32. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the consolidated ordinary stock of the Company the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

MISCELLANEOUS.

Altering qualifications of directors.

33. As from the first day of January one thousand nine hundred and seven section 33 (Qualification of directors) of the Act of 1868 shall be and is hereby repealed and the qualification of a director of the Company shall be the possession in his own right of stock of not less nominal value than five hundred pounds.

Scale of voting.

34. From and after the first day of January one thousand nine hundred and seven every holder of consolidated ordinary stock shall be entitled to one vote for every ten pounds of stock held by him up to one hundred pounds and to an additional vote

for every fifty pounds of stock held by him up to one thousand pounds and thereafter to an additional vote for every one hundred pounds of stock held by him. A.D. 1906.

35. The Company may on the application of the owner or occupier of any premises within the limits of the Company for the supply of gas abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay down take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of and are not inconsistent with this section shall extend and apply mutatis mutandis to and for the purposes thereof. Power to lay pipes in streets not dedicated to public use.

36. The Company may lay down place repair alter remove and renew mains pipes and culverts within their limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains pipes and culverts. Power to lay down and utilise pipes for ancillary purposes.

37.—(1) The Company may charge for any gas supplied through a prepayment meter a not greater charge rate or rent than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply. Charge for gas supplied by means of prepayment meters.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

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The said charge shall include the providing letting fixing repairing and maintenance of the meters and fittings and the cost of collection and other costs incurred by the Company in connexion with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Fittings not to be subject to distress and engines &c. though fixed to premises to remain property of Company.

38.—(1) Subject as herein-after provided any meters stoves engines motors dynamos fittings apparatus and appliances and things (in this section called "fittings") let by the Company on hire under the provisions of the Act of 1868 the Act of 1874 or this Act shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

(2) Subject as herein-after provided all fittings let by the Company on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company:

Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(3) The Company shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Period of error in defective meters.

39. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall

be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Company.

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40. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and in default of his so using or keeping such anti-fluctuator in proper repair the Company may cease to supply gas to such consumer. The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Anti-fluctua-
tors for gas
engines.

41. From and after the passing of this Act twenty-four hours notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed on every demand note for gas rent payable to the Company.

Gas con-
sumers to
give notice
to Company
before re-
moving.

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

Notice to dis-
continue sup-
ply of gas.

43. If any person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all gas or meter rent due from him to the Company they may refuse to furnish him with a supply of gas until he pays the same.

Power to
refuse supply
to persons in
debt for other
premises.

44. As from the first day of January one thousand nine hundred and seven section 28 (Company to pay interest on money deposited as security) of the Act of 1874 shall be read and have effect as if the rate of four pounds per centum per annum had been mentioned therein instead of five pounds per centum per annum.

Reduction of
interest on
money de-
posited as
security for
gas meter
&c.

A.D. 1906.

Company
may enter
into con-
tracts for
supply of
gas.

45.—(1) The Company may contract with any local authority company or persons beyond their limits of supply (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

(2) The Company shall not supply gas under any such contract as aforesaid if and so long as such supply would interfere with the supply of gas to private consumers.

Apparatus
and method
for testing
gas.

46. From and after the passing of this Act the following provisions shall have effect:—

- (1) The prescribed number of candles shall be fourteen :
- (2) Notwithstanding the provisions of Schedule A to the Gasworks Clauses Act 1871 the photometer to be employed for testing the illuminating power of the gas supplied by the Company shall be that known as the Table Photometer and in lieu of candles there shall be used the lamp known as Harcourt's Ten-Candle Pentane Lamp or such other photometer and standard light as may be prescribed for use in testing the illuminating power of gas for which the prescribed number of candles is fourteen by the notification for the time being in force of the gas referees appointed in pursuance of the City of London Gas Act 1868 :
- (3) (A) The prescribed burner shall be the Metropolitan Argand Burner No. 2 or such other burner as may be prescribed by the said notification and in making any test of the gas supplied by the Company the burner shall be used in such a manner as to obtain from the gas when consumed at the rate of five cubic feet an hour the greatest amount of light and the burner shall be used in the mode prescribed in the said notification ;
- (B) The pentane to be used in testing shall be of the quality prescribed in the said notification :
- (4) The Company shall not be liable to any penalty or forfeiture in respect of any deficiency in the illuminating power of the gas supplied by them unless the average

of three consecutive tests made in any one day at intervals of not less than one hour shall be less than the prescribed illuminating power : A.D. 1906.

- (5) The Company and the mayor aldermen and burgesses of the borough of Peterborough may from time to time agree upon any regulation with reference to the testing of the gas supplied by the Company in addition to or in substitution for any provision contained in the said notification and any regulation so agreed upon if approved by the Board of Trade shall apply accordingly.

47. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the name of the secretary of the Company being affixed thereto in print or by a stamp or if it be a notice to pay any charge in respect of a supply of gas by the name either of the secretary or of a collector of the Company being affixed thereto as aforesaid. Authentica-
tion and
service of
notices by
Company.

48. No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of the Act of 1868 and the Act of 1874 or of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Company or was of so slight or unimportant a character as not materially to affect the value of the supply Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company. Penalty not
recoverable
in certain
cases.

49. From and after the passing of this Act the sections of the Act of 1868 and the Act of 1874 set out in the Second Schedule to this Act shall be and the same are hereby repealed. Repeal of
certain sec-
tions of Acts
of 1868 and
1874.

50. Nothing in this Act contained shall alter vary or affect any contract or agreement duly made or any liability incurred before the commencement of this Act with respect to the gasworks of or the supply of gas by the Company. Saving of
existing con-
tracts &c.

51. The directors of the Company shall have power without the sanction of a general meeting to fix alter increase reduce or otherwise determine as to the remuneration of the secretary of the Company. Remunera-
tion of secre-
tary.

A.D. 1906.

Recovery of
demands in
county court.

52. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in a county court provided that the demand does not exceed the amount recoverable in that court in a personal action.

Expenses of
Act.

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

The SCHEDULES referred to in the foregoing Act.

A.D. 1906.

THE FIRST SCHEDULE.

Certain lands in the parish of Saint John the Baptist in the city of Peterborough in the county of Northampton adjoining or adjacent to the existing gasworks of the Company and comprising—

- (A) Certain lands containing 3456 square yards or thereabouts belonging or reputed to belong to Lucy Redhead bounded on the north by the existing gasworks of the Company on the south in part by lands belonging or reputed to belong to Mary Speechley and in other part by premises belonging or reputed to belong to Lucy Redhead on the west in part by lands belonging or reputed to belong to the Ecclesiastical Commissioners for England and in part by lands belonging or reputed to belong to the Company and on the east by lands belonging or reputed to belong to the Company :
- (B) Certain lands belonging or reputed to belong to the Company containing 4512 square yards or thereabouts lying between the northern side of the existing gasworks and the southern side of Dickens Street formerly Charles Street and bounded on the east by lands belonging or reputed to belong to Henry Ruff and on the west by lands belonging or reputed to belong to Charles Henry Howlett :
- (C) Certain lands belonging or reputed to belong to the Company and containing 1 acre 2 roods and 2 perches or thereabouts bounded on the east and south by the backs of the premises fronting on Wellington Street and Morris Street on the west in part by the private roadway leading to Wellington Street in part by the lands herein-before described as belonging to Lucy Redhead in part by the existing works of the Company and in part by lands belonging or reputed to belong to Charles Euchner and on the north by lands

A.D. 1906.
—

belonging or reputed to belong to Frederick Collison Margaret Alice Meehan and John William Thurlow Meehan respectively :

- (D) Certain lands containing 2940 square yards or thereabouts belonging or reputed to belong to the Company and bounded on the north by the existing gasworks of the Company on the south by lands belonging or reputed to belong to the Ecclesiastical Commissioners for England on the east by the lands herein-before described as belonging to Lucy Redhead and on the west by lands belonging or reputed to belong to George Charles Wentworth Fitzwilliam.

THE SECOND SCHEDULE.

Of the Act of 1868:—

- Section 22 (Limit of dividend on new capital);
 Section 46 (Consumers may be required to consume by meter);
 Section 47 (Power to Company to let meters);
 Section 48 (Fraudulently injuring meters &c.);
 Section 49 (Notice to Company of putting up meters &c.);
 Section 50 (Repair of meters);
 Section 51 (Register of gas meters to be *primâ facie* evidence);
 Section 52 (Company may remove pipes from unoccupied premises on giving notice to owner);
 Section 53 (For preventing frauds and waste of gas);
 Section 57 (Limiting the price of gas);
 Section 58 (Incoming tenant not liable to pay arrears of gas rent);
 Section 60 (Company to supply gas to public lamps on request of local authority);
 Section 62 (Company to erect meter to test quality of gas);
 Section 63 (As to testing the quality of gas);
 Section 64 (Costs of experiment to be paid according to events);
 Section 65 (Penalties not cumulative);
 Section 66 (Debts &c. may be recovered by distress);

Section 67 (Contents of warrant);

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Section 68 (Warrant may include costs);

Section 69 (Recovery of sums due to the Company);

Section 70 (Liability to gas rent not to disqualify justice).

Of the Act of 1874:—

Section 24 (Prescribed burner);

Section 26 (Notice of intention by consumers to discontinue gas supply).

Printed by EYRE and SPOTTISWOODE

FOR

ROWLAND BAILBY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

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