



CHAPTER cxiv.

An Act for incorporating the Houghton-le-Spring District Gas Company, and for authorising them to supply with Gas the Townships of Houghton-le-Spring, Newbottle, and East Rainton, in the County of Durham; and for other purposes. [3d July 1879.]

A.D. 1879.

WHEREAS the township of Houghton-le-Spring, in the county of Durham, has been for some years past and is now supplied with gas from certain gasworks situate on the lands described in the Schedule to this Act annexed, and known as "The Houghton Gasworks":

And whereas certain persons in this Act named have purchased the Houghton Gasworks, and desire to manufacture gas at the said works, and to supply gas to the said township of Houghton-le-Spring, and to the townships of Newbottle and East Rainton, in the said county of Durham, if empowered so to do, in the manner and subject to the conditions and restrictions by this Act prescribed:

And whereas it would be of advantage to the said townships if the supply of gas within the same were authorised as by this Act is provided:

And whereas, for the purposes aforesaid, it is expedient that such persons as aforesaid, with others, should be incorporated into a Company, and that provisions such as are in this Act contained should be made for the vesting of the Houghton Gasworks in such Company, for the maintenance of the same, and for the supply of gas therefrom to the said townships:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and

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A.D. 1879. Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited for all purposes as the Houghton-le-Spring District Gas Act, 1879.

Incorporation of general Acts.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
32 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

2. 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 the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except the provisions of the last-mentioned Acts with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertakings), the Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, are (as far as they are applicable for the purposes of and are not expressly varied by or inconsistent with this Act) incorporated with this Act, and the Gasworks Clauses Act, 1871, shall apply to the gasworks, mains, and pipes now constructed and laid down when transferred to the Company under the provisions of this Act, as if the same had been by this Act authorised to be constructed or laid down.

Interpretation of terms.

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

The expression "the Houghton Gasworks" shall mean the land described in Schedule A. to this Act annexed, and the gasworks and works situate thereon and connected therewith, and all mains, pipes, services, machinery, plant, tools, implements, meters, fittings, stock-in-trade, books, plans, maps, documents, powers, rights, and privileges, agreements and licenses of the owners of the same relating to or in anywise connected with the said land or gasworks, or the supply of gas therefrom :

The expression "the owners" shall mean the persons in whom at the time of the passing of this Act the Houghton Gasworks are vested :

The expression "the Company" shall mean the Company incorporated by this Act :

The expressions "the works" and "the gasworks" shall mean and include respectively the gasworks and works connected therewith by this Act authorised to be transferred to and maintained by the Company, and any improvement and enlargement thereof which they may construct under the

powers of this Act, and the lands, buildings, estate, right, title, property, privileges, and effects of the Company, and every part thereof respectively :

The expression "the undertaking" shall mean the undertaking of the Company :

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

4. The limits of this Act shall be the townships of Houghton-le-Spring, Newbottle, and East Rainton, all in the county of Durham. Limits of Act.

5. Thomas William Usherwood Robinson, Robert Philipson Edger, George Hurst Dobson, George Höwe, Avery Norman Robinson, George Robinson, James Meiklejohn, and all other persons and corporations 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 of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Houghton-le-Spring District 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. Company incorporated.

6. The Company shall be established for the purpose of manufacturing, storing, and supplying gas within the limits of this Act, and for manufacturing, converting, or utilising and distributing residual products and materials arising in or resulting from such manufacture, and for dealing in, selling, and disposing of gas, lime, coal, coke, tar, and other residual products, matters, and things, and for carrying on the business usually carried on by gas companies, and for manufacturing, purchasing, and hiring, and using, letting, selling, or otherwise dealing in and supplying gas engines, stoves, meters, fittings, pipes, and other appliances for the lighting or heating of houses, buildings, and other places, for the cooking of food, and all other purposes for which gas is or hereafter may be used, and generally for carrying the powers of this Act into execution. General purposes of the Company.

7. From and after the passing of this Act all the estate and interest of the owners in the Houghton Gasworks shall be absolutely vested in the Company for the purposes of this Act, Vesting of the Houghton Gasworks in the Company.

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Capital and number and amount of shares.

8. The capital of the Company shall be twenty thousand pounds, divided into two thousand shares of ten pounds each.

Shares not to be issued until one-fifth part thereof shall have been paid up.

9. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation 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.

10. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths 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 persons not sui juris.

11. If any money is payable to a shareholder being a minor or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

12. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds, but no part of such sum shall be borrowed until the whole capital of twenty thousand pounds is issued and accepted, and one half thereof is 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 capital has been issued and accepted, and that one half thereof has been paid, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Short title of Act to be marked on mortgage.

13. Every mortgage granted by the Company shall bear on its face the short title of this Act.

Arrears of interest and principal may be enforced by

14. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise

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the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole. A.D. 1879.
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 appointment of a receiver

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

16. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Priority of mortgages over other debts.

17. 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 created and issued by the Company shall rank *pari passu* with the interest of all mortgages granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Power to create debenture stock.

18. The rate of interest payable upon debenture stock to be created and upon moneys to be borrowed by the Company on mortgage under the powers of this Act shall not exceed five pounds per centum per annum. Rate of interest on debenture stock and borrowed moneys.

19. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only. Application of moneys.

20. The first ordinary meeting of the Company shall be held within two months after the passing of this Act, and the future ordinary meetings of the Company shall be held in the month of February in every subsequent year, or in such other month in every subsequent year as the Company by the resolution of an extraordinary general meeting shall from time to time determine. General meetings.

21. The number of the directors shall be four, but the Company may from time to time reduce that number to three. Number of directors.

22. The qualification of a director shall be the possession in his own right of not less than ten shares. Qualification of directors.

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Quorum of
directors.

23. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum shall be two.

First direc-
tors.

24. Thomas William Usherwood Robinson, Robert Philipson Edger, George Hurst Dobson, and George Howe shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if 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.

Auditors not
required to
hold shares.

25. The auditors need not hold shares in the Company.

Powers as to
maintenance
of gasworks,
&c.

26. From and after the passing and subject to the provisions of this Act, the Company may maintain, alter, improve, extend, and renew or discontinue the gasworks and other works upon the land described in the Schedule to this Act annexed, and they may erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue all necessary gasholders, retort-houses, retorts, machinery, apparatus, works, and conveniences, and may do all such acts as they may think proper for making and storing gas, and for manufacturing and converting residual products and for supplying gas within the limits of this Act, and may make, store, and supply and sell gas accordingly, and may manufacture, convert, sell, provide, supply, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal liquor, and the products or residuum of any materials employed in or resulting from the manufacture of gas, and all such meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

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27. Any mains, pipes, culverts, or other works which the Company may lay down or execute under or over or which may affect any railway or works of the North-eastern Railway Company, shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that company, and in accordance with plans and sections previously submitted to and approved of by him.

Pipes, &c. crossing North-eastern Company's railways to be laid down under superintendence of their engineer.

28. The Company may by agreement, but not otherwise, for the purposes of their undertaking, purchase, take, and hold, in addition to the land described in the Schedule to this Act, any lands and hereditaments, not exceeding in the whole five acres, which the Company may from time to time require for the purposes of their works and undertaking, and they may acquire and hold any grant of any easement, right, or privilege in, over, or belonging to any lands for the purpose of laying down and maintaining any mains and pipes, and the Company may sell, lease, or dispose of any lands or hereditaments which may belong to them, and which they may not require for the purposes of this Act, but the Company shall not construct works for the manufacture of gas, or for the manufacture or conversion of residual products, nor manufacture or convert gas or residual products, except upon the land described in the Schedule to this Act annexed.

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

29. Subject to the provisions of this Act, the Company may (but only for the purposes of the Company within the limits of this Act, and not so as to acquire any exclusive right therein) purchase, acquire, hold, and use patent rights and licenses or authorities under letters patent for the use of inventions for or relative to the manufacture or distribution of gas, or the manufacture, conversion, or utilisation of residual products and materials arising in or resulting from the manufacture of gas.

Power to take licenses, &c. relating to gas.

30. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Power to lay pipes against buildings.

31. The Company may from time to time enter into and carry into effect contracts with any railway company or other company

Power to contract with public bodies.

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A.D. 1879. or any sanitary or other local or road authority within the limits of this Act with respect to the supply of lamps, lamp-posts, fittings, or meters of the Company, and the lighting, extinguishing, repairing, and keeping clean the public lamps from time to time required by such railway company or other company, sanitary or local authority, to be lighted, on such terms and conditions as they think fit, and otherwise as shall from time to time be agreed upon between such railway company or other company, sanitary or local authority, and the Company.

Limiting the price of gas. **32.** The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings per thousand cubic feet within the township of Houghton-le-Spring, or five shillings per thousand cubic feet within the townships of Newbottle and East Rainton, or either of them.

Pressure of gas. **33.** All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, *mutatis mutandis*, apply to such testing of pressure, and reasonable previous notice shall be given to the Company of the time and place at which such testing shall be conducted to enable the Company to be duly represented.

Quality of gas. **34.** The prescribed number of candles shall be fourteen.

Testing place. **35.** Within twelve months from the passing of this Act a testing place shall be provided at the works of the Company.

Burner. **36.** The prescribed burner shall be Sugg's London Argand Burner No. 1, with a six by one-and-three-quarter inch glass chimney, but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used, or such other burner and chimney as may from time to time be approved by the Board of Trade for this purpose.

37. Any person having or requesting to have a supply of gas from the Company shall, if and when so required by the Company, and before he is entitled to have any service pipes and meter provided and fixed, or to have a supply or further supply of gas, give the Company such security for the payment of one year's rent or charge for the supply of gas to be supplied to him as he and the Company may agree upon, or as, in default of agreement, shall be determined in the manner provided by the Gasworks Clauses Act, 1871, for determining the amount of security to be given for the use of meters supplied by the Company, and the Company shall be liable to a penalty not exceeding five pounds if they discontinue the supply of gas to any person then having a supply, unless such person has failed to give them such security for seven days after the same has been demanded by the Company.

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Security for
gas rents.

38. If any person is required by the Company to give to them security for the payment of any rent or charges for any gas, or for the use of any meter, the Company shall, in the event of such security being a sum of money deposited with the Company, pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security during such time as the said money shall be so deposited, and such interest shall be payable half yearly, subject, however, to the right of the Company to set off the same against any money due to the Company from such person.

Company to
pay interest
on money
deposited as
security.

39. The Company may from time to time enter into any contract with any person for the sale or hire of engines, stoves, meters, fittings, pipes, and other appliances for the lighting or heating of any houses, buildings, or other places, or for the cooking of food, or for any other purpose for which gas is or may hereafter be used, for such remuneration in money or at such rent and on such terms with respect to the repair of such engines, stoves, meters, fittings, pipes, or other appliances, and generally as may be agreed upon by the Company and such person.

Power to sell
or let meters,
engines,
stoves,
fittings, &c.

40. Any summons, warrant, demand, or notice or other such document to be issued or given for any of the purposes of this Act may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Company the signature thereof by the secretary to the Company shall be a sufficient authentication.

Authentica-
tion of
notices.

41. A notice to the Company from a consumer for discontinuance of a supply of gas shall not be of any effect unless it be in writing, and be left at the principal office for the time being of the Company.

Notice to
Company to
discontinue
supply.

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Liability to
gas rent not
to disqualify
justice, &c.

Application
of penalties.

Expenses of
Act.

42. A justice or judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, meter rent, rate, or charge under this Act.

43. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except where the Company is the party by whom the penalty has to be paid) be paid to the Company.

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

SCHEDULE.

GAS LANDS.

A piece or parcel of land in the occupation of the Houghton Gas Company, containing by admeasurement about 6,685 square yards, lying on the west side of the public highway leading from Houghton-le-Spring to Newbottle, and bounded on the north side thereof by land belonging or reputed to belong to the Right Honourable the Earl of Durham, on the south side thereof by land belonging or reputed to belong to Thomas William Usherwood Robinson, on the east side thereof partly by land belonging or reputed to belong to the said Earl of Durham, and partly by a road leading from the Houghton Gas Works to Newbottle Lane, and on the west side thereof partly by land belonging or reputed to belong to the said Earl of Durham, and partly by land belonging or reputed to belong to the trustees of Bagshaw's Charity.