



CHAPTER lvii.

An Act for incorporating and conferring powers on the Barnard Castle Gas Company. A.D. 1904.
[24th June 1904.]

WHEREAS by a deed of settlement dated the fifth day of December one thousand eight hundred and thirty-four (hereinafter referred to as "the deed of settlement") certain persons formed themselves into a company by the name of the Barnard Castle Gaslight Company for supplying the townships of Barnard Castle and Marwood in the county of Durham and Startforth in the county of York with coal gas for the purpose of lighting houses buildings and streets in the said townships :

And whereas on the fourth day of December one thousand eight hundred and sixty-eight the said Company was duly incorporated under the Companies Act 1862 by the name of the Barnard Castle Gaslight Company Limited as a company limited by shares which company is herein-after referred to as "the limited company" :

And whereas the limited company have from time to time purchased the lands described in the schedule to this Act and erected gasworks thereon and have from time to time improved and extended the same and are now supplying gas within the parish (formerly the township) and urban district of Barnard Castle in the county of Durham and in the parish of Startforth in the North Riding of the county of York :

And whereas the capital of the limited company consists of eleven thousand two hundred and thirty-two pounds in ordinary stock and they have borrowed on debentures further sums amounting to two thousand pounds :

And whereas the demand for gas in the district supplied by the limited company has increased and is increasing and it is expedient

A.D. 1904. that the limited company should be dissolved and the members thereof re-incorporated with the powers herein-after contained:

And whereas the objects of this Act 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 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 (that is to say):—

Short title.

1. This Act may be cited as the Barnard Castle Gas Act 1904.

Incorporation of general Acts.

2. The following Acts and parts of Acts are hereby incorporated with this Act namely:—

The Companies Clauses Consolidation Act 1845 (except the provisions with respect to the conversion of borrowed money into capital);

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 (except the provisions 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 undertaking); and

The Gasworks Clauses Acts 1847 and 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building."

Interpretation.

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

The expression "the Company" shall mean the Company incorporated by this Act; and

The expressions "the works" "the gasworks" and "the undertaking" shall respectively mean the gasworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvements or extensions thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges and effects and the undertaking of the Company and every part thereof respectively.

4. The limits of this Act shall be the parish and urban district of Barnard Castle and the parishes or townships of Marwood Streatlam and Stainton and Westwick in the county of Durham and the parishes or townships of Startforth Egglestone-Abbey Rokeby Lartington and Cotherstone in the North Riding of the county of York. A.D. 1904.
Limits of Act.

5. From and after passing of this Act the limited company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purposes herein-after mentioned and shall be incorporated by the name of "The Barnard Castle 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. Dissolution and re-incorporation of limited company.

6. The Company shall be established for the purpose of manufacturing and supplying gas for lighting heating motive power and other purposes within the limits of this Act and may provide produce sell dispose of and deal in gas coke tar and all other residual products resulting from the manufacture of gas and generally may carry on the business usually carried on by a gas company and execute the purposes of this Act. General purposes of Company.

7. Subject to the provisions of this Act all the lands gasworks erections buildings property rights and easements which immediately before the passing of this Act were vested in the limited company or any person in trust for them or to which the limited company were in any wise entitled and all mains and pipes plant plugs lamps irons retorts gauges meters lamp-posts syphons machinery stoves engines apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of this Act and which immediately before the passing of this Act were the property of the limited company and all moneys securities credits choses in action books papers plans effects and other property whatsoever which immediately before the passing of this Act belonged to the limited company or to any trustees on their behalf and the benefit of all contracts and engagements entered into by or on behalf of that company and immediately before the passing of this Act in force Present property of limited company vested in Company.

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shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the limited company or any trustees on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Deed of settlement to be void without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act and as from the date of the passing hereof the deed of settlement (and all special resolutions of the Company) shall as to any future or prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all provisions restrictions and requirements of any Act which applied to the limited company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the deed of settlement incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the limited company or the members thereof as such shall be as valid as if the Company had not been incorporated and the deed of settlement had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated by this Act and the deed of settlement were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and their shareholders and property shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

10. Except as by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds securities

contracts bonds debentures and agreements entered into made or issued before the passing of this Act by to or with the limited company or any trustees or persons acting on behalf of that company or by to or with any person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and as effectually as if the Company had been a party thereto instead of the limited company or the trustees or persons acting on behalf of the limited company.

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11. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding in any court of justice which was pending by or against the limited company or any member thereof in relation to the affairs of the limited company or to which the limited company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but every such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the limited company and their members respectively.

Actions &c.
not to abate.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the limited company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Trustees of
limited com-
pany to be
indemnified.

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

Company to
satisfy lia-
bilities of
limited com-
pany.

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Recovery of
gas rents and
money due.

14. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the limited company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to pay-
ment of
debts owing
before pass-
ing of Act.

15. All persons who immediately before the passing of this Act owed any money to the limited company shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the limited company or for the payment of which the limited company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates
and transfers
to remain in
force.

16. Notwithstanding the avoidance of the deed of settlement all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under the deed of settlement for and with respect to any shares in the limited company shall remain in full force and continue and be available in all respects as if the deed of settlement had not been avoided.

Books and
writings con-
tinued evi-
dence.

17. All documents books and writings which if the said dissolution and avoidance had not been made would have been receivable in evidence shall be admitted as evidence in all legal proceedings notwithstanding such dissolution and avoidance.

Officers to
continue
until re-
moved.

18. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act and the Company may appoint suspend and remove such officers and servants as they think necessary at such salaries and allowances and upon such terms and conditions as the Company think fit.

Present
register of
members to
be continued.

19. The books kept by the limited company for entering the names and designations of the members thereof with the number of their shares and the proper distinguishing numbers of such shares shall and may continue to be kept for the same purpose by the Company and shall until some other register of shareholders shall

be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

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20. The capital of the Company shall be twenty-five thousand pounds consisting of eleven thousand two hundred and thirty-two pounds ordinary stock in this Act called "the original capital" and thirteen thousand seven hundred and sixty-eight pounds (which shall be raised in manner herein-after mentioned) in this Act called "the additional capital."

Capital.

21. The original capital shall be issued to divided among and vested in the several persons and their executors administrators successors and assigns who immediately before the passing of this Act were the registered members of the limited company in proportion to their respective holdings in the capital of the limited company and shall be deemed to be fully paid-up capital and every portion of capital stock so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and encumbrances as immediately before the passing of this Act affected the share or shares or stock for which the same is substituted and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same.

Original shares to vest in members of limited company.

22. The Company shall call in and cancel the existing certificates of shares and stock in the limited company and issue in lieu thereof certificates under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Company shall call in and cancel existing shares and stock certificates and issue new certificates in lieu thereof.

23. All capital stock in the original capital shall be transferable in sums of one pound or multiples of one pound and sections 18 19 and 20 of the Companies Clauses Consolidation Act 1845 shall be deemed and construed to include and apply to such capital stock and the interest thereon as if such stock and interest had been expressly mentioned therein.

Transfer of capital stock.

24. The Company may from time to time raise the additional capital by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more

As to additional capital.

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New capital to form part of capital of Company.

Power to borrow.

25. The additional capital in new shares or stock so created shall form part of the capital of the Company.

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

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

27. Notwithstanding anything in this Act contained the Company shall when any shares or stock in the additional capital created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock

shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

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

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the council of each urban and rural district wholly or partly included in the limits of supply 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 limits of this Act.

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

30. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon them for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 and any shares or stock so offered and not accepted within the time prescribed by the said Act may be disposed of by the directors in such manner as they shall think fit at a price not less than the reserved price put upon the same for the purpose of sale by auction or tender and any such shares or stock not so disposed of shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act except that the reserved price put upon such shares or stock may upon such second sale if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold may be offered to the holders of ordinary shares or ordinary stock or disposed of by the directors at not less than the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Disposal of shares or stock not sold by auction or tender.

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For appointment of receiver.

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

Power to create debenture stock.

32. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act 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 which such 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.

Notice to be given of issue of debenture stock by public advertisement.

33. Before issuing any debenture stock the Company shall offer the same for sale by tender by advertisement published once in each of two consecutive weeks in one or more local newspapers circulating within the urban district of Barnard Castle and shall also give notice in writing of such intended issue to the clerk to the Barnard Castle Urban District Council.

Priority of mortgages and debenture stock over other debts.

34. All money to be raised by the Company on mortgage or by debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts nor any claim for land taken used or occupied by the Company for the purposes of their undertaking.

Receipt in case of persons not *sui juris*.

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

Existing mortgages to have priority.

36. The debentures issued by the limited company and subsisting at the passing of this Act shall during the continuance

of such debentures have priority over any mortgages granted by virtue of this Act. A.D. 1904.

37. The Company shall as soon as practicable after the passing of this Act pay off the existing debentures of the limited company and they may borrow the amount so paid off on mortgage of the undertaking and so from time to time without the authority of a general meeting of the Company. Company to pay off existing debentures granted by limited company.

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

39. The Company shall not in any year pay out of their profits any larger dividend on the original capital than seven pounds in respect of every one hundred pounds (nominal value) of such capital nor any larger dividend on the shares or stock in the additional capital than five pounds in respect of every one hundred pounds (nominal value) of such capital as shall be issued as ordinary or as preference capital. Profits of Company limited.

40. In case in any year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class. Dividends on different classes of ordinary stock or shares to be paid proportionately.

41. The directors may in any year without calling a meeting of the shareholders for the purpose declare an interim half-yearly dividend on any class or classes of shares in the capital of the Company out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half year one half of the amount of the maximum dividend for the year. Interim dividends.

42. The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days notice shall be given by advertisement in a newspaper circulating in the Company's district and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend. Closing of transfer books previous to declaring interim dividend.

43. The first ordinary meeting of the Company shall be held within four months after the passing of this Act and the subsequent First ordinary meeting.

A.D. 1904. ordinary meetings shall be held in the month of March in each year or in such other month as shall from time to time be appointed for that purpose by an order of a general meeting of the Company.

Number of directors.

44. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than five or less than three.

Qualification of directors.

45. The qualification of a director shall be the possession in his own right of not less than two hundred pounds (nominal value) in the capital of the Company.

Quorum.

46. The quorum of a meeting of directors shall be three.

First and subsequent directors.

47. Robert Taylor Richardson Jonathan Hildreth Dawson William James Watson John Brownless and John Alfred York shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the 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 hereinbefore 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.

Quorum of meetings.

48. The quorum to constitute a general meeting whether ordinary or extraordinary of the shareholders of the Company shall be seven shareholders holding in the aggregate not less than fifteen hundred pounds nominal value in the capital of the Company.

Contracts not to disqualify for office of director.

49. Any contract to be made under this Act with any corporation or public body shall not disqualify any of the members of such corporation or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member

of any such corporation or public body shall vote upon any question with reference to any contract with such corporation or public body.

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50. The auditors need not be shareholders of the Company.

Auditors.

51. Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act continue maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Powers as to construction and maintenance of gas-works &c.

52. The urban district council of Barnard Castle shall not be answerable for damage caused directly or indirectly to the mains or service pipes of the Company by reason of the breakage of such mains or service pipes by steam-rolling the highways in their district by the council or be answerable for damage not wilfully done in any other manner to the mains or service pipes unless such mains or service pipes so damaged are laid two feet or more in depth from the surface of the street to the upper surface of the main or pipe.

For protection of Barnard Castle Urban District Council.

53. The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for the furnishing of 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 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.

54. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole three acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the

Power to purchase lands by agreement.

A.D. 1904. purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Maximum price of gas.

55. 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 three shillings and sixpence per one thousand cubic feet in the parishes of Barnard Castle and Startforth and four shillings and sixpence per one thousand cubic feet in other parishes or places within the limits of this Act.

Pressure of gas.

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

Quality of gas.

57. The prescribed number of candles shall be fourteen.

Testing place.

58. Within six months from the passing of this Act a testing place shall be provided at the Company's gasworks.

Burner.

59. The prescribed burner shall be Sugg's London Argand Burner No. 1 with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or such other burner as shall for the time being be approved by the Board of Trade.

As to construction and placing of pipes &c. between mains and meters.

60. In order to enable the Company to insure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Company's mains

and the meter and (so far as the same are intended to be covered over) on the consumer's premises: A.D. 1904.

- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper published in the county of Durham and circulating within the Company's limits of supply and a copy thereof shall be kept exhibited in the office of the Company:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company. Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

61.—(1) The Company may charge for any gas supplied through a prepayment meter a not greater charge rate or rent than Charge for gas supplied

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by means of
prepayment
meters.

for gas supplied to private consumers within the limits of this Act through any other kind of meter or by any other method of supply.

(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 including cooker :

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

(3) The maximum charge for the hire of a prepayment meter without fittings and cooker shall be at the rate of sixpence per one thousand cubic feet of gas supplied through such 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.

Power to
supply gas
fittings and
fittings not
to be subject
to distress.

62.—(1) The Company may provide purchase sell let for hire or otherwise deal in fix repair and remove but shall not manufacture engines stoves ranges meters pipes and other fittings for or in connexion with lighting or motive power or the warming or ventilating of houses and buildings or the cooking of food or other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in fixing repairing and removing the same and may in respect thereof demand and take such rents charges and remuneration and make such terms and conditions as may be agreed upon between the Company and the persons to or for whom such articles or things are sold let fixed repaired or removed.

(2) No such articles or things let for hire under the provisions of this section shall 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. Provided that such articles and things 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.

63. Twenty-four hours notice in writing shall be given to the Company by every consumer of gas supplied by the Company 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 stated in every demand note for gas rent payable to the Company.

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Gas consumers to give notice to Company before removing.

64. If a person requiring a supply of gas from the Company for any premises occupies or has occupied other premises at which gas was supplied to him by the Company and has not paid all gas or meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

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

65. 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 discontinue supply of gas.

66. 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 half or quarter of the year according as the gas rents are for the time being payable half-yearly or quarterly unless it be proved to have first arisen during the then current quarter and 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.

Period of error in defective meter.

67. 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 or other apparatus for controlling and regulating the supply of gas to such engine and shall at all times at his own expense keep such anti-fluctuator or apparatus in proper order and in default of his so doing or keeping such anti-fluctuator or apparatus 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 or apparatus at all reasonable times such taking off

Anti-fluctuators for gas engines.

A.D. 1904. removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator or apparatus be found in proper order but otherwise at the expense of such consumer.

Discounts.

68. The Company may if they think fit allow discounts or rebates (not exceeding ten per centum) to consumers of gas in consideration of the payment of gas rents upon such days as the directors may fix for the payment of gas rents by any such consumers and in addition thereto discounts or rebates not exceeding fifteen per centum in respect of large consumption upon such scale and subject to such conditions and regulations as the Company may prescribe Provided that such discounts shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

Company may contract for supply in bulk.

69. The Company may contract with any local authority company or persons beyond the Company's limits for the supply of gas (but only with the consent in writing of the local authority or 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 Provided that the Company shall not supply gas under any such contract as aforesaid beyond the Company's limits of supply if and so long as such supply will interfere with the supply of gas within those limits.

Power to apply for a Provisional Order to supply electrical energy.

70. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 make application for a Provisional Order to supply electrical energy for public and private purposes and may apply their funds for the purpose of such application.

Recovery of demands not exceeding one hundred pounds.

71. Proceedings commenced before the first day of January one thousand nine hundred and five for the recovery of any sum not exceeding fifty pounds and proceedings taken on and after that date for the recovery of any demand not exceeding one hundred pounds may be taken in the county court.

Copy of Act to be registered.

72. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any

director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily. A.D. 1904.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

73. 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. Costs of Act.

A.D. 1904.

The SCHEDULE referred to in the foregoing Act.

All those several pieces or parcels of land situate in the parish and urban district of Barnard Castle in the county of Durham now belonging to the limited company and occupied in whole or in part by their existing gasworks or forming the road approach thereto containing together an area of one acre one rood and seventeen perches or thereabouts and bounded on or towards the south-west by the left bank of the River Tees and the footpath running along the same on or towards the north-west by land used as allotments belonging to the Right Honourable Lord Barnard and in the occupation of Henry Waine on or towards the north-east by other lands belonging to the said Lord Barnard and in the occupation of Joseph Winter Nixon and in other parts by other land belonging to the said Lord Barnard and occupied by Oliver Sissons being the pieces or parcels of land conveyed by his Grace the Duke of Cleveland and others to the trustees of the Barnard Castle Gaslight Company (predecessors of the limited company) by certain indentures dated respectively the fourth day of November one thousand eight hundred and thirty-four and the third day of May one thousand eight hundred and thirty-eight and by the said Duke of Cleveland and others to the limited company by an indenture dated the eighth day of April one thousand eight hundred and eighty-eight and by the Right Honourable Lord Barnard and others to the limited company by an indenture dated the ninth day of April one thousand nine hundred and two respectively.

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