



## CHAPTER xciii.

An Act for incorporating and conferring powers on the  
Seaham Gas and Lighting Company. [11th July 1905.] A.D. 1905.

**W**HEREAS the Seaham Gas and Lighting Company Limited (hereinafter called "the limited company") were incorporated on the twenty-ninth day of October one thousand eight hundred and ninety-seven under the Companies Acts 1862 to 1893 as a company limited by shares to acquire and take over as a going concern the business undertaking property assets and liabilities of the Seaham Harbour Gas Company Limited for the purpose of supplying gas to the town of Seaham Harbour and Seaham Colliery both in the county of Durham and to the neighbourhood of the said town and colliery and to continue carry on and extend the business and undertaking of that company:

And whereas the limited company acquired and took over the business undertaking property assets and liabilities of the said company and supplied and are now supplying gas to the said town and colliery and to the neighbourhood thereof:

And whereas the capital of the limited company is thirty thousand pounds divided into twelve hundred shares of twenty-five pounds each and consisting of—

Six hundred ordinary shares fully paid;

Three hundred ordinary shares on each of which the sum of twelve pounds ten shillings has been paid;

Three hundred preference shares fully paid bearing cumulative preferential dividends at the rate of four pounds per centum per annum;

and the limited company have borrowed on mortgage of their undertaking the sum of six thousand five hundred pounds on



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and the limited company have borrowed on mortgage of their undertaking the sum of six thousand five hundred pounds on

A.D. 1905. which interest at the rate of four pounds five shillings per centum per annum is paid:

And whereas by an indenture of lease dated the second day of September one thousand eight hundred and seventy-four and made between the late Most Noble George Henry Robert Charles William Vane Marquess of Londonderry of the one part and the said Seaham Harbour Gas Company Limited of the other part the parcel of ground first described in the first part of the schedule to this Act together with the gas manufactory erections and buildings thereon and the rights powers and authorities by the same indenture granted to the lessees were demised unto the said company their successors and assigns for the term of ninety-nine years computed from the twenty-first day of November one thousand eight hundred and seventy-three at the yearly rent therein mentioned and under and subject to the covenants and conditions therein contained and on the part of the lessees to be observed and performed And by another indenture of lease dated the twenty-third day of April one thousand eight hundred and seventy-seven and made between the said Marquess of Londonderry of the one part and the said Seaham Harbour Gas Company Limited of the other part the piece of ground secondly described in the first part of the said schedule together with the dwelling-houses and erections thereon were also demised unto the said company their successors and assigns for the term of ninety-nine years computed from the twenty-sixth day of April one thousand eight hundred and seventy-five at the yearly rent therein mentioned and under and subject to the covenants and conditions therein contained and on the part of the lessees to be observed and performed and the said premises are now vested in the limited company for all the residues of the said terms:

And whereas the demand for gas in the district supplied by the limited company has increased and is increasing and it is expedient that the limited company be dissolved and the members thereof re-incorporated with the powers hereinafter conferred and that the Company so re-incorporated be authorised to purchase further lands and to extend and improve the gas-works and that additional capital be provided for such extension and improvement:

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

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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):—

A.D. 1905.

**1.** This Act may be cited as the Seaham Gas Act 1905. Short title.

**2.** The following Acts and parts of Acts are subject to the provisions of this Act incorporated with this Act (namely):— Incorporation of general Acts.

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" and the Gasworks Clauses Act 1871 shall apply to the existing undertaking of the limited company as if it had been authorised by this Act.

**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: Interpretation.

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 dwelling-houses buildings estate right title property privileges and effects and the undertaking of the Company and every part thereof respectively.

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A.D. 1905.

Limits of  
Act.

4. The limits of this Act shall be the townships or civil parishes of Dawdon Seaham Seaton-and-Slingley Dalton-le-Dale and Cold Heseldon (otherwise Heselden) all in the county of Durham.

Dissolution  
and re-incor-  
poration of  
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pany.

5. From and after the passing of this Act the limited company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purposes hereinafter mentioned and shall be incorporated by the name of "The Seaham Gas and Lighting Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General pur-  
poses of  
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.

Present pro-  
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limited com-  
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7. Subject to the provisions of this Act all the lands gasworks erections dwelling-houses 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 lamp-posts irons retorts gauges meters syphons machinery stoves engines apparatus stock effects matters and things which have been by them purchased or provided laid down erected or placed in any street 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



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

A.D. 1905.

8. Subject to the provisions of this Act and as from the date of the passing hereof the memorandum and articles of association and all special resolutions of the limited 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 memorandum and articles of association of the limited company 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.

Memorandum and articles of association of limited company to be void without prejudice to remedies for antecedent breaches thereof.

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 memorandum and articles of association of the limited company 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 memorandum and articles of association of the limited company 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

Nothing to affect previous rights and liabilities.

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A.D. 1905. — 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  
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**10.** Except as by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds securities contracts mortgages 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.

Actions &c.  
not to abate.

**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.

Trustees of  
limited com-  
pany to be  
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**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

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reason of his having entered into such bond covenant contract or engagement. A.D. 1905.

**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 liabilities of limited company.

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

**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. As to payment of debts owing before passing of Act.

**16.** Notwithstanding the avoidance of the memorandum and articles of association of the limited company all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under the said memorandum and articles of association 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 said memorandum and articles of association had not been avoided. Certificates and transfers to remain in force.

**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. Books and writings continued evidence.

**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 Officers to continue until removed.

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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.

Capital.

**20.** The capital of the Company shall be fifty thousand pounds whereof thirty thousand pounds is in this Act called "original capital" and twenty thousand pounds is called "additional capital" The original capital shall consist of—

- (1) Fifteen thousand pounds ordinary stock fully paid entitled to dividend at the rate of eight pounds per centum per annum and called "A" stock:
- (2) Seven thousand five hundred pounds divided into three hundred ordinary shares of twenty-five pounds each on each of which the sum of twelve pounds ten shillings shall be deemed to have been paid up entitled to dividend at the rate of eight pounds per centum per annum on the amount from time to time paid up thereon and called "B" shares and when converted into ordinary stock shall be called "B" stock:
- (3) Seven thousand five hundred pounds preference stock fully paid entitled to a preferential dividend at the rate of four and a half pounds per centum per annum payable only out of the profits of each year.

The additional capital shall consist of ordinary shares or ordinary stock entitled to dividend at the rate of six pounds per centum per annum and shall be issued by the directors subject to and in accordance with the provisions of this Act.



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- (3) Seven thousand five hundred pounds preference stock fully paid entitled to a preferential dividend at the rate of four and a half pounds per centum per annum payable only out of the profits of each year.

The additional capital shall consist of ordinary shares or ordinary stock entitled to dividend at the rate of six pounds per centum per annum and shall be issued by the directors subject to and in accordance with the provisions of this Act.

A.D. 1905.

**21.**—(1) The “A” stock shall be divided among and vested in the several persons who immediately before the passing of this Act were the registered holders of the six hundred fully paid ordinary shares in the limited company in the proportion of twenty-five pounds of such stock for one such ordinary share of twenty-five pounds and in substitution for such shares.

Vesting of original capital in shareholders of limited company.

(2) The “B” shares shall be divided among and vested in the several persons who immediately before the passing of this Act were the registered holders of the three hundred ordinary shares of twenty-five pounds each in the limited company whereon the sum of twelve pounds ten shillings has been respectively paid up share for share in substitution for the last-mentioned shares in the limited company and every share so vested shall be subject to the same liability for calls as the share for which the same is substituted.

(3) The “A” stock “B” shares and preference stock aforesaid shall be entitled respectively to the dividends accrued or accruing at the time of the passing of this Act upon the shares for which the same are respectively substituted.

(4) Every portion of capital stock and every share so vested as aforesaid 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 for which the same is substituted and every deed or other instrument and every will or other testamentary disposition purporting to deal with any shares in the capital of the limited company shall take effect with reference to the whole or a proportionate part as the case may be of the stock or shares by this Act substituted therefor.

**22.** The Company shall call in and cancel the existing certificates of shares in the capital of the limited company and issue free of charge to every shareholder of the limited company in lieu thereof under the conditions prescribed by the Companies Clauses Consolidation Act 1845 certificates stating the amount or numbers and class of substituted stock or shares respectively held by him but no holder of such existing certificates shall be entitled to any certificates of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the certificates of the shares

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

A.D. 1905.

**21.**—(1) The “A” stock shall be divided among and vested in the several persons who immediately before the passing of this Act were the registered holders of the six hundred fully paid ordinary shares in the limited company in the proportion of twenty-five pounds of such stock for one such ordinary share of twenty-five pounds and in substitution for such shares.

Vesting of original capital in shareholders of limited company.

(2) The “B” shares shall be divided among and vested in the several persons who immediately before the passing of this Act were the registered holders of the three hundred ordinary shares of twenty-five pounds each in the limited company whereon the sum of twelve pounds ten shillings has been respectively paid up share for share in substitution for the last-mentioned shares in the limited company and every share so vested shall be subject to the same liability for calls as the share for which the same is substituted.

(3) The “A” stock “B” shares and preference stock aforesaid shall be entitled respectively to the dividends accrued or accruing at the time of the passing of this Act upon the shares for which the same are respectively substituted.

(4) Every portion of capital stock and every share so vested as aforesaid 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 for which the same is substituted and every deed or other instrument and every will or other testamentary disposition purporting to deal with any shares in the capital of the limited company shall take effect with reference to the whole or a proportionate part as the case may be of the stock or shares by this Act substituted therefor.

**22.** The Company shall call in and cancel the existing certificates of shares in the capital of the limited company and issue free of charge to every shareholder of the limited company in lieu thereof under the conditions prescribed by the Companies Clauses Consolidation Act 1845 certificates stating the amount or numbers and class of substituted stock or shares respectively held by him but no holder of such existing certificates shall be entitled to any certificates of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the certificates of the shares

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

A.D. 1905. — for which such stock or shares is or are substituted or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Transfer of capital stock.

**23.** All capital stock in the original capital shall be transferable in sums of one pound or multiples of one pound and sections eighteen nineteen and twenty 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.

As to additional capital.

**24.** The Company may from time to time raise the additional capital by the creation and issue of new ordinary shares or stock but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twenty thousand pounds.

Power to borrow in respect of original capital.

**25.** The Company may from time to time in respect of the original capital borrow on mortgage of the undertaking (inclusive of the sum borrowed on mortgage by the limited company) any sum or sums not exceeding in the whole ten thousand pounds.

Power to borrow.

**26.** The Company in addition to the moneys which they are hereinbefore authorised to borrow may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised 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 in the additional capital 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)

A.D. 1905. — for which such stock or shares is or are substituted or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

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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.

A.D. 1905.

**27.** Notwithstanding anything in this Act contained the Company shall when any shares or stock in the additional capital are or is 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 notice of the amount of the reserved price put upon such shares or 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 last day for the reception of tenders and not sooner and that no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

**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 every 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 &c. of shares or stock.

**30.** When any shares or stock in the additional capital have been offered for sale by auction or tender and not sold the same may be disposed of by the directors at a price not

Disposal of shares or stock not sold by



have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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Disposal of shares or stock not sold by



A.D. 1905.  
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less than the reserved price put upon the same for the purpose of sale by auction or tender or may be offered at such reserved price to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock not so disposed of or so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to 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 reserved price put upon the shares or stock at the previous sale and any shares or stock not then sold may be disposed of by the directors or offered to the holders of ordinary shares or ordinary stock 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.

For appoint-  
 ment of re-  
 ceiver.

**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.

Priority of  
 mortgages  
 and debenture  
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**33.** 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

A.D. 1905.  
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A.D. 1905.  
over other  
debts.

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

Receipt in  
case of per-  
sons not sui  
juris.

**35.** The existing mortgage granted by the limited company and subsisting at the passing of this Act shall during the continuance thereof have priority over any mortgages granted by virtue of this Act.

Existing  
mortgage to  
have priority.

**36.** The Company shall as soon as practicable after the passing of this Act pay off the existing mortgage granted by 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 exist-  
ing mortgage  
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pany.

**37.** 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.

**38.** The Company shall not in any year pay out of their profits any larger dividends on the original capital than eight pounds in respect of every one hundred pounds paid up of such capital as shall have been issued as ordinary capital or four and a half pounds in respect of every one hundred pounds paid up of such capital as shall have been issued as preference capital nor any larger dividend on the shares or stock in the additional capital than six pounds in respect of every one hundred pounds actually paid up of such capital.

Profits of  
Company  
limited.

**39.** 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  
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A.D. 1905.  
Interim dividends.

**40.** 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.

Closing of transfer books previous to declaring interim dividend.

**41.** 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 within the limits of this Act 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.

First ordinary meeting.

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

**43.** The number of directors shall be seven but the Company may vary the number provided that the number be not at any time more than nine or less than three.

Qualification of directors.

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

Quorum.

**45.** The quorum of a meeting of directors shall be three.

First and subsequent directors.

**46.** Robert Thorman Robert Brydon William Warham Charles Wright John Marshall Thorman George Hardy and Henry Brougham Wright 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 places of those not continued in office the directors

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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.

**47.** 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 one thousand five hundred pounds nominal value in the capital of the Company.

Quorum of meetings.

**48.** 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.

Contracts not to disqualify for office of director.

**49.** The auditors need not be shareholders of the Company.

Auditors.

**50.** Subject to the provisions of this Act the Company may upon the lands first described in the first part of the schedule to this Act continue maintain alter improve enlarge extend and renew or discontinue the gas and other works of the limited company and may upon those lands and upon the lands described in the second part of the said schedule erect construct and 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 and may make store and supply gas accordingly and may manufacture sell provide supply

Powers as to construction and maintenance of gasworks &c.



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Powers as to construction and maintenance of gasworks &c.

A.D. 1905. — and deal in coke tar and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Power to purchase lands by agreement.

**51.**—(1) The Company may purchase and take by agreement and hold the reversion in fee simple expectant on the determination of the recited indentures of lease dated respectively the second day of September one thousand eight hundred and seventy-four and the twenty-third day of April one thousand eight hundred and seventy-seven of and in the lands and dwelling-houses respectively described in the first part of the schedule to this Act and they may also purchase and take by agreement and hold the fee simple of and in the land described in the second part of the said schedule or they may take a lease of the last-mentioned land.

(2) 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 and any other lands by this Act vested in the Company any lands and hereditaments not exceeding in the whole three acres which the Company may require for the purposes of their works and undertaking.

(3) The Company shall not create or permit a nuisance on any of the lands purchased or held under the provisions of this section and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

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

**52.** 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.

Maximum price of gas.

**53.** 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.

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

**52.** 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.

Maximum price of gas.

**53.** 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.

**54.** 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 passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

A.D. 1905.  
Pressure of  
gas.

**55.** The prescribed number of candles shall be fourteen.

Quality of  
gas.

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

Testing  
place.

**57.** 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 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.

Burner.

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

As to con-  
struction and  
placing of  
pipes &c. be-  
tween mains  
and meters.

(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:

(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:

**54.** 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 passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

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(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:

A.D. 1905.

- (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 connection 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.

Charge for  
gas supplied  
by means of  
prepayment  
meters.

**59.**—(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 the limits of this Act through any other kind of meter or by any other method of supply.

A.D. 1905.

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**59.**—(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 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 connection 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.

**60.**—(1) The Company may 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 lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Company and the persons to or for whom the fittings are sold let fixed up repaired or removed.

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

(2) Any fittings let for hire under the provisions of this section 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 Provided that such fittings 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.

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A.D. 1905.

Gas consumers to give notice to Company before removing.

**61.** 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 upon every demand note for gas rent payable to the Company.

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

**62.** If a 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 to him a supply of gas until he pays the same.

Notice to discontinue supply of gas.

**63.** 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.

Period of error in defective meter.

**64.** 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 half year or quarter as the case may be. 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 the like manner as gas rents are recoverable by the Company.

Anti-fluctuators for gas engines.

**65.** 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

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 Company shall have access to and be at liberty to take off  
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 apparatus 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 or apparatus be found in proper  
 order but otherwise at the expense of such consumer. A.D. 1905.

**66.** The Company may if they think fit allow discounts or rebates to gas consumers in consideration of prompt payment of gas rents (not exceeding in any case ten per centum) and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding in any case fifteen per centum Provided that all discounts or rebates 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. Discounts.

**67.** 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 (if any) 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. Company may contract for supply in bulk.

**68.** 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. Recovery of demands in county court.

**69.** 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 Copy of Act to be registered.

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Costs of Act. **70.** All costs charges and expenses of and incident to the  
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The SCHEDULE referred to in the foregoing Act.

A.D. 1905.

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FIRST PART.

CONTAINING A DESCRIPTION OF THE EXISTING GAS LANDS.

1. All that piece or parcel of ground situate at or near Seaham Harbour in the township of Dawdon in the urban district of Seaham Harbour in the county of Durham forming the site of the existing gasworks and held by the limited company under a lease from the late Most Noble George Henry Robert Charles William Vane Marquess of Londonderry dated the second day of September one thousand eight hundred and seventy-four for a term of ninety-nine years computed from the twenty-first day of November one thousand eight hundred and seventy-three and containing by admeasurement seven thousand five hundred and twenty square yards or thereabouts.

2. All that piece or parcel of ground situate in the said township and urban district in a street there called Fenwick's Row together with the dwelling-houses and erections thereon now occupied by the limited company as a residence for their manager and workmen and held by the limited company under a lease from the said Most Noble George Henry Robert Charles William Vane Marquess of Londonderry dated the twenty-third day of April one thousand eight hundred and seventy-seven for a term of ninety-nine years computed from the twenty-sixth day of April one thousand eight hundred and seventy-five.

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SECOND PART.

CONTAINING A DESCRIPTION OF THE ADDITIONAL GAS LANDS.

All that piece or parcel of vacant ground belonging or reputed to belong to the Most Noble Charles Stewart Vane Tempest Stewart Marquess of Londonderry K.G. situate at or near Seaham Harbour in the said township and urban district containing an area of one acre and seven perches or thereabouts and by admeasurement from north to south on the east side thereof two hundred and seventy-eight feet three inches or thereabouts and on the west side thereof two hundred and fifty feet seven inches or thereabouts and from east to west on the north and south sides thereof one hundred and seventy-one feet three inches or thereabouts bounded on or towards the north by land of the limited company on which the existing

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FOR

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

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