



CHAPTER xxx.

An Act to authorise the Redcar Coatham Marske and Saltburn Gas Company to construct additional works and for other purposes. A.D. 1913.
[15th August 1913.]

WHEREAS by the Redcar and Coatham Gas Act 1876 (hereinafter called "the Act of 1876") the Redcar Gas Company Limited were dissolved and re-incorporated by the name of the Redcar and Coatham Gas Company (hereinafter called "the Redcar Company") and were authorised to supply gas within the parishes or townships of Redcar and Kirkleatham and portions of the parishes or townships of Marske and Upleatham in the north riding of the county of York and the capital of the Redcar Company so incorporated was fixed at forty thousand pounds whereof twenty-four thousand pounds was divided into two thousand four hundred ordinary shares of ten pounds each entitled to dividend not exceeding the rate of ten per centum per annum and issued to the shareholders of the limited company and sixteen thousand pounds was authorised to be raised by the creation and issue of ordinary shares or preference shares entitled to dividend not exceeding the rate of seven per centum and six per centum per annum respectively and the Redcar Company were authorised to borrow a sum of ten thousand pounds on mortgage or bond or by the creation and issue of debenture stock as therein provided :

And whereas by the Marske and Saltburn Gas Act 1878 (hereinafter called "the Act of 1878") the Marske and Saltburn Gas Company (hereinafter called "the Saltburn Company") were incorporated for the purpose of supplying gas within such portion of the township and parish of Marske as was not included in the limits of supply of the Redcar Company and the capital of

A.D. 1913. the Saltburn Company was fixed at forty thousand pounds divided into four thousand shares of ten pounds each entitled to dividends not exceeding the rate of ten per centum per annum and the Saltburn Company were authorised to borrow a sum of ten thousand pounds on mortgage or bond or by the creation and issue of debenture stock as therein provided:

And whereas the Act of 1878 provided for the amalgamation by agreement of the undertaking of the Saltburn Company with the undertaking of the Redcar Company and after the amalgamation for the capital of the Redcar Company being increased so as to comprise the share capital of the Saltburn Company and for the Redcar Company exercising all the rights powers and remedies which each of the said companies might have had and exercised with respect to the shares whether issued or unissued in their respective capitals and with respect to the borrowing of money if the amalgamation had not taken place and further provided that all mortgages made and all debenture stock created and issued by the Redcar Company after the amalgamation should be in the name of the Redcar Company and should be a charge on their undertaking as existing after the amalgamation without any priorities as between such stock and mortgages respectively on account of date of making and creation and issue or otherwise and the Act of 1878 further provided that from and after the amalgamation the name of the Redcar Company should be "The Redcar Coatham Marske and Saltburn Gas Company":

And whereas by agreement made in pursuance of the Act of 1878 before the Saltburn Company had raised any capital the said companies were amalgamated under the name of "The Redcar Coatham Marske and Saltburn Gas Company" (hereinafter called "the Company"):

And whereas the authorised capital of the Company consists of eighty thousand pounds divided as follows (that is to say):—

Twenty-four thousand pounds divided into two thousand four hundred original ordinary shares of ten pounds each entitled to a uniform maximum dividend of ten per centum per annum issued under the Act of 1876;

Ten thousand pounds divided into one thousand like shares issued under the Act of 1878;

Fourteen thousand pounds divided into one thousand four hundred ordinary "A" shares of ten pounds each entitled

to a uniform maximum dividend of ten per centum per annum issued under the Act of 1878; A.D. 1913.

Sixteen thousand pounds divided into four hundred ordinary "B" shares of ten pounds each and one thousand two hundred ordinary "C" shares of ten pounds each entitled to a uniform maximum dividend of seven per centum per annum issued under the Act of 1876; and

Sixteen thousand pounds divided into one thousand six hundred ordinary shares of ten pounds each entitled to a uniform maximum dividend of ten per centum per annum being the balance of the capital authorised by the Act of 1878 but not yet issued;

and the Company have realised by way of premiums on the sale of the "A" shares and the "C" shares the sum of eight thousand and forty-nine pounds two shillings and fourpence which has been expended upon the undertaking but is not entitled to dividend:

And whereas since the date of the amalgamation the Company have under the provisions of the Act of 1876 borrowed by the creation and issue of bonds which are now outstanding the sum of seven thousand and sixty-five pounds entitled to interest at rates varying from three and a half to four per centum per annum:

And whereas the population within the Company's limits of supply as defined by the Act of 1876 and the Act of 1878 and the demand for the supply of gas therein has increased and is increasing and in order to meet such increasing demand it is expedient that the Company be authorised to construct additional gasworks on the land which they acquired under the Act of 1876 adjoining their existing gasworks:

And whereas it is expedient that the Company be authorised to borrow further money for the purposes of their undertaking and that further powers be conferred on the Company as hereinafter provided:

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

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

[Ch. xxx.] *Redcar Coatham Marske and* [3 & 4 GEO. 5.]
Saltburn Gas Act, 1913.

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PRELIMINARY.

Short and
collective
titles.

1. This Act may be cited as the Redcar Coatham Marske and Saltburn Gas Act 1913 and this Act and the Act of 1876 and the Act of 1878 may be cited together as the Redcar Coatham Marske and Saltburn Gas Acts 1876 to 1913.

Incorporation
of Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

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

The giving of notices; and

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

Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:

The Lands Clauses Acts (except the provisions thereof 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):

The provisions of the Gasworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit.

Section 13 of the Gasworks Clauses Act 1847 incorporated with the Act of 1876 and the Act of 1878 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

Interpretation.

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

"The recited Acts" means the Act of 1876 and the Act of 1878.

SUPPLY OF GAS WORKS &C.

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4. Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act erect maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers mains pipes stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as may be proper for making and storing gas and for supplying gas within their limits of supply and may make store and supply gas accordingly and may manufacture provide and supply all residual products resulting from the manufacture of gas.

Powers as to construction and maintenance of gasworks &c.

5. The Company may divert or alter the course or position of the sewers and drains under the lands described in the schedule to this Act Any such diversion or alteration shall be carried out by the Company to the reasonable satisfaction of the surveyor of the Redcar Urban District Council and in accordance with plans sections and specifications to be submitted to and reasonably approved by him before the commencement of the work and if such surveyor shall not within one month after the same shall have been so submitted express his disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof Any difference which may arise between the Company and such surveyor under this section shall be determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall extend and apply to any such arbitration.

Alteration of sewers and drains.

6. The Company may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the urban district of Redcar for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with their business and the provisions incorporated with the Act of 1876 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 so laid shall so far as applicable for the purposes of this section extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay pipes &c. for ancillary purposes.

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Testing
place.

7.—(1) The existing testing place at the gasworks of the Company (hereinafter referred to as “the testing place”) shall be the prescribed testing place for the purposes of the Gasworks Clauses Act 1871 and the testing place for the purposes of this Act.

(2) The Company shall within three months from the passing of this Act provide at the testing place all the apparatus required for testing in accordance with the provisions of this Act the gas supplied by the Company.

(3) Section 57 of the Act of 1876 and section 39 of the Act of 1878 are hereby repealed.

Testing
illuminating
quality and
pressure of
gas.

8. The following provisions shall apply with respect to the testing for illuminating quality and pressure of the gas supplied by the Company:—

(1) The provisions of this section shall commence and have effect from and after the expiration of three months from the passing of this Act:

(2) The prescribed number of candles for the purposes of the Gasworks Clauses Act 1871 shall be not less than twelve:

(3)—(A) The quality of the gas supplied by the Company shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by twelve sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871;

(B) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer or the table photometer the standard light shall be that supplied by Harcourt’s ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Company and the urban district councils of Redcar and Saltburn-by-the-Sea approve

the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing: A.D. 1913.

- (4) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer. Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Company shall afford to the examiner all reasonable facilities for making the test:

- (5) Sections 55 56 and 58 of the Act of 1876 and sections 37 38 and 40 of the Act of 1878 are hereby repealed.

9.—(1) From and after the expiration of three months from the passing of this Act the standard calorific power of the gas supplied by the Company shall be one hundred and twenty-five calories net per cubic foot (the expression "calories" being used in this Act as meaning calories net per cubic foot) but the Company shall not incur any liability in the event of their supplying gas of a calorific power of not less than one hundred and twelve calories. Calorific power of gas supplied.

(2) One testing only for calorific power shall be made at the testing place on any one day but in the event of the calorific power being on any testing ascertained to be below one hundred and twelve calories a second testing shall be made at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific power of the gas on that day and the gas examiner shall forthwith give notice of the results of such testings to the Company.

10. The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Company and to penalties in respect of deficient calorific power of such gas:— Provisions as to testing for calorific power.

- (1) The apparatus for testing the calorific power of the gas supplied by the Company and the mode of making

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the tests shall be the same as shall from time to time be prescribed by the metropolitan gas referees :

- (2) The gas examiner of the local authority of any district within the limits of supply of the Company may test the calorific power of the gas supplied by the Company at the testing place at any hour of the day and at night between the hours prescribed by section 29 of the Gasworks Clauses Act 1871 :
- (3) If on any one day the gas supplied by the Company at the testing place is of less calorific power than one hundred and twelve calories to an extent not exceeding seven calories the gas examiner of any such local authority shall (if the local authority contemplate proceeding for a penalty) make at the testing place a testing of the calorific power of such gas on each of the two following days and the average of the three testings so made shall be deemed to represent the calorific power of the gas on such one day :
- (4) The Company shall not be liable to any penalty for defective calorific power where the calorific power on any day of the gas supplied by them at the testing place is not less than one hundred and twelve calories but where the calorific power on any day of such gas is less than such last mentioned quantity the Company shall be liable to the following penalties in respect of such deficiency (that is to say) :—

Where the deficiency does not exceed three and one half calories two pounds ;

Where the deficiency exceeds three and one half calories but does not amount to seven calories a sum not exceeding five pounds ;

For each complete seven calories of defective power a sum not exceeding ten pounds :

- (5) The provisions of section 31 of the Gasworks Clauses Act 1871 shall apply to any testing made under this section :
- (6) For the purposes of this section sections 30 and 33 of the Gasworks Clauses Act 1871 shall be construed as if calorific power were therein referred to in addition

to illuminating power and purity provided that the Company shall not be liable to any penalty in respect of any testing for illuminating power. A.D. 1913.

11. No penalty shall be incurred by the Company for insufficiency of pressure defect of calorific power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company. Exemption from penalties in certain cases.

12.—(1) The Company may purchase sell let for hire fix repair and remove but shall not after the passing of this Act manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purpose and may provide all materials and 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. Power to supply gas fittings &c.

(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 process of any court or proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

(3) All such fittings let for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

13. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises. Power to enter premises and remove fittings.

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

14. In order to enable the Company to ensure 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 on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as such pipes and fittings are intended to be covered over:
- (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 or once in each of two newspapers circulating within the limits of supply of the Company 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. A.D. 1913.

15. The Company may on the application of the owner or occupier of any premises within their limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Act of 1876 and the Act of 1878. Provided that so far as is reasonably practicable no pipe other than a service pipe laid or relaid under the powers of this section shall be laid or relaid at a less depth than two feet from the surface of the street in which the same is laid to the top of the body of the pipe. Power to lay pipes in streets not dedicated to public use.

16. The following provisions for the protection of the North Eastern Railway Company shall unless otherwise agreed in writing between the North Eastern Railway Company and the Company apply and have effect:— For protection of North Eastern Railway Company.

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

(2) The Company shall pay, and make good to the North Eastern Railway Company all loss damages and expenses which the North Eastern Railway Company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes culverts or other work of the Company or by or in consequence of the bursting of or any other accident not caused by the North Eastern Railway

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Company to any main pipe or other work of the Company :

- (3) Any difference which may arise between the Company and the North Eastern Railway Company under the provisions of this section shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

Power to
require use
of anti-
fluctuators
for gas
engines.

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

Period of
error in
defective
meters.

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

Supply of
gas where
consumer
has separate
supply.

19. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Company a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Company unless he shall have agreed to pay to the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in

order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889. A.D. 1913.

20. At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the office of the Company or in writing 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 charges payable to the Company. Gas consumers to give notice to Company before removing.

21. If a person requiring a supply of gas for any premises occupies or has occupied other premises at which gas is being or has been supplied to him by the Company and has not paid all money due from him to the Company for the supply of gas or for the rent of a meter they may refuse to furnish to him a supply of gas until he pays the same. Power to refuse a supply to persons in debt for other premises.

22. The Company may contract with any local authority company or person authorised to supply gas under parliamentary powers in any district adjacent to the Company's limits of supply 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 may be agreed upon but nothing in this section shall authorise the Company to lay any mains in or interfere with any street beyond their limits of supply. Company may contract with local authority &c. for supply in bulk.

CAPITAL.

23.—(1) All shares to be issued under the Act of 1878 shall be issued in accordance with the provisions of this section. Unissued shares to be sold by auction or tender.

(2) All shares so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of each district council having jurisdiction

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over any part of the Company's limits of supply and to the secretary 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 shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the Company's limits of supply :

- (B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or the last day for the receipt of tenders as the case may be :
- (C) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds :
- (D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid :
- (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section

and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective shares sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares.

24.—(1) The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the capital already raised by the issue of shares and premiums thereon any sum or sums not exceeding in the whole (inclusive of the sum of seven thousand and sixty-five pounds already borrowed by them under the provisions of the recited Acts) the sum of twenty-four thousand and sixteen pounds.

Amending
borrowing
powers of
Company.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the capital authorised by the Act of 1878 and not already raised by the issue of shares any sum or sums not exceeding in the whole one third part of the amount of such capital which at the time of borrowing has been raised by the issue of shares and premiums thereon but no sum shall be borrowed in respect of any such capital until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares at the time issued in such capital together with the premium (if any) realised on the sale thereof have been fully paid up.

(3) Sections 32 to 39 (both inclusive) of the Act of 1876 and sections 14 to 20 (both inclusive) of the Act of 1878 are hereby repealed but without prejudice to any bond issued or security created under the provisions of the Act of 1876 and subsisting at the passing of this Act or to any appointment made before or to any proceedings pending at the passing of this Act.

25. As from the passing of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital shall cease to apply to the Company.

Borrowed
money not to
be converted
into capital.

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Debenture
stock.

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

Arrears to
be enforced
by appoint-
ment of a
receiver.

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

Priority of
mortgages
over other
debts.

28. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of any former Act relating to the Company or under 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 rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Existing
mortgages to
have priority.

29. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

30. If any money is payable by the Company to a shareholder stockholder 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 Section 29 of the Act of 1876 and section 13 of the Act of 1878 are hereby repealed.

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Receipt in
case of per-
sons not sui
juris.

31. All moneys to be raised under the Act of 1878 including premiums or under this Act shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares under the provisions of the Act of 1878 shall not be considered as part of the capital of the Company entitled to dividend.

Application
of money.

32.—(1) The directors of the Company may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid up capital of the Company including premiums to a fund to be called "the special purposes fund."

Power to
create a
special pur-
poses fund.

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Company or appointed for the purpose by the Board of Trade shall approve as being—

(a) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(b) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Company including premiums.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other.

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(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

Application
of excess of
profits over
authorised
rates of divi-
dend.

33. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rates on the ordinary capital of the Company the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the authorised rates.

Power to
create a re-
serve fund.

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

DIVIDENDS.

Profits of
Company
limited (stan-
dard rates of
dividend).

35.—(1) Except as by this Act expressly provided the profits of the Company to be divided amongst the shareholders in any year shall not exceed the following rates (which are in this Act referred to as "the standard rates of dividend") (namely):—

On the original ordinary shares of ten pounds each issued under the Act of 1876 or the Act of 1878 on the

ordinary "A" shares of ten pounds each issued under the Act of 1878 and on the ordinary shares of ten pounds each created by that Act but not yet issued the rate of ten pounds in respect of every one hundred pounds actually paid up of such capital: A.D. 1913.

On the ordinary "B" shares and the ordinary "C" shares of ten pounds each issued under the Act of 1876 the rate of seven pounds in respect of every one hundred pounds of such capital.

(2) As from the thirty-first day of December one thousand nine hundred and thirteen section 30 of the Act of 1876 is hereby repealed and sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 incorporated with the Act of 1876 the Act of 1878 and this Act shall cease to apply to the Company.

36. 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 authorised rates 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 Section 31 of the Act of 1876 is hereby repealed. Dividends on different classes of shares or stock to be paid rateably.

37. The directors may in any year without calling a meeting of proprietors for the purpose pay such interim half-yearly dividend as may appear to the directors to be justified by the profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any half-year one half of the amount of the authorised rates of dividend. Interim dividend.

38. 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 some newspaper published or circulating in the north riding of the county of York 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.

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PRICE OF GAS.

Price of gas
with sliding
scale as to
dividend.

39.—(1) From and after the thirty-first day of December one thousand nine hundred and thirteen the standard price to be charged by the Company for gas supplied by them shall be three shillings and fourpence per thousand cubic feet:

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary share capital or stock as follows:—

In respect of any year during any part of which the price charged by the Company shall have been one penny or part of a penny above the standard price the dividend payable by the Company shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

(2) As from the thirty-first day of December one thousand nine hundred and thirteen section 53 of the Act of 1876 and section 35 of the Act of 1878 are hereby repealed.

Discounts.

40. The Company shall allow a discount or rebate of five per centum to every consumer of gas who shall pay the charges due from him in respect of a supply of gas within fourteen days after demand thereof.

AUDITORS.

A.D. 1913.

41. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 as from the first day of January nineteen hundred and fourteen no person shall be appointed as auditor of the accounts of the Company who shall not be either a chartered accountant or an incorporated accountant and it shall not be necessary for such person to be a shareholder in the Company.

Qualification
of auditors.

MISCELLANEOUS.

42.—(1) The Company may enter into and carry into effect agreements with the North Eastern Railway Company for and with respect to the construction of a railway siding from the North Eastern (Darlington and Saltburn Branch) Railway to the western side of West Dyke Lane near to the Company's gasworks in the urban district of Redcar for the conveyance of coal and other material to and from the said gasworks from and to the said railway and the Company may (in addition to the lands which they are authorised to acquire under the powers of the recited Acts) acquire (by agreement but not otherwise) the necessary lands and wayleaves for that purpose.

Agreements
for construc-
tion of siding
to gasworks.

(2) The Company may with the consent of the Redcar Urban District Council lay down maintain and use a single line of rails from the said siding into the said gasworks across and on the level of the said lane provided that the Company shall not allow any engine to pass over the said level crossing nor any truck to stand thereon.

43. The Company may construct maintain and use a passage under or (with the consent of the Redcar Urban District Council) a gantry over West Dyke Lane aforesaid in either case with rails and mechanical apparatus for the conveyance of coal and other materials to and from the said gasworks from and to the said siding Provided that any such passage shall be constructed to the reasonable satisfaction of the surveyor of the said council in accordance with plans and sections to be submitted to and reasonably approved by him before the commencement of the work and if such surveyor shall not within one month after the same shall have been submitted to him express his disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof Any difference which may arise between the Company and such surveyor under this section

Gantry or
passage at
West Dyke
Lane.

A.D. 1913. shall be determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall extend and apply to any such arbitration.

Dwelling-
houses for
persons in
Company's
employ.

44. The Company may purchase or take on lease maintain and let houses cottages and buildings for and to persons in their employ and may erect maintain and let such buildings upon any lands for the time being belonging or leased to the Company.

Power to
make super-
annuation
and other
allowances.

45. It shall be lawful for the Company to make superannuation and other allowances and to pay pensions or gratuities to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company.

Notice to
discontinue
supply of
gas.

46.—(1) 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 or be given by the consumer personally at the office of the Company.

(2) Section 62 of the Act of 1876 and section 44 of the Act of 1878 are hereby repealed.

Authentica-
tion and
service of
notices by
Company.

47. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary of the Company or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas or of gas fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be

sufficient to affix such notice or a copy thereof upon some A.D. 1913.
conspicuous part of such premises.

48. Proceedings for the recovery of any demand made under the authority of this Act or the recited Acts or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

49. 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.

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The SCHEDULE referred to in the foregoing Act.

All that piece or parcel of land containing 1·414 acres or thereabouts with the gasholder and other erections thereon belonging to the Company and numbered 4 on the $\frac{1}{2500}$ Ordnance map (first edition of 1894) of the parish or township of Redcar in the north riding of the county of York adjoining the lands described in the schedule to the Redcar and Coatham Gas Act 1876 and bounded on or towards the north in part by Herschell Street and the side passages at the southern end thereof and in part by houses and land in Hanson Street on or towards the east by Hanson Street on or towards the south by Thrush Lane and on or towards the west partly by the existing gas lands of the Company and partly by lands and premises in Elton Street belonging to John Hodgson.

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