



CHAPTER xxxviii.

An Act to confer further powers on the Scarborough Gas Company. A.D. 1895.
[30th May 1895.]

WHEREAS by the Scarborough Gas Company's Act 1851 (herein-after referred to as "the Act of 1851") the Scarborough Gas Company (herein-after referred to as "the Company") which had been established in the year 1834 and was at the time of the passing of the said Act regulated by a deed of settlement therein recited was incorporated and was authorised in addition to its then existing share capital of ten thousand pounds to raise a further share capital of ten thousand pounds for the purpose of better supplying with gas the borough of Scarborough and for other the purposes of the Company and to borrow to the extent of one third of such additional capital:

And whereas by the Scarborough Gas Act 1859 (herein-after referred to as "the Act of 1859") the Company was empowered to raise by new shares in addition to their then existing capital a further sum of thirty thousand pounds and to borrow in addition to their then existing mortgage debt further sums of money not exceeding in the whole one fourth of the amount of the additional capital created under that Act:

And whereas by the Scarborough Gas Act 1867 (herein-after referred to as "the Act of 1867") the Company was empowered to raise by new ordinary or preference shares or stock in addition to their then existing capital a further sum of forty thousand pounds and in addition to the money which they were authorised to borrow under the said recited Acts were authorised to borrow on mortgage further sums of money not exceeding in the whole ten thousand pounds:

And whereas by the Scarborough Gas Act 1873 (herein-after referred to as "the Act of 1873") the limits of the Act of 1851 were extended and the Company was empowered to raise by new ordinary or preference shares or stock in addition to their then

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existing capital any further sums of money not exceeding in the whole sixty thousand pounds and in addition to the sums by the said recited Acts authorised to be borrowed to borrow on mortgage any sums not exceeding fifteen thousand pounds:

And whereas the present capital of the Company consists of—

Twenty thousand pounds consolidated original ordinary stock fully paid created under the Act of 1851 with a maximum dividend not exceeding the rate of ten pounds per centum per annum;

Thirty thousand pounds consolidated new stock fully paid created under the Act of 1859 with a maximum dividend not exceeding the rate of seven pounds ten shillings per centum per annum;

Twenty-seven thousand three hundred and forty-three pounds preference stock fully paid created under the Act of 1867 with a maximum dividend not exceeding the rate of five pounds per centum per annum;

Twelve thousand six hundred and fifty-seven pounds new ordinary stock fully paid created under the Act of 1867 with a maximum dividend not exceeding the rate of seven pounds per centum per annum;

Sixty thousand pounds new ordinary stock fully paid created under the Act of 1873 with a maximum dividend not exceeding the rate of seven pounds per centum per annum;

and the Company has borrowed on mortgage sums amounting in the whole to thirty-five thousand seven hundred and fifty pounds but has not created debenture stock:

And whereas the Company has raised the whole of its authorised share and loan capital and it is expedient that the Company be empowered to raise further capital and that their borrowing powers be enlarged and that further provision be made with respect to the supply of gas by the Company:

And whereas it is expedient that the Company be authorised to erect additional works for the storing and purifying of gas on the lands belonging or reputed to belong to the Company and described in the schedule to this Act:

And whereas it is expedient that the qualification for directors of the Company be increased and that the maximum price which the Company is authorised to charge for gas to consumers be altered:

And whereas it is expedient that certain of the provisions of the said recited Acts be amended and such further provisions made and powers conferred upon the Company as are herein-after provided:

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

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

1. This Act may be cited as the Scarborough Gas Act 1895 and the Act of 1851 the Act of 1859 the Act of 1867 and the Act of 1873 and this Act may for all purposes be cited together as the Scarborough Gas Company's Acts 1851 to 1895. Short title.

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

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices;

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

and Part I. (cancellation and surrender of shares) Part II. (additional capital) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

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: Interpretation of terms.

The expression "the borough" means the municipal borough of Scarborough;

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The expression "the corporation" means the mayor aldermen and burgesses of the borough ;

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

Power to consolidate ordinary capital.

4. At any time after three years from the passing of this Act with the sanction of three fourths of the votes of the holders of the ordinary stock and shares in the capital of the Company present in person or by proxy at a general meeting of the Company specially convened for the purpose the Company may convert the whole or any part of the ordinary stock in the capital of the Company issued before the passing of this Act into an equivalent amount of consolidated ordinary stock bearing a uniform dividend of five per centum per annum (that is to say) The twenty thousand pounds consolidated original ordinary stock with a maximum dividend at the rate of ten pounds per centum per annum into forty thousand pounds of such consolidated ordinary stock The thirty thousand pounds consolidated new stock with a maximum dividend at the rate of seven pounds ten shillings per centum per annum into forty-five thousand pounds of such consolidated ordinary stock The twelve thousand six hundred and fifty-seven pounds new ordinary stock with a maximum dividend at the rate of seven pounds per centum per annum into seventeen thousand seven hundred and nineteen pounds and sixteen shillings of such consolidated ordinary stock And the sixty thousand pounds new ordinary stock with a maximum dividend at the rate of seven pounds per centum per annum into eighty-four thousand pounds of such consolidated ordinary stock.

New certificates for converted stock.

5. Forthwith upon such conversion taking effect the Company shall call in and cancel all existing certificates of ordinary stock so converted and shall issue in lieu thereof new certificates for equivalent amounts of consolidated ordinary stock :

Every such new certificate shall be issued free of charge :

No holder of any stock so converted shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the Company the loss thereof :

Provided always that until the issue of such new certificates the existing certificates and the holders thereof shall bear and

possess the same rights and advantages as they would have had if such conversion had not taken place but when such new certificates are issued the existing certificates shall be deemed to be cancelled. A.D. 1895.

6. All consolidated ordinary stock shall be vested in the several persons who immediately before such conversion were the registered proprietors of the stock for which the same is substituted and all the stock so vested shall confer and have subject to the provisions of this Act the same rights qualifications privileges and incidents as attached or were incident to the stock for which the same is substituted and shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before such conversion affected the stock for which the same is substituted and every deed or other instrument relating to and every testamentary disposition of or affecting the existing stock made before the date of the conversion shall take effect with reference to the whole or a proportionate part as the case may be of the substituted stock.

Consolidated stock to be held on same trusts as converted stock or shares.

7. The Company in addition to their capital which they have raised or by their previous Acts were authorised to raise may from time to time raise further moneys not exceeding in the whole sixty thousand pounds by the creation and issue of new ordinary shares of ten pounds each or new ordinary stock but no such share or stock shall vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium realised 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 capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of sixty thousand pounds Provided also that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid twenty thousand pounds or within any subsequent year twenty thousand pounds.

Power to raise additional capital.

8. If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years they may in any subsequent year create and issue in addition to the amount prescribed for such subsequent year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid twenty thousand pounds in respect of the year following the passing of this Act and twenty thousand pounds in respect of every subsequent year then expired.

If authorised capital for any year not raised the amount may be made up.

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Profits of Company on additional capital limited.

Dividends on different classes of stock or shares to be paid proportionately.

Qualification of new shares or stock.

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

Purchase money to be paid within three months.

9. The Company shall not in any year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than five pounds in respect of every one hundred pounds actually paid up of such capital.

10. In case in any half 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.

11. The additional capital from time to time raised by the Company under this Act by shares or stock shall be part of the ordinary capital of the Company and save as otherwise provided in respect of such capital by the provisions of this Act the holders of shares or stock in such additional capital shall be entitled to the like rights qualifications and privileges as the holders of stock in the original capital.

12. Notwithstanding anything in this Act contained the Company shall when any shares or stock in the additional capital created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine :

Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

13. 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. A.D. 1895.

14. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of Scarborough 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 borough. Notice to be given as to sale of shares or stock.

15. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock 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 and in accordance with the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold. Shares or stock not sold by auction or by tender to be offered to shareholders.

16. In the event of the undertaking being purchased by the corporation the holder of such new ordinary shares or stock shall be entitled to receive the price at which such shares or stock were issued by the Company and every certificate of new ordinary shares or stock created and issued by the Company under this Act shall be endorsed with notice of this enactment. For redemption of new shares or stock on purchase by corporation &c.

17. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company and not otherwise and shall not be considered as part of the capital of the Company entitled to dividend Provided that for the purpose of raising money by borrowing any premium received from the sale of stock or shares by auction or tender as herein-before provided shall be reckoned as part of the paid-up capital of the Company. Application of premium arising on issue of shares or stock.

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Votes of
shareholders.

18. From and after the passing of this Act every holder of shares in the capital of the Company shall have one vote in respect of every share held by him up to ten and he shall have an additional vote for every five shares beyond the first ten shares held by him up to one hundred and an additional vote for every ten shares held by him beyond the first hundred shares but no shareholder shall have more than forty votes. Provided always that no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls due upon the shares held by him. And every holder of stock (whether ordinary or preference) in the capital of the Company created before the passing of this Act and every holder of stock in the additional capital by this Act authorised and every holder of consolidated ordinary stock (after the conversion of the existing stocks into consolidated ordinary stock as by this Act provided) shall have the same number of votes as would be conferred by shares of equal amount or as nearly as may be equal but not greater amount in the capital of the Company and section thirty-six of the Act of 1851 is hereby repealed.

Extending
section 35
of the
Gasworks
Clauses Act
1847.

19. The appointment by the court of quarter sessions of an accountant or other competent person for the purposes of section thirty-five of the Gasworks Clauses Act 1847 may be made on the petition of the corporation under their common seal and sections thirty-five thirty-six and thirty-seven of that Act shall be read and have effect accordingly.

Power to
borrow in
respect of
additional
capital.

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

- 21.** The provisions of this Act with respect to the offering of new shares and stock for sale by public auction or tender shall apply to the issue of all debenture stock and the granting of all mortgages by the Company after the passing of this Act except mortgages granted for the purpose of paying off existing loans. Before granting any mortgages for the purpose of paying off existing loans the Company shall offer the same for sale by tender by advertisement once in each of two consecutive weeks in one or more local newspapers circulating within the borough. A.D. 1895.
Provisions as to auction and tender to apply to debenture stock and mortgages.
- 22.** The Company shall not have power to raise the money by this Act or any other Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act or any other Act. As to conversion of borrowed money into capital.
- 23.** Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision previous to the passing of this Act. Repeal of provisions of former Acts with respect to appointment of receiver.
- 24.** 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 two thousand pounds in the whole. For appointment of receiver.
- 25.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of this Act but notwithstanding anything contained in the said Act of 1863 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 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 the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued under this Act. Debenture stock.

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Mortgages to have priority over other debts.

26. All money to be borrowed by the Company on mortgage or debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by the Company after the passing of this Act:

Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or 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.

27. All mortgages granted by the Company under the powers of any Act of Parliament before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act.

Receipt in case of persons not *sui juris*.

28. If any money is payable 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.

Application of money.

29. All money raised under this Act by the Company whether by shares stock debenture stock or borrowing shall be applied only to the purposes by this Act authorised and to the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Powers as to construction and maintenance of gasworks &c.

30. The Company may subject to the provisions of this Act from time to time upon the lands described in the schedule to this Act annexed erect lay down provide maintain alter improve enlarge extend and renew or discontinue gasholders receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery roadways approaches and other works and apparatus and conveniences and may do all such acts as they think proper for storing and purifying gas and for supplying gas within the Company's limits of supply and may store purify and supply gas accordingly: Provided that the Company shall not store tar or ammoniacal liquor on the said lands: Provided further that the Company shall not on the said lands erect or use within one hundred and eighty feet of Seamer Road any gasholder or apparatus for the purpose either of storing or purifying gas. For the purposes of this section purifying of gas shall not extend to the use of apparatus for the removal of tar or ammonia from gas.

31. The Company shall from time to time within two years after erecting any gasholder upon the lands described in the schedule to this Act erect immediately in front thereof and along the frontage of the said lands abutting on Seamer Road workmen's houses in such position and of such height and elevation as may be reasonably approved by the corporation for the purpose of screening such gasholder from the view of persons passing along the said road unless such houses shall already have been so erected and the Company shall not continue to use any such gasholder after such period of two years unless and until houses shall have been erected in accordance with the provisions of this section.

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Company to erect workmen's cottages.

32. The Company may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedules to the Act of 1873 and the schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes of the undertaking but the Company shall not manufacture gas or manufacture or convert any residual products on any such additional lands nor use any such additional lands if situate within the borough or within a distance of half a mile from the boundary of the borough for the purpose of storing or purifying gas without the consent in writing of the corporation nor shall they store gas upon any such additional lands without the consent in writing of the owners lessees and occupiers of every dwelling-house within three hundred yards of the limits of the site where such gas is intended to be stored and the Company shall not create or permit a nuisance on any such additional lands.

Power to purchase lands by agreement. Gas and residuals not to be manufactured on such lands.

33. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of

A.D. 1895. thirty shillings a week and the families of any such persons who may be residing with them.

Power to supply gas fittings engines and other apparatus.

34. The Company may manufacture purchase provide or hire and may supply sell or let on hire stoves or ranges for heating or cooking by means of gas and any materials and fittings for the use of gas for domestic or other purposes and also engines and machines for domestic manufacturing industrial or any other purposes whatever to be worked by means of gas for the production of motive power and any materials or fittings to be used in connexion therewith and may charge for any such stoves ranges engines machines materials fittings and other things supplied sold or let on hire under the powers of this Act such price rent or sum as may be agreed upon between the Company and the other party to any such agreement.

Power to supply gas for heating cooking and other purposes.

35. The Company shall on the request of the owner or occupier of any property within the limits of the Company's supply give and continue to give a supply of gas for heating and ventilating such premises or for motive power cooking or other purposes on such property and may fix and lay any pipes stoves apparatus fittings or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid. Provided that the Company shall not be entitled to make or receive for gas supplied under this section any higher charge or payment than the maximum price under this Act for gas supplied by meter for lighting purposes to private consumers within or outside the borough as the case may be.

Supply of gas in bulk to local authorities and others.

36. The Company may from time to time enter into and carry into effect agreements with any county council district council parish council or any local or sanitary authority company persons or person either within or beyond the Company's limits of supply for the supply to such council authority company persons or person of gas in bulk but the Company shall not supply gas under this section for consumption within the district of any gas company authorised to supply gas under statutory authority without the consent of such Company.

Illuminating power and purity of gas.

37.—(1) In addition to the testing place prescribed by section thirty of the Act of 1873 the Company shall within six months from the passing of this Act provide a testing place at their office in Westborough.

(2) So much of section thirty of the Act of 1873 as prescribes the number of candles is hereby repealed. If the gas is tested at the

testing place prescribed by the said section the prescribed number of candles shall be sixteen and if tested at the testing place prescribed by this Act the prescribed number of candles shall be fifteen and a half.

(3) The gas supplied by the Company shall be deemed to be of less purity than it ought to be within the meaning of section thirty-six of the Gasworks Clauses Act 1871 if on testing it on three consecutive days it is found to contain upon the average more than four grains of ammonia or more than twenty-five grains of sulphur in any one hundred cubic feet.

(4) No forfeiture shall be incurred by the Company for supplying gas of less illuminating power or of less purity than it ought to be in any case with respect to which it is proved before the justices that the defect of illuminating power or excess of impurity was occasioned by unavoidable cause or accident.

(5) In the event of the gas examiner finding any defect of illuminating power or purity in the gas he shall forthwith give notice thereof to the Company at their office.

38. Section nineteen of the Act of 1867 is hereby repealed and from and after the passing of this Act the maximum price at which gas may be sold by the Company to persons who shall burn the same by meter shall not exceed three shillings and sixpence per one thousand cubic feet within the borough and four shillings and sixpence per one thousand cubic feet outside the borough.

Limiting the price of gas within and without the borough.

The Company shall supply gas to any public lamps within the borough at a reduction from the gross price per one thousand cubic feet for the time being charged to private consumers within the borough of twenty per centum whenever the quantity supplied to such public lamps exceeds ten million but is less than fifteen million cubic feet per annum or of twenty-five per centum whenever the quantity so supplied exceeds fifteen million cubic feet per annum.

39. The Company may if they think fit allow discounts or rebates not exceeding in any case ten per centum to consumers of gas not being gas supplied to the corporation for the public lamps in consideration of prompt payment of gas rents or in case of large consumers upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Company and any of such large consumers. Provided that such discounts shall be equal in amount under like circumstances to all consumers.

Discounts on prompt payment.

40. From and after the passing of this Act the qualification of a director shall be the possession in his own right of shares or stock in the capital of the Company of a nominal value of not less than

Altering qualification of directors.

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five hundred pounds and so much of section thirty-eight of the Act of 1851 as relates to the qualification of a director is hereby repealed.

Qualification of auditors.

41. At least one of the auditors of the accounts of the Company shall be a member of the Institute of Chartered Accountants or of the Incorporated Society of Accountants and it shall not be necessary for any auditor of the accounts of the Company to hold any share or shares in the Company.

Period of error in defective meters.

42. 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 arisen only during the current quarter of the year in which the said meter shall be so tested unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act.

The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company in pursuance of the certificate of the inspector shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Company.

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

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

Gas consumers to give notice to Company before removal.

44. 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 moneys accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises. Notice of the provisions of this section shall be endorsed on every demand note for gas rent.

Representation of the Company in bankruptcy &c.

45. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors the secretary of the Company or any person appointed in that behalf by writing under the hands of two directors may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects.

Authentication and service of

46. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the name

of the secretary of the Company or if it be a notice to pay any charge in respect of a supply of gas by the name of the secretary or collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person in manner provided by section forty-five of the Gasworks Clauses Act 1871.

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 notices by
 Company.

47. The Company shall not under the powers of this Act raise more than six thousand pounds before the seventeenth day of December one thousand eight hundred and ninety-five and if on or before that date the corporation shall have deposited in the proper offices of the Houses of Parliament a Bill for the acquisition of the Company's undertaking then the Company shall not without the reasonable approval of the corporation under the hand of the town clerk raise any further sum or sums of money under the powers of this Act unless and until such Bill shall have been withdrawn or rejected by Parliament.

Restriction
 in exercise
 of powers
 conferred by
 Act.

48. If the corporation shall within three years from the passing of this Act obtain an Act of Parliament authorising them to purchase the undertaking including the property rights powers and privileges of the Company the Company shall if the corporation give a written notice of their intention to purchase within six months of the passing of such Act sell their undertaking to the corporation and the price to be paid by the corporation shall in case of difference be determined by arbitration as on a compulsory sale in manner provided by the Lands Clauses Acts and on the following basis:—

For purchase
 of Company's
 undertaking
 by corpora-
 tion.

- (1) In respect of shares or stock issued before the passing of this Act the corporation shall pay the full value of such shares or stock determined as aforesaid;
- (2) In respect of shares or stock issued after the passing of this Act the corporation shall pay the price at which such shares or stock were issued by the Company and there shall be no additional allowance for compulsory sale;
- (3) The Company shall not oppose except as to details the Bill for an Act for the acquisition of the Company's undertaking on the terms and within the period aforesaid;
- (4) The provisions of sub-section (2) of this section shall also apply in the event of a compulsory purchase by the corporation of the undertaking of the Company at any time after the expiration of such period of three years as aforesaid;
- (5) Provided always that nothing in this Act shall be deemed to admit as regards the Company any right of the corporation

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to obtain power to purchase the Company's undertaking compulsorily after the expiration of three years from the passing of this Act.

Costs of Act.

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

SCHEDULE referred to in the foregoing Act.

DESCRIPTION OF NEW GAS LANDS.

All those two pieces of land lying near to the present gasworks containing together by admeasurement five acres one rood twenty-six perches and eight yards or thereabouts situate on the west side of and adjoining to Seamer Road in the parish of Scarborough in the county of York and admeasuring on the north side adjoining lands belonging or reputed to belong in part to William Barry and in other part to the devisees of George Agars Nesfield five hundred and fifty-two feet or thereabouts on the south side adjoining a private road leading from Seamer Road aforesaid to certain brick and tile works of William Barry four hundred and eighty-nine feet or thereabouts on the east side adjoining Seamer Road aforesaid five hundred and one feet nine inches or thereabouts and on the west side adjoining land belonging or reputed to belong to William Barry four hundred and thirty-one feet three inches or thereabouts and which said two pieces of land form part of three fields numbered 244 246 and 248 on the new twenty-five inch Ordnance map of the parish of Scarborough aforesaid.

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FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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