

[60 & 61 VICT.] *Tuxford and District Gas Act, 1897.* [Ch. clxxiii.]



CHAPTER clxxiii.

An Act for incorporating and conferring powers upon the
Tuxford and District Gas Light and Coke Company.

A.D. 1897.

[6th August 1897.]

WHEREAS there is at present no proper and sufficient supply of gas within the parishes of Tuxford East Markham West Markham Egmanton and Weston in the county of Nottingham and it is expedient that a proper and sufficient supply of gas should be afforded therein :

And whereas the persons in that behalf in this Act named with others are willing to provide such supply of gas on being incorporated into a company and on the necessary powers being conferred upon them for that purpose and it is expedient that they be incorporated accordingly and that the powers in this Act contained be conferred upon them :

And whereas the Tuxford Gas Company Limited were the owners of gasworks for supplying and were supplying gas within a part of the district comprised within the limits of this Act and the works and undertaking of that Company have lately been acquired by Frederick Henry Moore and John William Moore (in this Act referred to as the vendors) and it is expedient that the Company incorporated by this Act be empowered to purchase and acquire such works and undertaking :

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

And whereas plans of the lands required or which may be taken for the purposes or under the powers of this Act and a book of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Nottingham and are in this Act respectively referred to as the deposited plans and book of reference :

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A.D. 1897. — 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 (that is to say) :—

Short title. 1. This Act may be cited as the Tuxford and District Gas Act 1897.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 Part I. (cancellation and surrender of shares) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Gasworks Clauses Act 1847 except sections 30 to 34 and the Gasworks Clauses Act 1871 are subject to the provisions of this Act incorporated with and form part of this Act Provided that section 35 of the Gasworks Clauses Act 1847 shall be read and construed as if the words from "in case the whole" down to "have been paid" were omitted therefrom and as though the expression "the prescribed rate" included the rate of dividend authorised by this Act or such rate as reduced or increased in accordance with the provisions of this Act together with any sum which under the provisions of this Act may be carried to the insurance fund.

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 :

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

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

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.

4. The limits of this Act shall be the parishes of Tuxford East Markham West Markham Egmanton and Weston in the county of Nottingham : Limits of Act.

Provided that the Company shall not supply gas under the powers of this Act within the parishes of West Markham and Weston at any time before the expiration of three years from the passing of this Act except with the consent of the Most Noble Henry Pelham Archibald Douglas Duke of Newcastle and that if within that period powers shall be conferred upon the said Duke by Act of Parliament or by provisional order under the Gas and Water Works Facilities Act 1870 confirmed by Parliament to supply gas within those parishes the powers conferred upon the Company by this Act in regard to those parishes shall upon the conferring of such powers upon the said Duke cease and determine.

5. Frederick Henry Moore John William Moore Charles Morris and Charles Matthew Humble and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes herein-after mentioned and shall be incorporated by the name of the Tuxford and District Gas Light and Coke Company and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company incorporated.

6. The Company shall be established for the purpose of manufacturing storing and supplying gas for lighting heating motive power and other purposes within the limits of this Act and may produce purchase store sell dispose of and deal in gas coke tar pitch asphaltum ammoniacal liquor oil and all other products refuse or residuum arising remaining produced by or resulting or obtained from the manufacture of gas or the materials used therein and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid or any of them and may provide manufacture and sell let hire and deal in fit up fix and repair meters pipes gas fittings engines machinery stoves and other apparatus and things for warming lighting cooking ventilating or producing motive power by gas and may provide skilled labour in connexion therewith and may acquire or take and use any leave licence or authority to work use exercise or put in practice any invention or inventions under any letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production utilisation and General purposes of the Company.

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A.D. 1897. — distribution of gas the production of coke tar pitch asphaltum ammoniacal liquor and other products from coal and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto (but not so as to acquire any exclusive right to the working use exercising or putting in practice of any such invention or inventions) and generally may carry on any business usually carried on by gas companies or which is or may become incidental thereto and may carry the powers of this Act into execution.

Capital. 7. The capital of the Company shall be twenty thousand pounds in two thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid. 8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls. 9. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Standard rate of dividend. 10. Except as by this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the rate (in this Act referred to as the standard rate of dividend) of ten pounds in respect of every one hundred pounds actually paid up of the capital in the undertaking.

If profits exceed the amount limited excess may be invested and form an insurance fund. 11. 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 on the capital of the Company at the authorised rate the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as

such reduction shall happen Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

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12. 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 rate on the capital of the Company the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Application of excess of profits over authorised rate of dividend.

13. Where in any year the dividend of the Company on the capital of the Company shall exceed the standard rate 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 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 rate 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.

Power to create a reserve fund out of dividends in excess of the standard rate of dividend and application thereof.

14. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the capital by this Act authorised to be raised at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued 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 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

Power to borrow.

A.D. 1897. — certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

15. The Company shall not have power to raise the money by this 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 unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five per centum per annum.

For appointment of a receiver.

16. The 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 hundred pounds in the whole.

Debenture stock.

17. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under 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.

Priority of mortgages over other debts.

18. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them. 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 to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

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

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Application of moneys.

20. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held once in every year in the month of February or March or at such other time as shall be appointed for that purpose by an order of a general meeting.

Ordinary meetings.

21. The number of directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be not less than three nor more than five.

Number of directors.

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

Qualification of directors.

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

Quorum.

24. Frederick Henry Moore John William Moore Charles Morris and Charles Matthew Humble and a person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

First directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

25. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Auditors need not hold shares.

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

Receipt in case of persons non sui juris.

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Interim
dividend.

27. The directors may in any year without calling a meeting of shareholders for the purpose declare an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half-year one-half of the amount of the standard dividend.

Closing of
transfer
books pre-
vious to
declaring
interim
dividend.

28. 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 district within which the Company's principal place of business is situate 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.

Books to be
balanced to
31st Decem-
ber.

29. The period to which the books of the Company shall be balanced shall be the thirty-first day of December in each year.

Power to
acquire
lands.

30. Subject to the provisions and for the purposes of this Act the Company may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and described in Part I. of the First Schedule hereto.

Correction
of errors &c.
in deposited
plans and
book of
reference.

31. If any omission mis-statement or wrong description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Company may apply to two justices for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction.

If it appears to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or wrong description and such certificate shall be deposited with the clerk of the peace for the county of Nottingham.

The certificate shall be kept by the clerk of the peace with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Company may enter on take hold and use those lands accordingly.

32. The powers of the Company for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

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Period for compulsory purchase of lands.

33. Subject to the provisions of this Act the Company may on the lands described in Part I. of the First Schedule to this Act erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers manufactories condensers scrubbers exhausters purifiers gas-holders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture produce sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Powers as to construction and maintenance of gasworks &c.

34.—(1.) The Company may by agreement purchase and acquire the undertaking lands works mains rights and privileges of the vendors lately belonging to the Tuxford Gas Company Limited at such price and upon and subject to such terms and conditions as may be agreed and from and after such purchase and acquisition the provisions of this Act shall apply to the undertaking lands works mains rights and privileges purchased or acquired and the Company may maintain alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands described in Part II. of the First Schedule to this Act and may also exercise upon such lands the powers conferred upon the Company by the section of this Act whereof the marginal note is "Powers as to construction and maintenance of gasworks &c."

Acquisition of undertaking of Tuxford Gas Company Limited.

(2.) The purchase and acquisition by this section authorised may be carried into effect by a deed duly stamped and truly stating the consideration (which deed may be in the form set forth in the Second Schedule to this Act or to the like effect with such variations and additions as the circumstances require) and on the execution of the deed by the parties thereto the undertaking lands works mains rights and privileges by this section authorised to be acquired shall by virtue of the deed and of this Act become and shall thenceforth be transferred to and vested in the Company.

35. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition

Power to purchase lands by

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agreement
for gas
purposes;
gas not to
be manu-
factured
except on
lands
scheduled.

Prescribed
period for
sale of lands.

Power to
supply gas
apparatus
&c. for
heating
motive and
other
purposes.

Power to
lay pipes
against
buildings.

Dividend
dependent
on price
charged.

to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

36. The prescribed period for the sale of superfluous lands within the meaning of section 127 of the Lands Clauses Consolidation Act 1845 shall be ten years from the passing of this Act.

37. The Company may manufacture purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Company as may be agreed upon between the Company and the person to or for whom the same are sold supplied let fixed set up altered or removed The meters fittings engines stoves ranges pipes and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be used nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be.

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

39. The standard price to be charged by the Company for gas supplied by them shall be three shillings and ninepence 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 their share capital or stock as follows:—

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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 paid-up capital 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 hundred pounds of paid-up capital and so in proportion for any fraction of one hundred pounds.

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

Pressure of gas.

41. The prescribed number of candles shall be fifteen.

Quality of gas.

42. Within six months from the passing of this Act a testing place shall be provided at some convenient part of the gasworks of the Company.

Testing place.

43. The prescribed burner shall be Sugg's London Argand burner number one with a six-inch by one-and-three-quarter inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be

Burner.

A.D. 1897. used or any other burner or chimney approved for this purpose by the Board of Trade.

Company to pay interest on money deposited as security for gas meters. 44. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of four per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

No penalty in case of unavoidable cause. 45. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or for 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 caused by an unavoidable cause or accident Provided that the want of sufficient funds shall not be held to be an unavoidable cause or accident.

Company may contract with local authority &c. for supply in bulk. 46. The Company may contract with any local authority company corporation or persons whether within or beyond the limits of this Act (but as to any such company corporation or persons beyond the Company's limits of supply only with the consent in writing of the local authority of and of any company authorised by special Act or provisional order confirmed by Parliament to supply gas within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Power to apply for a provisional order to supply electricity. 47. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 or any other Act for the time being in force with respect to the supply of electricity make application for a provisional order or licence to produce and supply electricity for public and private purposes and may apply their funds for the purpose of such application and for the purpose of carrying into effect the provisions of any such provisional order or licence granted to the Company.

Power to refuse to supply persons in debt for other property. 48. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Company without paying all gas or meter rent or rents for stoves or other apparatus due from him the Company may refuse to furnish to him a supply of gas until he pays the same.

Gas consumers to give notice to Company 49. 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

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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. A.D. 1897.
before removing.

50. 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 the consumer and be left at or sent by post to the office for the time being of the Company. Notice of discontinuance.

51. 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 surcharges 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 any court of competent jurisdiction for the recovery of debts of like amount. Period of error in defective meters.

52. The Company may maintain and erect dwelling-houses for persons in their employ upon the lands for the time being belonging to or leased by the Company. Dwelling-houses for persons in Company's employ.

53. In proceedings under any bankruptcy or assignment for the benefit of creditors or deed of composition or arrangement the secretary of the Company or any person appointed by three directors by writing under their hands 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. Representation of the Company in bankruptcy &c.

54. The Company shall not under the powers of this Act take 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 purposes of this section the expression "labouring class" means and includes mechanics artizans 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

A.D. 1897. servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Application
of penalties.

55. Every penalty imposed by this Act or by any regulation made under this Act shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

For pro-
tection of
Great
Northern
Railway
Company.

56. In constructing and maintaining the works authorised by this Act where they will be laid in the public road crossed by the Great Northern Railway on the level at the north end of Tuxford Station the Company shall be subject to the following conditions namely :—

- (1.) All such works shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the engineer-in-chief for the time being of the Great Northern Railway Company or his substitute (in this section referred to as the engineer) and according to plans and specifications to be previously submitted to the engineer and approved by him in writing. Provided that if the engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof. Provided also that if the engineer shall disapprove of the said plans and specifications or either of them the works shall be executed according to plans and specifications to be approved by an arbitrator appointed in default of agreement by the President for the time being of the Institution of Civil Engineers and an arbitrator appointed in manner aforesaid shall determine any differences which may arise between the said railway company and the Company under this section and the provisions of the Arbitration Act 1889 or any subsisting statutory modification or re-enactment thereof shall apply to all arbitrations under this sub-section :
- (2.) The works shall be constructed and maintained so that the traffic upon the Great Northern Railway shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer :
- (3.) If by reason of the construction or maintenance of the works or any of them or the failure of any of the works or the maintenance thereof the Great Northern Railway or the works connected therewith shall be injured or the traffic thereon

impeded the Company shall compensate the Great Northern Railway Company for all costs to which that company may be put in repairing such injury: A.D. 1897.

- (4.) The Company shall also indemnify the Great Northern Railway Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on their railway or by reason of any accident on the said railway which interruption or accident shall have been caused by the acts or defaults of the Company or any of their contractors or their respective servants or workmen.

57.—(1.) If the local authority of Tuxford for the time being (in this section referred to as the local authority) shall introduce a Bill into Parliament and bonâ fide promote the same in any of the next three available sessions of Parliament to empower them to purchase the undertaking of the Company the Company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit and if the local authority obtain an Act authorising such purchase and give a written notice of their intention to purchase within six months of the passing of such Act the Company shall at the expiration of such six months sell and transfer and the local authority may purchase and acquire the undertaking property rights and privileges of the Company subject to all existing mortgages obligations and liabilities of the undertaking. Purchase of undertaking by Tuxford local authority.

(2.) Any such sale and purchase shall be for such price or consideration and on such terms and conditions as may be agreed upon between the Company and the local authority or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the local authority and the expression "lands" shall mean the undertaking of the Company Provided that in addition to the sum to be paid by the local authority to the Company under the foregoing provisions of this section the local authority shall pay to the Company the actual costs of obtaining this Act (including any sum paid in respect of the costs of any petitioners against the bill for this Act) but the arbitrator shall not in assessing the sum to be paid to the Company

[Ch. clxxiii.] *Tuxford and District Gas Act, 1897.* [60 & 61 VICT.]

A.D. 1897. by the local authority have regard to the fact that the Company is incorporated by Act of Parliament.

Costs of
Act.

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

SCHEDULES.

THE FIRST SCHEDULE.

GAS LANDS.

PART I.

A piece of land situate in the parish of Tuxford in the county of Nottingham on the north-westerly side of the Darlton Road near to the Tuxford railway station on the Great Northern Railway and numbered 149 on the ordnance map (dated 1885) for the parish of Tuxford.

PART II.

A piece of land situate in the parish of Tuxford in the county of Nottingham on the north side of Station Street and numbered 247 on the ordnance map (dated 1885) for the parish of Tuxford.

THE SECOND SCHEDULE.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF
TUXFORD GAS COMPANY LIMITED.

In pursuance of and subject to the provisions of the Tuxford and District Gas Act 1897 and in consideration of pounds
do hereby convey and assign their undertaking unto the Tuxford and District Gas Light and Coke Company to hold the same unto them their successors and assigns and the Tuxford and District Gas Light and Coke Company do hereby accept the same accordingly.

In witness whereof the parties have hereto set their respective seals
this day of 189 .

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FOR

T. D. G. BY FROTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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