



CHAPTER xxxviii.

An Act to empower the Tynemouth Gas Company to raise Additional Capital and for other purposes.

A.D. 1897.

[3rd June 1897.]

WHEREAS by the Tynemouth Gas Act 1867 (herein-after referred to as "the recited Act") the Borough of Tynemouth Gas Company which was registered under the Joint Stock Companies Act 1862 and prior to the passing of the recited Act was regulated by a deed of settlement therein recited was dissolved and reincorporated by the name of the Tynemouth Gas Company (herein-after referred to as "the Company") and was authorised to supply gas to the whole of the parish of Tynemouth in the county of Northumberland :

And whereas by the recited Act the Company was authorised in addition to its then existing capital of thirty-four thousand five hundred and seventy pounds to raise additional capital not exceeding thirty-five thousand four hundred and thirty pounds so as to make in all a capital not exceeding seventy thousand pounds and the Company was also authorised to borrow and have outstanding on mortgage any sum not exceeding seventeen thousand five hundred pounds :

And whereas the present capital of the Company consists of—

Thirty-four thousand five hundred and seventy pounds ordinary stock fully paid entitled to a maximum dividend of ten pounds per centum per annum ;

Two thousand ordinary shares of ten pounds each fully paid entitled to a maximum dividend of seven pounds per centum per annum ;

One thousand five hundred and forty-three ordinary shares of ten pounds each fully paid entitled to a maximum dividend of seven pounds per centum per annum ;

and the Company has borrowed and has now outstanding on mortgage seventeen thousand five hundred pounds :

And whereas it is expedient that the present capital of the Company be consolidated and converted into an equivalent amount of one hundred and eighteen thousand seven hundred and forty-two

A.D. 1897. — pounds ordinary capital stock entitled to a maximum dividend of five pounds per centum per annum :

And whereas the Company has raised and expended the whole of its share and loan capital and it is expedient that the Company be empowered to raise further capital and that its borrowing powers be enlarged :

And whereas it is expedient that the scale of voting of the proprietors of the Company at general meetings of the Company be altered and the qualification for directors of the Company be increased and that certain provisions of the recited Act be amended and such further provisions be made as are herein-after contained :

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 :—

Short title.

1. This Act may be cited as the Tynemouth Gas Act 1897 and the Act of 1867 and this Act may for all purposes be cited together as the Tynemouth Gas Company's Acts 1867 and 1897.

Interpretation.

2. 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 borough" means the municipal borough of Tynemouth ;

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.

Incorporation of general Acts.

3. The following Acts or 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) :—

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 ;

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

The forfeiture of shares for nonpayment 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 :

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 :

The provisions of the Gasworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers :

And the Gasworks Clauses Act 1871 except sections 5 to 9 11 12 13 17 23 29 to 34 and 36 to 39 Provided that sections 24 to 27 of the same Act shall not apply within the borough or within the urban district of Whitley and Monkseaton.

4. The capital of the Company existing at the passing of this Act is hereby converted and consolidated into a general capital stock of one hundred and eighteen thousand seven hundred and forty-two pounds bearing a uniform dividend of five pounds per centum per annum (herein-after called "consolidated ordinary stock") (that is to say) The thirty-four thousand five hundred and seventy pounds ordinary stock of the Company entitled to a maximum dividend of ten per centum per annum into sixty-nine thousand one hundred and forty pounds of such consolidated ordinary stock The two thousand ordinary shares of the Company of ten pounds each entitled to a maximum dividend of seven pounds per centum per annum into twenty-eight thousand pounds of such consolidated ordinary stock The one thousand five hundred and forty-three ordinary shares of the Company of ten pounds each entitled to a maximum dividend of seven pounds per centum per annum into twenty-one thousand six hundred and two pounds of such consolidated ordinary stock.

Consolidation of ordinary stock and shares.

5. The consolidated ordinary stock shall be vested in the several persons who immediately before such conversion were respectively the registered proprietors of the stock or shares for which the same is substituted and all the stock so vested shall confer and have

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

A.D. 1897. subject to the provisions of this Act the same rights qualifications privileges and incidents as attached or were incident to the stock or shares 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 or shares for which the same is substituted and every deed or other instrument relating to and every testamentary disposition of or affecting the existing stock or shares 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.

New certificates for converted stock and shares.

6. Forthwith upon such conversion taking effect the Company shall call in and cancel all existing certificates of ordinary stock and shares 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 or shares 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.

Reserve fund not increased by consolidation of ordinary stock and shares.

7. The reserve fund authorised by section 31 of the Gasworks Clauses Act 1847 in respect of the capital of the Company existing at the passing of this Act shall not be increased by reason of the conversion and consolidation of such capital but shall remain limited to the sum of seven thousand pounds in respect of such capital.

Power to raise additional capital.

8. The Company in addition to their capital which they have raised or by the recited Act were authorised to raise may from time to time raise further moneys not exceeding in the whole seventy-five 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 seventy-five

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. A.D. 1897.

9. 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.

10. 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. Profits of Company on additional capital limited.

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 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. Qualification of new shares or stock.

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 stock or shares in the Company and whether the ordinary stock or ordinary shares of the Company is or are 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 : New shares or stock to be offered by auction or tender.

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

A.D. 1897. — 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.

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

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.

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

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 Tynemouth 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.

Shares or stock not sold by auction or by tender to be offered to shareholders.

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.

Application of premium arising on issue of shares or stock.

16. 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 or in the redemption of mortgages issued by 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. A.D. 1897. —

17. In addition to any sums which the Company are by the recited Act 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 premiums (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.

Power to borrow in respect of additional capital.

18. The Company shall not have power to raise the money or any part of the money by this Act or the recited Act authorised to be borrowed on mortgage or by the issue of debenture stock 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.

As to conversion of borrowed money into capital.

19. The provisions of the recited Act 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 are hereby 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 recited Act with respect to appointment of receiver.

20. 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 is made shall not be less than five thousand pounds in the whole.

For appointment of receiver.

21. 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

Debenture stock.

A.D. 1897. — 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 the recited 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.

Section 28 of the recited Act is hereby repealed.

Mortgages
and debenture
stock to have
priority over
other debts.

22. 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.

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

Receipt in
case of
persons not
sui juris.

24. 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.

Application
of money.

25. 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.

Manner of
voting at
meetings.

26. From and after the passing of this Act at all meetings of the Company every proprietor shall be entitled to vote according to the following scale :—

For thirty pounds of stock of the Company held by him (no proprietor being entitled to vote for less than thirty pounds) one vote ;

For one hundred and fifty pounds of such stock held by him two votes ; A.D. 1897.

For three hundred pounds of such stock held by him three votes ;

For five hundred pounds of such stock held by him four votes ;

For seven hundred pounds of such stock held by him five votes ;

For one thousand pounds of such stock held by him six votes ;

And no proprietor shall have more than six votes ;

Every holder of shares in the capital of the Company shall have the same number of votes as would be conferred by stock of equal amount in the capital of the Company.

All provisions of the recited Act which regulate the scale of voting of the proprietors of the Company are hereby repealed.

27. After the passing of this Act the qualification of a director of the Company shall be the possession in his own right of shares or stock in the capital of the Company to the amount of three hundred pounds nominal value. Altering qualification of directors.

28. The Company may 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 beyond the Company's limits of supply for the supply to such council authority company persons or person of gas in bulk for such periods not exceeding in any case seven years from the making of the contract as may be agreed on but the Company shall not supply gas under this section for consumption within the district of any gas company or authority authorised to supply gas under any special Act or Provisional Order confirmed by Parliament without the consent of such company or authority : Supply of gas in bulk to local authorities and others.

Provided that the Company shall not supply gas under the provisions of this section whenever and so long as such supply shall interfere with the sufficiency of the supply and pressure of the gas which they are for the time being required to provide within their authorised limits of supply.

29. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1869 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. Period of error in defective meters.

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

A.D. 1897. by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Company.

Repeal of
certain sections
of recited Act.

30. Sections 41 47 48 and 53 to 55 of the recited Act are hereby repealed.

Altering
price of gas.

31. From and after the thirtieth day of September next after the passing of this Act section 46 of the recited Act shall be repealed and from and after that date the maximum price to be charged by the Company for gas supplied by them within the borough shall be three shillings and fourpence and for gas supplied by them beyond the borough shall during ten years next after the said thirtieth day of September be three shillings and sixpence and thereafter shall be three shillings and fourpence and if payment be made within fourteen days from the delivery of the quarterly account the Company shall make a deduction therefrom by way of discount at the following rates (that is to say) :—

Discounts
for prompt
payment.

To consumers whose consumption of gas for the quarter of a year shall not have exceeded one hundred thousand cubic feet at the rate of five per centum ;

To consumers whose consumption of gas for the quarter of a year shall have exceeded one hundred thousand cubic feet but shall not have exceeded two hundred thousand cubic feet at the rate of seven and a half per centum ;

To consumers whose consumption of gas for a quarter of a year shall have exceeded two hundred thousand cubic feet but shall not have exceeded four hundred thousand cubic feet at the rate of ten per centum ;

To consumers whose consumption of gas for a quarter of a year shall have exceeded four hundred thousand cubic feet but shall not have exceeded eight hundred thousand cubic feet at the rate of fifteen per centum ;

To consumers whose consumption of gas for a quarter of a year shall have exceeded eight hundred thousand cubic feet at the rate of twenty per centum.

Testing
place.

32. The testing place heretofore provided by the Company at their works in the township of Chirton shall be the testing place for the purposes of this Act pursuant to section 28 of the Gasworks Clauses Act 1871.

Power to
test the
illuminating
power of
the gas.

33. It shall at any time be lawful for the local authority of any district within the limits of the recited Act or on the requisition in writing of any consumers of the gas of the Company not being less than twelve in number for two justices by order in writing to appoint some competent person not being a member of the local authority nor an officer or servant in the exclusive employment of

A.D. 1897.

the local authority to be a gas examiner and the person so appointed may between the hours of eleven o'clock in the forenoon and eleven o'clock in the afternoon of any day enter on the premises of the Company and in the presence of the superintendent or other officer of the Company make experiment of the illuminating power or purity of the gas and the Company and their officers shall afford all reasonable facilities and assistance to the making of such experiment and if it shall be proved to the satisfaction of any two justices not being directors or shareholders of the Company or members of the local authority (after hearing the parties) that the Company or their officers refused to afford such reasonable facilities as aforesaid or hindered or prevented the making of such experiment or that the illuminating power or purity of the gas supplied did not when so tested as aforesaid equal the illuminating power or purity by this Act prescribed in any such case the Company shall forfeit such sum not exceeding twenty pounds as the justices shall determine.

34. The costs of and attending such experiment including the remuneration to be paid to the person making the same and the costs of the proceedings before the justices shall be ascertained by the justices and in the event of any penalty being imposed on the Company shall be paid together with such penalty by the Company but in the event of no such penalty being imposed on the Company shall be paid by the local authority or the persons signing the requisition as the case may be.

Costs of
experiment
to be paid
according to
event.

35. All the gas supplied by the Company shall be of such quality as to produce at the place of testing from an argand burner as herein-after defined and consuming five cubic feet of gas per hour a light equal in intensity to the light produced by sixteen sperm candles of six to the pound each such candle burning one hundred and twenty grains per hour and shall be so far free from sulphuretted hydrogen as not to discolour moistened test paper imbued with acetate of lead when the test paper is exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water The argand burner shall be of the description now known as the No. 1 London Argand burner or any other burner which may be approved of by the Board of Trade.

Lighting
power and
quality of
gas.

36. Gas supplied by the Company shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet of gas the amount of sulphur therein contained to be ascertained by the apparatus and method for the time being used by the metropolitan gas referees.

Absence of
sulphur.

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Notice by gas
examiner to
Company.Pressure of
gas.

37. 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. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than seven tenths of an inch and from sunset to midnight not less than one inch in height at a branch or service pipe within one foot of the main or 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 foregoing section of this Act the marginal reference to which is "Power to test the illuminating power of the gas" may subject to the terms of his appointment from time to time and at any 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 last mentioned section with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure.

As to supply
of gas to
public lamps
in borough
of Tyne-
mouth.

39. From and after the thirty-first day of December next after the passing of this Act sections 49 to 51 of the Act of 1867 shall be repealed and the following provisions with respect to the supply of gas to the public lamps in the borough shall apply and have effect:—

- (1.) The Company shall at the request of the corporation provide free of charge all such main and service pipes and stopcocks as shall be necessary for the proper lighting of the public lamps (which have been or shall hereafter be provided and erected by and at the expense of the corporation) and for the supply of gas thereto from the Company's mains and in such situations as the corporation shall from time to time direct. The burners used in all existing and future public lamps shall be provided by the corporation and so long as such lamps are maintained by the Company such burners shall be fixed by the Company and when and so soon as the public lamps are under the provisions herein-after contained maintained by the corporation such burners shall be fixed by the corporation and any such burners may be from time to time examined and tested by the corporation or the Company. The Company shall remove any public lamp heretofore or hereafter erected by the corporation from one situation to another when directed by the corporation at a charge of fifteen shillings for each lamp so removed. The corporation shall have power from time to time to remove and discontinue any public lamp or lamps erected by

the corporation and shall pay to the Company the actual cost of and incident to disconnecting and removing the service pipe to each lamp removed and discontinued under this sub-section Provided also that no more than fifty such lamps shall be removed and discontinued in any one year :

- (2.) The Company shall supply gas to every public lamp at the lowest price per thousand cubic feet for the time being charged to any consumer of gas in the borough with the benefit of the discount allowed to consumers of gas on prompt payment as provided by this Act and the quantity of gas consumed in each quarter shall be ascertained by such method of computation as shall be agreed upon between the corporation and the Company or failing agreement by the average meter indication of such number of meters of such description and placed in such positions as shall be agreed upon between the corporation and the Company or determined by an arbitrator to be nominated by the Board of Trade Provided that in any year in which all the public lamps in the borough (other than any public lamps discontinued under the provisions of this section) shall be lighted throughout the year there shall be allowed to the corporation an additional discount of two and a half per centum :
- (3.) The Company shall light and extinguish the public lamps at and during such times and periods as shall from time to time be directed by the corporation and shall maintain clean and repair the public lamps and the corporation shall pay to the Company at the end of each half year the actual expense incurred by them during that half year in such lighting extinguishing maintaining cleaning and repairing such lamps Provided that the corporation may if they think fit at any time on giving the Company six months previous notice in writing undertake the lighting extinguishing maintaining cleaning and repairing of the public lamps :
- (4.) Any meters or special lamps used in connexion with the supply of gas by meter shall be provided fixed and erected by and at the expense of the corporation and the Company shall at all times have access to such meters and special lamps and shall have power from time to time to examine and test the same or any of them and the provisions with respect to meters contained in or incorporated with this Act and in the recited Act as amended by this Act shall apply to such meters.

40. All the foregoing provisions contained in the last preceding section of this Act shall apply to and take effect within and throughout the urban district of Whitley and Monkseaton in like manner

As to supply of gas to public lamps in Whitley

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and Monk-
seaton.Power to
refuse to
supply to
persons in
debt for other
property.Gas con-
sumers to
give notice
to Company
before
removal.Representa-
tion of the
Company in
bankruptcy
proceedings
&c.Authentica-
tion and
service of
notices by
Company.

Costs of Act.

and to the same extent as if the Whitley and Monkseaton Urban District Council and their district were respectively named therein instead of the corporation and the borough.

41. 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.

42. 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.

43. In proceedings under any bankruptcy or deed of composition or 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.

44. 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 writing.

45. All 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.

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