



CHAPTER xliii.

An Act for extending the limits of supply of the Weymouth Consumers Gas Company and for conferring further powers on the Company for the raising of money and otherwise in relation to their undertaking and for other purposes. A.D. 1897.

[3rd June 1897.]

WHEREAS by the Weymouth Consumers Gas Act 1867 (in this Act called "the Act of 1867") the Weymouth Consumers Gas Company (in this Act called "the Company") were incorporated for supplying gas within the limits of that Act (which comprise and include the parishes of Weymouth Melcombe Regis Wyke Regis and Radipole in the county of Dorset) and for acquiring maintaining making and using gasworks for that purpose and for other the purposes of the Act and were authorised to raise a share capital of thirty thousand pounds and to borrow on mortgage not exceeding seven thousand five hundred pounds and to create and issue debenture stock and were required to purchase (which they have done) the undertakings lands tenements hereditaments gasworks property and effects of the Weymouth and Melcombe Regis Gas Company incorporated by the Weymouth Gas Act 1856:

And whereas by the Weymouth Consumers Gas Order 1875 (in this Act referred to as "the Order of 1875") made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 and confirmed by the Gas and Water Orders Confirmation Act 1875 the Company were authorised to raise a further sum not exceeding ten thousand pounds by the issue of new ordinary or preference shares and to borrow on mortgage in respect of that additional capital any sum not exceeding two thousand five hundred pounds and to create and issue debenture stock:

And whereas the present capital of the Company consists of thirty thousand pounds ordinary A stock raised under the Act of 1867 with a dividend limited to ten pounds per centum per annum and ten thousand pounds raised by ordinary shares under the Order of 1875 fully paid up with a dividend limited to seven pounds per centum

A.D. 1897. — per annum and the Company have borrowed on mortgage and now owe ten thousand pounds and the Company have not created or issued any debenture stock :

And whereas nearly the whole of the said moneys raised by the Company have been expended on their gasworks and undertaking and they are now supplying gas within the limits of the Act of 1867 and the demand for gas within such limits is increasing :

And whereas it is expedient that the limits for the supply of gas by the Company be extended as by this Act provided :

And whereas it is expedient that the existing capital of the Company be consolidated and converted into a capital of one and the same class with a uniform rate of dividend of five pounds per centum per annum and that the Company be authorised to raise further capital as by this Act provided and that such other provisions be made with respect to the Company and their undertaking as are in this Act contained :

And whereas the purposes of this Act 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 *Weymouth Consumers Gas Act 1897.*

Mode of citing Acts of Company.

2. The Act of 1867 and this Act may be cited together as the *Weymouth Consumers Gas Acts 1867 and 1897.*

Incorporation of general Acts.

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

The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) :

The Gasworks Clauses Act 1847 :

The clauses and 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 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. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 :

And the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the existing undertaking of the Company as if the same had been authorised by this Act.

4. 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.

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 with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

5. The limits within which the Company may supply gas and exercise the powers conferred upon them by the Act of 1867 as amended by this Act and this Act shall extend to and include in addition to the parishes mentioned in section 5 of the Act of 1867 the parishes of Upway and Broadway in the county of Dorset and within and throughout the extended limits the Act of 1867 as amended by this Act and this Act shall henceforth be in full force and have effect.

Extension of limits of supply.

6. The Company may for the purposes of their undertaking purchase take and hold by agreement (but not otherwise) in addition to the lands which by the Act of 1867 they are authorised to purchase 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 schedule to the Act of 1867.

Power to purchase lands by agreement. Gas not to be manufactured except on lands scheduled to Act of 1867.

A.D. 1897.

Restriction
on taking
houses of
labouring
class.

7. The Company shall not under the powers of this Act purchase or acquire 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.

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

Power to
erect cot-
tages for
servants of
Company.

8. The Company may from time to time erect fit up maintain and let houses cottages and dwellings for the officers and servants employed by the Company for the purposes of their gasworks and undertaking.

Power to
supply gas
fittings
engines and
other
apparatus.

9. The Company may manufacture purchase provide supply sell let for hire use and otherwise deal in fit up alter repair remove and refix engines machines stoves ranges burners fittings pipes and other apparatus appliances and conveniences for heating ventilating motive power cooking and other domestic manufacturing industrial or other purposes for which gas can or may be used and may provide all materials and do all works necessary or proper in that behalf and may charge for any engines machines stoves ranges fittings and other things supplied sold or let for hire and for all works done 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 And such letting for hire may be on such terms and conditions with respect to the repair of the articles and things let and for securing the safety and return thereof to the Company and otherwise as may be agreed upon between the hirer and the Company.

Power to
supply gas
for heating
cooking and
other pur-
poses.

10. The Company may on the request of the owner or occupier of any property within the Company's limits of supply give and continue to give a supply of gas for all or any of the purposes mentioned in the last preceding section of this Act on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Limiting the
price of gas.

11. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at

any time exceed four shillings per one thousand cubic feet within the limits of the Act of 1867 and four shillings and sixpence per one thousand cubic feet within the extended limits by this Act authorised. A.D. 1897.

12. The prescribed number of candles shall be not less than fifteen. Quality of gas.

13. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height 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 thereof 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. Pressure of gas.

14. 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. No penalty in case of unavoidable cause.

15. 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. Powers as to electricity.

16.—(1) As from and after the thirty-first day of December one thousand eight hundred and ninety-seven the existing ordinary A stock and share capital of the Company shall by virtue of this Act be consolidated and converted into one and the same class of ordinary stock (in this Act called "original consolidated stock") bearing a uniform dividend of five pounds per centum per annum as follows (that is to say):— Conversion and consolidation of existing ordinary capital.

Thirty thousand pounds ordinary A stock fully paid up into sixty thousand pounds original consolidated stock fully paid up;

Ten thousand pounds ordinary share capital fully paid up into fourteen thousand pounds original consolidated stock fully paid up.

A.D. 1897.

(2) The original consolidated stock shall be divided among and vested in the several persons and corporations their executors administrators successors or assigns who on the said thirty-first day of December one thousand eight hundred and ninety-seven are holders of the existing ordinary A stock and ordinary shares of the Company respectively in proportion to the amount of such stock and shares held by them respectively and in the following manner (that is to say):—

Sixty thousand pounds shall be divided among the holders of the ordinary A stock of the Company ; and

Fourteen thousand pounds shall be divided among the holders of the ordinary shares in the capital of the Company.

(3) The Company shall create and issue original consolidated stock sufficient for the purposes aforesaid.

(4) All persons in whom any such original consolidated stock shall be so vested shall stand possessed thereof upon the like trusts and subject and liable to the like powers provisions declarations agreements charges liens and incumbrances upon or to which the stock and shares in respect of which such original consolidated stock is so vested were on the said thirty-first day of December one thousand eight hundred and ninety-seven subject and every deed or other instrument and every will or testamentary disposition of or affecting or purporting to affect or deal with the existing stock or shares shall take effect with reference to the whole or a proportionate part as the case may be of the original consolidated stock substituted therefor.

(5) The Company shall call in and cancel the certificates of the existing stock and shares and shall issue in lieu thereof to every holder of stock and shares new certificates for equivalent amounts of original consolidated stock as provided by this Act.

(6) Every new certificate shall be issued free of charge.

(7) No holder of stock or shares shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the stock or share certificate for which such certificate of original consolidated stock is substituted or shall have proved to the reasonable satisfaction of the Company the loss thereof.

(8) Subject to the provisions of this section the provisions of the Companies Clauses Consolidation Act 1845 with respect to the consolidation of shares into stock shall extend and apply to the original consolidated stock.

Provided that in every case where under the provisions hereinbefore contained a holder of existing stock would be entitled to any fractional part of a pound of original consolidated stock the Company shall not be bound to register such fractional part of a

pound of stock but may at the option of the Company pay to such holder such a sum in cash as shall be equal to the market value of such fractional part or receive from such holder such a sum in cash as will make up the amount of stock to be vested in him to an integral number of pounds and the amount of original consolidated stock vesting in such holder shall thereupon be reduced or increased accordingly and the directors may raise the money necessary to enable the Company to make such cash payment as aforesaid by the issue and sale from time to time of such an amount of original consolidated stock as may be requisite in that behalf.

A.D. 1897.

17. The Company may from time to time raise additional capital not exceeding in the whole forty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of forty 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 ten thousand pounds or within any subsequent year five thousand pounds. And provided further that no part of the said additional capital of forty thousand pounds shall be issued until the Company shall have exercised the powers conferred by this Act of borrowing eighteen thousand five hundred pounds in respect of their existing capital.

Power to raise additional capital.

18. 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 year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid ten thousand pounds in respect of the year following the passing of this Act and five thousand pounds in respect of every subsequent year then expired.

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

19. Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the

Except as otherwise provided.

A.D. 1897.

new shares
or stock to
be subject to
same inci-
dents as
ordinary
shares or
stock.

Dividends on
new shares
or stock.

Restriction as
to votes in
respect of
preferential
shares or
stock.

Profits of
the Company
limited.

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

new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

20. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

21. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

22. The profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (that is to say) On the original consolidated stock of seventy-four thousand pounds the rate of five pounds in respect of every one hundred pounds of such capital and on the additional capital to be raised under the powers of this Act the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of four pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

23. Notwithstanding anything in this Act contained the Company shall when any shares or stock 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.

A.D. 1897.

24. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

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

25. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Weymouth and Melcombe Regis and to the clerk to the rural district council of Weymouth 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 said borough.

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

26. 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 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 the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof 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.

27. 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 paying off money

Application of premium arising on issue of shares or stock.

A.D. 1897. borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend. Provided that in any case where a power to raise money by borrowing is made proportionate to the paid-up capital the premiums received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

Power to borrow in respect of original capital.

28. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the original consolidated stock of seventy-four thousand pounds any sums not exceeding in the whole eighteen thousand five hundred pounds inclusive of any portion of the said sum of ten thousand pounds borrowed by the Company on mortgage under the Act of 1867 and the Order of 1875 respectively which may for the time being remain unpaid.

Power to borrow in respect of additional capital.

29. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital 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 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.

Priority of existing mortgages.

30. All mortgages in pursuance of the powers of any Act of Parliament granted by the Company before the passing of this Act and subsisting at the passing hereof 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 all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Arrears to be enforced by the appointment of receiver.

31. The mortgagees of the Company may enforce the payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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.

A.D. 1897.

32. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the same 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 granted after the passing of this Act and certificates of debenture stock.

Debenture stock.

33. The Company shall offer any mortgages to be granted or any debenture stock issued under the powers of the Act of 1867 or the Order of 1875 or this Act for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the directors of the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds of the nominal amount of such mortgages or debenture stock and notice of the amount of the reserved price put upon such mortgages or debenture stock shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and 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.

Mortgages or debenture stock to be offered by auction or tender.

34. It shall be one of the conditions of any sale of mortgages or debenture stock under this Act that the whole price thereof shall be paid to the Company at the time or times to be named in the conditions under which the same shall be offered but so that the whole of such price shall be payable not later than three months from the time of sale.

Purchase money of mortgages or debenture stock to be paid within three months.

35. The intention to sell any mortgages or debenture stock by auction or tender shall be communicated in writing to the town

Notice to be given as to

A.D. 1897. clerk of the borough of Weymouth and Melcombe Regis and to the clerk to the rural district council of Weymouth 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 by the Company once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

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

36. When any mortgages or debenture stock have been offered for sale by auction or tender under the provisions of this Act and not sold the same may if the directors of the Company think fit be offered at the reserved price put upon the same for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company and subject thereto and to the non-acceptance thereof or of any part thereof by such holders shall again be offered for sale by public auction or by tender in the manner by this Act provided with respect to the sale of such mortgages or debenture stock.

Application of premium arising on sale of mortgages or debenture stock.

37. Any sum of money which shall arise by way of premium on the sale of mortgages or debenture stock under the provisions of this Act after deducting therefrom the expenses of and incident to such sale shall not be considered as profits of the Company but shall be expended on purposes to which capital is properly applicable.

Priority of mortgages and debenture stock over other debts.

38. 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 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 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.

Receipt in case of persons not *sui juris*.

39. If any money is payable to a shareholder or stockholder or 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.

40. 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 for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

A.D. 1897.

Application of money.

41. When any money is deposited by any person by way of security with the Company for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any 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.

Company to pay interest on money deposited as security.

42. 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 and be left at or sent by post to the office for the time being of the Company.

Notice of discontinuance.

43. The Company may from time to time contract with any local authority company corporation public body officers or persons whether within or beyond the Company's limits of supply but as to any such company corporation public body officers 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.

Company may contract with local authority &c. for supply in bulk.

44. Sections 46 (Maximum price of gas) and 49 (As to quality of Company's gas) of the Act of 1867 are by this Act repealed.

Repeal of sections of Act of 1867.

45. Section 61 (Recovery of charges for gas &c.) of the Act of 1867 shall be read and have effect as if the words "supply or" were therein contained before the word "hire."

Amendment of section 61 of Act of 1867.

46. The qualification of a director of the Company shall at and after the next election of directors be the possession in his own right of not less than two hundred pounds of ordinary stock in the capital of the Company.

Qualification of directors.

47. In construing in connexion with the Act of 1867 the Order of 1875 and this Act section 75 (Votes of shareholders) of the Companies Clauses Consolidation Act 1845 ten pounds of stock shall be deemed equivalent to one share.

Scale of voting.

A.D. 1897.

For the protection of
the Great
Western
Railway
Company.

48. For the protection of the Great Western Railway Company (herein-after referred to as "the railway company") the following provisions shall apply:—

(1) In laying down or executing or in effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the lands or property now or hereafter belonging to or used by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the railway company and only according to such plans and in such manner as shall be previously submitted to and reasonably approved by him and by and at the expense of the Company who also shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works and operations and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or in any way be owing to any of the works operations and matters aforesaid or the failure of any such mains pipes or works the Company shall make compensation to the railway company in respect thereof the amount of such compensation together with full costs to be recoverable by the railway company from the Company by all and the same means as any simple contract debt of the like amount is recoverable:

(2) If the railway company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the railway company may on giving to the Company fourteen days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Company across over or under their lands

railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect thereof: A.D. 1897.

- (3) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Company or either of them and the costs of such arbitration shall be in the discretion of such arbitrator.

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

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