



CHAPTER clxxxvii.

An Act to extend the limits of supply of the Southampton Gaslight and Coke Company and to confer on them further powers for the acquisition of lands the raising of additional capital and for other purposes. A.D. 1898.

[2nd August 1898.]

WHEREAS by the Southampton Gas Act 1848 the several persons therein named were incorporated by the name of "The Southampton Gaslight and Coke Company" and were authorised to supply gas within certain limits therein mentioned in the town and county of the town of Southampton and the liberties and precincts thereof and places adjacent thereto and for the purposes of the said Company to raise a capital of fifty thousand pounds in shares of fifty pounds each and to borrow on mortgage or bond any sums not exceeding in the whole sixteen thousand six hundred and sixty pounds:

And whereas by the Southampton Gas Act 1865 (in this Act called "the Act of 1865") the limits of supply of the Company were extended and the Company were authorised (upon a recital that they had expended in extension of their works the sum of twenty thousand pounds out of profits of the Company) to create fully paid shares to that amount for distribution among the proprietors of the Company as therein mentioned and the Company were also authorised to raise further sums not exceeding sixty thousand pounds by shares and to borrow further sums not exceeding fifteen thousand pounds on mortgage:

And whereas by the Southampton Gas Act 1876 the limits of supply of the Company were further extended and the Company were authorised to raise further sums not exceeding one hundred thousand pounds by shares or stock and to borrow further sums not exceeding twenty-five thousand pounds and to create and issue debenture stock:

And whereas it is expedient that the limits of supply of the Company be further extended:

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And whereas the whole of the share and loan capital authorised by the recited Acts has been issued and the Company are now in need of further capital for the acquisition of lands the extension of works and other purposes :

And whereas it is expedient to empower the Company to acquire additional lands and the freehold interest in certain lands of which they are now lessees and to erect additional works on the lands described in the Second Schedule to this Act :

And whereas it is expedient to authorise the conversion of the existing share capital of the Company into stock and also to authorise the conversion of the existing five per centum debenture stock of the Company into four per centum debenture stock :

And whereas it is expedient to confer on the Company such further powers and to make such other provisions as this Act contains :

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

And whereas plans and sections showing the lines and levels of the works by this Act authorised in respect of which plans and sections are required by the standing orders of Parliament to be deposited together with books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken under the powers of this Act were duly deposited with the clerk of the peace for the town and county of the town of Southampton and with the clerk of the peace for the county of Southampton and are in this Act respectively referred to as the deposited plans sections and book of reference :

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
and construc-
tion.

1. This Act may be cited as the *Southampton Gas Act 1898* and shall so far as is consistent with the tenor thereof be construed together with the recited Acts as one Act.

Incorpora-
tion of Acts.

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

The *Lands Clauses Acts* the *Gasworks Clauses Acts 1847* and *1871* :

The provisions of the *Companies Clauses Consolidation Act 1845* with respect to—

The distribution of the capital of the Company into shares ;

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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 borrowing of money by the Company on mortgage or bond ;
The remedies of creditors of the Company against the shareholders ;
The consolidation of the shares into stock ;
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) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

3. In this Act unless the context otherwise requires the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings. Interpretation.

LIMITS OF SUPPLY. LANDS. WORKS.

4. The limits of the Company for the supply of gas shall include the several parishes and places mentioned in the First Schedule to this Act and the Company may within those limits exercise all such powers as they are by any of the recited Acts authorised to exercise within their existing limits for the supply of gas under those Acts respectively. Extension of limits of supply.

5. The Company may demand and take for the supply of gas within their limits of supply a price not exceeding the following rates (that is to say) Three shillings and sixpence per thousand cubic feet within so much of their limits of supply as comprise the county borough of Southampton and the urban district of Eastleigh as the same now exist and four shillings and sixpence per thousand cubic feet within the remainder of their limits of supply Provided always that the Company within and not later than a period of ten years from the passing of this Act shall demand and take for the supply of gas within the whole of the said county borough the same price per thousand cubic feet Provided also that for the purpose only of effecting within the said period the said equalisation of charge per thousand cubic feet throughout the said county borough the Company shall not increase within the old borough area the price per thousand cubic feet beyond the present price of two shillings and sixpence per thousand cubic feet but nothing herein Price of gas.

A.D. 1898. — contained shall prevent the Company from time to time increasing within the said county borough or any other portion or portions of their limits of supply the price of gas supplied for the purposes or under the powers in this or the recited Acts contained if the Company find it necessary or desirable so to do but so as not to exceed the said maximum prices of three shillings and sixpence and four shillings and sixpence respectively. Provided also that if the Company increase their present prices per one thousand cubic feet they shall make such increase uniformly over the whole of their said limits of supply subject to the respective limitations as to maximum prices.

Power to acquire lands.

6. Subject to the provisions and for the purposes of this Act the Company may enter on take and use the lands shown on the deposited plans and described in the deposited book of reference.

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

7. If any omission misstatement or erroneous 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 and if it appears to the justices that the omission misstatement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission misstatement or erroneous description and such certificate shall be deposited with the clerk of the peace for the town and county of the town of Southampton and a duplicate thereof with the clerk of the peace for the county of Southampton and shall be kept by them respectively 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.

Period for compulsory purchase of lands.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Purchase of lands by agreement.

9. In addition to any other lands which the Company are under the recited Acts or this Act authorised to take or acquire the Company may by agreement purchase and acquire and may hold for the purposes of this Act and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole ten acres or any term interest or easement (not being

an easement of water in which persons other than the grantors have an interest) in over or affecting any such lands but nothing in this Act shall authorise the Company to manufacture or store gas or any residual products arising in the manufacture of gas except upon the lands described in the Second Schedule to this Act. A.D. 1898.

10. The Company may retain and may let sell and dispose of any lands which they may not for the time being require for the purposes of their undertaking Provided that the Company shall not erect or permit the erection on such lands as may be retained of any buildings other than buildings to be used in connexion with their gas undertaking or as dwellings for the officers or servants of the Company or as dwellings for the accommodation of persons of the labouring class. Power to hold and dispose of lands.

11.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or which have been since that day or shall hereafter be so occupied unless and until— Restrictions on displacing persons of labouring class.

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

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Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such

scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment: A.D. 1898.

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(9.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(11.) For the purposes of this section the expression "labouring class" means 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 servants whose income does not exceed an average of thirty shillings

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Power to construct gasworks &c.

12. The Company may upon the lands described in the Second Schedule to this Act erect lay down provide maintain alter improve enlarge extend and renew or discontinue works apparatus and conveniences for the manufacture storage and supply of gas and any residual products arising in the manufacture of gas also for the storage of all materials required for such manufacture and may make store and supply gas and residual products accordingly And may also for the purposes of their undertaking lay down in on or under lands of the Company and with the consent of the local authority in on or under any street or place dedicated to public use and maintain and renew mains pipes tubes wires and other apparatus for the purpose of carrying or conveying oil and for effecting telegraphic or telephonic communication between to or from the Company's works and offices:

Provided that such telegraphic and telephonic communications shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

Company may undertake to pay Postmaster-General loss sustained by additional postal facilities.

13. The Company may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the Company under such undertaking may be defrayed out of any revenue or funds of the Company.

Power to widen Longcroft Street.

14. The Company are hereby empowered to widen Longcroft Street in the parish of Saint Mary in the borough of Southampton on the south side thereof in the lines and according to the levels shown on the deposited plans and sections and the Company and the mayor aldermen and burgesses of the borough of Southampton (in this Act called "the corporation") are hereby respectively authorised to enter into and to carry into effect agreements and arrangements with reference to the execution and maintenance of the intended widening and works connected therewith.

Power to deviate.

15. In the execution of any work in respect of which plans and sections have been deposited for the purposes of this Act the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet.

16. On the completion of the said widening of Longcroft Street the Company may if they see fit stop and close Godfrey Street Godfrey's Cut otherwise Godfrey's Passage wholly and Golden Grove footway otherwise known as Gas Cut from the east end thereof to a point one chain or thereabouts measured in an easterly direction from the centre of the said cut where the same joins Melbourne Street and thereupon all public and other rights of way over the said street passage and footway respectively shall be by virtue of this Act extinguished and the site and soil thereof respectively shall vest in the Company if they are in possession of the land on both sides or when and so soon as they are in possession of the land on both sides.

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Power to
stop up
Godfrey
Street &c. on
completion
of widening
of Longcroft
Street.

17. In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county or main road bridges of the county of Southampton the following provisions for the protection of the county council of the administrative county of Southampton (in this section called "the county council") shall have effect (that is to say):—

For protec-
tion of
Southampton
County
Council.

- (1) All pipes to be laid in or along any main road or in upon or across any main road bridge shall be laid in such position in or at the side thereof (provided the metalling on or over such side be sufficient and of sufficient depth to effectually protect such pipes) as the county council in writing under the hand of their surveyor may reasonably direct:
- (2) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by the 8th section of that Act shall be not less than seven days instead of three days but this shall not apply to cases of emergency:
- (3) The plan required by the 9th section of the last-mentioned Act shall be accompanied by a description of the proposed works in the case of any main roads and by a section in the case of any county or main road bridges and shall be delivered to the county council or their surveyor by the Company not less than fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works:
- (4) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine:

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- (5) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any main road in or along which any pipes of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor to the county council so to do proceed to alter the position of any such pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after prescribed and the expenses of any such alteration deviation or improvement shall be paid to the Company by the county council :
- (6) Nothing in this Act contained shall interfere with the right of the county council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any pipes of the Company are carried in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Act had not been passed and such pipes had not been laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such pipes are laid being removed altered or rebuilt as aforesaid the Company shall at their own cost in all things alter the position of such pipes and any works by which the same are carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that the county council shall afford all reasonable facilities to the Company for such alteration Provided also that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at their own expense afford all reasonable facilities for temporarily carrying such pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such pipes :
- (7) All works of the Company so far as they affect any main roads and county or main road bridges shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto :
- (8) If any difference arise at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of

any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the council and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party : A.D. 1898.

- (9) The county council shall not be liable for or in respect of any damage or injury done to any work of the Company by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or by reason of the non-repair of any county or main road bridge or approaches :
- (10) Nothing in this section contained shall extend affect or apply to any existing work or pipes of the Company or any works or pipes to be executed or laid in the limits of supply as authorised before the passing of this Act.

CAPITAL.

18. For the purpose of conversion into stock of all the existing shares in the Company the directors of the Company may without further or other authority than this Act create and issue consolidated fully paid stock to the amount of three hundred and forty-four thousand pounds bearing a uniform maximum rate of dividend of five pounds per centum per annum in this Act referred to as "new stock." Conversion of existing shares into stock.

19.—(1.) Every holder of existing fifty pound shares bearing a maximum rate of dividend of ten pounds per centum per annum shall receive in substitution for each such share one hundred pounds of the new stock. Substitution of shares for consolidated stock.

(2.) Every holder of existing twenty-five pound shares bearing a maximum rate of dividend of seven pounds per centum per annum shall receive in substitution for each such share thirty-five pounds of the new stock.

(3.) Every holder of existing twenty pound shares bearing a maximum rate of dividend of five pounds per centum per annum shall receive in substitution for each such share twenty pounds of the new stock.

(4.) On the registration of the new stock in the name of any holder of existing shares the shares for which the new stock is substituted shall be by virtue of this Act cancelled and extinguished but without prejudice to the right of any such holder to payment of any arrears of dividend up to the date of conversion.

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(5.) The Company shall call in and cancel the existing certificates of shares in the Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Power to
create new
debenture
stock.

20. For the purpose of conversion of the existing fifty-six thousand six hundred and sixty pounds debenture stock under the provisions of this Act the directors of the Company may from time to time without further or other authority than this Act create and issue debenture stock to an amount not exceeding seventy thousand eight hundred and twenty-five pounds bearing interest at the rate of four pounds per centum per annum in this Act referred to as "new debenture stock."

Substitution
of new for
existing
debenture
stock.

21.—(1.) Every holder of existing five pounds per centum debenture stock shall receive in substitution for every one hundred pounds of that stock one hundred and twenty-five pounds of the new debenture stock and so in proportion for every fraction of one hundred pounds.

(2.) On the registration of new debenture stock in the name of any holder of existing debenture stock the existing debenture stock for which the new debenture stock is substituted shall be by virtue of this Act cancelled and extinguished but without prejudice to any right or claim on the part of any holder of such existing stock to payment of arrears of interest up to the date of conversion.

Provisions
common to
substitution
of new stock
for shares
and of new
debenture
stock for
existing
debenture
stock.

22.—(1.) The directors of the Company may close the registers of the existing shares and of the existing debenture stock at such time or times and shall do all such other acts and things as shall be necessary or proper for carrying into effect the provisions of this Act.

(2.) Trustees executors administrators and all persons empowered under section seven of the Lands Clauses Consolidation Act 1845 to sell and convey lands are hereby expressly authorised to accept and hold any new stock or new debenture stock issued under the powers of this Act in exchange for any shares or debenture stock as the case may be held by them or any proportionate part thereof and are hereby indemnified for all acts bonâ fide done by them in pursuance of the provisions of this Act but not for any breach of trust or unauthorised investment of trust funds.

(3.) The new stock and the new debenture stock substituted under the powers of this Act for any existing shares or debenture

stock shall respectively be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those on or to which such existing shares or debenture stock as the case may be were or was respectively held immediately before the substitution and so as to give effect to and not to revoke any deed will or other disposition disposing of or affecting such existing shares or debenture stock and every such deed will or other disposition shall take effect with reference to the new stock or new debenture stock as the case may be received in substitution for such existing shares or debenture stock as aforesaid or any proportionate part thereof.

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23. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise for the purposes of this Act and for the general purposes of their undertaking in addition to their existing capital sums not exceeding in the whole two hundred 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 vest in the person 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 :

Power to raise additional capital.

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 two hundred thousand pounds :

Provided also that the said sum of two hundred thousand pounds shall be and be deemed to be part of the nominal capital of the Company for the purposes and within the meaning of section 31 of the Gasworks Clauses Act 1847.

24. Except as is otherwise provided by this Act or by the resolution creating the same the capital in new shares or stock created by the Company under this Act and the 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 existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares or stock.

25. 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

Dividends on new shares or stock.

A.D. 1898. — Company and shall be entitled to a dividend with the 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.

Profits of Company on additional share capital limited.

26. The Company shall not in any one year make 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 as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which should have fallen short of the said sum of five pounds per centum per annum or than four pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

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

27. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class (if more than one) of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

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

28. Notwithstanding anything in this Act contained the Company shall when any shares or stock in the additional capital authorised by 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 :

Provided also 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.

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29. 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.

30. 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 county borough of Southampton 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 county borough.

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

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

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

32. 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 borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Application of premium arising on issue of shares or stock.

33. 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 additional capital by this Act authorised to be raised and 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

Power to borrow in respect of additional capital.

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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.

Power to create debenture stock.

34. 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 granted or issued by the Company shall subject to the provisions of any Act passed subsequently to this 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 and debenture stock over other debts.

35. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of any former Act relating to the Company or under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or a 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 nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Repeal of provisions of former Acts with respect to appointment of receiver.

36. Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without

prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act. A.D. 1898.
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37. The mortgagees and debenture stockholders of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages or debenture stock 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 and debenture stockholders by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. For appointment of receiver.

38. 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. Receipt in case of persons not sui juris.

39. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the purposes of the Company's undertaking to which capital is properly applicable. Application of moneys.

40. Every transfer of stock whether ordinary preference or debenture stock must be of an amount of ten pounds or of some multiple of ten pounds of stock. Notice of this section shall be endorsed on all stock certificates. Restriction on transfers of stock.

MISCELLANEOUS.

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

42. 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 due from him the Company may (notwithstanding anything in section eleven of the Gasworks Clauses Act 1871) refuse to furnish to him a supply of gas at other premises until he pays the amount owing. Power to refuse to supply persons in debt for supply to other property.

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Testing place.

43. The testing place now existing at the works of the Company shall be the prescribed testing place.

Quality of gas.

44. The quality of gas supplied by the Company shall not contain in one hundred cubic feet of gas supplied more than twenty-two grains of sulphur in the winter months (from October to March both inclusive) or than twenty grains of sulphur in the summer months (from April to September both inclusive).

Period of error in defective meters.

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

Company may contract with local authority and others for supply in bulk.

46. The Company may contract with any local authority company corporation or public body whether within or beyond the Company's limits of supply (but as to any such company corporation or public body beyond the Company's limits of supply only with the consent in writing of the local authority of and of any company authorised 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 from the making of the contract as shall be agreed upon.

Power to hold licences under patent rights.

47. The Company may purchase take hold and use patent rights or licences or authorities under any letters patent not being exclusive for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and such materials and residual products as herein-before mentioned.

Company not to interfere with part of bed and foreshore of River Itchen.

48. Nothing contained in this Act or shown on the deposited plans shall empower the Company to enter upon take hold use or interfere with or confer upon them any estate right or interest in any part of the bed or foreshore of the River Itchen nearer to the channel of the said river than the Parliamentary Quay Line referred to in sections 55 to 58 of the Act 6 & 7 Victoria chapter 65 entitled "An Act to convert the shares in the capital authorised to be raised by the Acts for making a Dock or Docks at Southampton into stock to raise a further sum of money and to alter and amend some of the powers of the said Acts."

Works below high-water mark not to

49. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea

or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

A.D. 1898.
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be commenced without consent of Board of Trade.

50. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

51. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

52. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of Crown in foreshore.

53. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments

Saving rights of Crown.

A.D. 1898. — or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Repeal. **54.** The sections of the Southampton Gas Acts 1865 and 1876 specified in the Third Schedule to this Act are repealed or amended as from the passing of this Act to the extent in that schedule mentioned.

Costs of Act. **55.** All costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act. A.D. 1898.

THE FIRST SCHEDULE.

The town and county of the town of Southampton and Southampton Common :

The parishes of Saint Mary Extra Bishopstoke Bitterne Chilworth Colbury Copythorne Eastleigh Eling Fair Oak Marchwood Millbrook Netley Marsh North Stoneham Nursling Portswood Shirley Sholing South Stoneham West End :

And the shore and mudlands within high-water mark :

Also the parishes of Lyndhurst Chandlers Ford Hound Hamble North Baddesley and Rownhams all in the county of Southampton.

THE SECOND SCHEDULE.

LANDS ON WHICH THE COMPANY MAY ERECT AND MAINTAIN WORKS AND MANUFACTURE GAS AND RESIDUAL PRODUCTS AND STORE GAS.

A.—Certain lands with the public-house and dwelling-houses and other buildings thereon 6,141 square feet or thereabouts in extent situate in Longcroft Street on the south side thereof and numbered 8 9 10 and 11 Longcroft Street belonging or reputed to belong to Edward Atkins as to Nos. 8 9 and 10 Longcroft Street and leased or reputed to be leased to John Burberry Meech and as to No. 11 Longcroft Street belonging or reputed to belong to Scrase's Brewery Limited bounded on the north by Longcroft Street aforesaid on the south and east by land and dwelling-houses the property of the Company and on the west by Godfrey's Passage :

Certain lands with the dwelling-houses and other buildings thereon 2,422 square feet or thereabouts in extent situate in Bevois Street on the south side thereof numbered 71½ and 72 Bevois Street belonging or reputed to belong to Louisa Barnett and Hugh Williamson Jesse Smith and Richard Enos Harris the trustees of the will of John Cowdery deceased bounded on the north by Bevois Street on the south by dwelling-houses and west by a lime shed the property of the Company and on the east by Godfrey's Passage :

A.D. 1898.

Certain lands with the dwelling-house and other buildings thereon 1,175 square feet or thereabouts in extent situate in Marine Parade on the west side thereof and numbered 21 Marine Parade belonging or reputed to belong to Mary Ann Hendin and Elizabeth Hannah Summerbee bounded on the north and west by dwelling-houses and on the south by stores and workshops the property of the Company and on the east by Marine Parade:

Certain lands with the beerhouse dwelling-houses and other buildings thereon 3,613 square feet or thereabouts in extent situate in and numbered 1 2 and 3 Godfrey Street belonging or reputed to belong to Mary Biel and Elizabeth Mary Biel and as to the beerhouse No. 1 Godfrey Street leased or reputed to be leased to Andrew Barlow bounded on the south by Godfrey Street and on the north east and west by houses stables stores and blacksmith's shop the property of the Company.

B.—Certain lands 3 acres 3 roods and 4 perches or thereabouts in extent adjoining land of the London and South Western Railway Company abutting on Northam Road belonging or reputed to belong to the Ecclesiastical Commissioners for England bounded on the north and west by lands and property of the London and South Western Railway Company on the south by land and gasholders the property of the Company and on the east by Britannia Road.

C.—Certain lands with the dwelling-houses and other buildings thereon 12,708 square feet or thereabouts in extent situate in and numbered 4 5 and 6 Godfrey Street and 1 2 3 4 5 6 7 and 7A Longcroft Street in the occupation of the Company or their tenants belonging or reputed to belong to Edward Atkins as to Nos. 7 and 7A Longcroft Street and Nos. 4 5 and 6 Godfrey Street Mary Ann Hendin and Elizabeth Hannah Summerbee as to Nos. 1 and 2 Longcroft Street and Edward Atkins as to Nos. 3 4 5 and 6 Longcroft Street.

D.—Certain lands 68,580 square feet or thereabouts in extent belonging or reputed to belong to Felicie Marie Mathilde Bradby Harry Bradby Joseph Robins and Edward Thompson Westlake as to four lots part thereof to Harry Bradby as to ten lots further part thereof and to Louisa Mary Scott wife of General Theophilus Leslie Scott as to eleven plots further part thereof bounded on the north and west by land and sewage tanks the land and yard in the rear of property of the London and South Western Railway Company on the south by backs of houses Nos. 56 to 63 (both inclusive) Bevois Street and on the east by land and gasholders the property of the Company and by land the property of the London and South Western Railway Company.

E.—Certain lands 10,408 square feet or thereabouts in extent forming the site of Godfrey Street Godfrey's Cut otherwise Godfrey's Passage and Golden Grove footway otherwise Gas Cut intended to be stopped up and the site whereof is intended to be vested in the Company.

F.—Certain lands 15 acres or thereabouts in extent belonging or reputed to belong to Arthur Reginald White and Herbert William White the trustees of the will of Arthur White deceased and Major Evelyn George Hammond Atherley bounded on the north by land belonging or reputed to belong to Arthur Reginald White and Herbert William White the trustees of the will of Arthur White deceased on the south by land belonging or reputed to

belong to Tagart Morgan and Coles Limited on the east by the Fareham and Netley branch railway of the London and South Western Railway Company and by lands belonging or reputed to belong to Colonel Oswald James Augustus Grimston the Rev. Thomas Lewis Owen Davies William Garton and the rector of the parish of Saint Mary Southampton and on the west by the River Itchen mudland and the said Fareham and Netley branch railway. A.D. 1898.

The lands A B C D and E above referred to are situate in the parish of Saint Mary in the county borough of Southampton in the town and county of the town of Southampton and the lands F above referred to are situate in the parish of Saint Mary Extra in the rural district of South Stoneham in the county of Southampton.

THIRD SCHEDULE.

ENACTMENTS REPEALED OR AMENDED.

THE SOUTHAMPTON GAS ACT 1865.

Sections.	Extent of Repeal or Amendment.
23 to 25 both inclusive.	Wholly repealed.
26	The words "fourteen sperm candles" shall read "fifteen sperm candles."
28	The words "on giving twelve hours previous notice in writing to the Company" and "at any reasonable hour in the daytime" are repealed.
29	The words "illuminating power by this Act prescribed" shall read "the illuminating power by this or any subsequent Act of the Company prescribed."
34	Wholly repealed.
37	Wholly repealed.

A.D. 1898.

THE SOUTHAMPTON GAS ACT 1876.

Sections.	Extent of Repeal or Amendment.
4	The words from " Provided always that the sections " to the end of the section are repealed.
7	The words " within the town and county of the town of Southampton " are repealed.
8	The word " fourteen " shall read " fifteen."

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