



## CHAPTER cclxiii.

An Act for conferring further powers on the Weston-super-Mare Gaslight Company and for other purposes. A.D. 1901.

[17th August 1901.]

**W**HEREAS by the Weston-super-Mare Gaslight Act 1855 (in this Act called "the Act of 1855") the Weston-super-Mare Gaslight Company (in this Act called "the Company") were incorporated for making and supplying gas within the limits of that Act which comprise the town of Weston-super-Mare in the parish of Weston-super-Mare in the county of Somerset and for continuing making constructing and maintaining gasworks and other works and for other the purposes of that Act and were authorised to raise a share capital of eight thousand pounds and to borrow on bond not exceeding two thousand pounds :

And whereas by the Weston-super-Mare Gaslight Act 1861 (in this Act called "the Act of 1861") the limits within which the Company were by the Act of 1855 authorised to supply gas were extended to those portions of the parish of Weston-super-Mare which were not comprised within the town of Weston-super-Mare and to the parishes of Uphill and Kewstoke adjoining the parish of Weston-super-Mare and the Company were authorised to raise by the creation and issue of new shares any sums not exceeding in the whole the further sum of sixteen thousand pounds and were authorised to borrow on mortgage not exceeding one fourth of such additional capital :

And whereas by the Weston-super-Mare Gas Light Order 1878 (in this Act referred to as "the Order of 1878") 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 1878 the Company were authorised to raise further sums not exceeding twenty-two thousand pounds by the issue of new ordinary or preference shares and to borrow on

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And whereas the existing capital of the Company is thirty-nine thousand four hundred pounds divided into one thousand nine hundred and seventy shares of twenty pounds each made up as follows Ordinary A shares four thousand pounds raised under the Act of 1855 with a dividend limited to ten pounds per centum per annum ordinary B shares four thousand pounds raised under that Act with a dividend limited to seven pounds ten shillings per centum per annum ordinary C shares sixteen thousand pounds raised under the Act of 1861 with a dividend limited to seven pounds ten shillings per centum per annum and ordinary D shares fifteen thousand four hundred pounds raised under the Order of 1878 with a dividend limited to seven pounds per centum per annum and the Company have created and issued debenture stock to the amount of eleven thousand five hundred pounds :

And whereas 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 their limits of supply :

And whereas the demand for gas within the limits of supply of the Company has increased and is increasing and it is expedient that the Company be empowered to improve and extend their works and to acquire the lands secondly described in the schedule to this Act and to erect thereon works for the manufacture of gas and residual products :

And whereas a plan showing the lands which may be taken under the powers of this Act and a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Somerset and are hereinafter respectively referred to as the deposited plan and book of reference :

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 King'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 :--

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1. This Act may be cited as the *Weston-super-Mare Gas Act 1901.* Short title.

2. The following Acts and parts of Acts are (except where expressly varied by this Act and so far as the same respectively are applicable for the purposes of and not varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act (that is to say) :—

Incorporation of general Acts.

The Lands Clauses Acts :

The Gasworks Clauses Acts 1847 and 1871 :

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 subsequent Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

4. Subject to the provisions of this Act the Company may enter upon take hold and use the lands delineated on the deposited plan and described in the deposited book of reference and secondly described in the schedule to this Act.

Power to take lands.

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

5. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Somerset for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Somerset and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

6. 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.

Prescribed period for sale of superfluous lands.

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

Powers as to construction and maintenance of gasworks &c.

8. Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act or any part thereof construct erect lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers manufactories condensers scrubbers exhausters purifiers gasholders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within their limits for the supply of gas and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum lime ammoniacal liquor sulphate of ammonia oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and may also deal in and sell lime at their works and elsewhere.

Power to purchase lands by agreement.

9. The Company may for the purposes of their undertaking purchase take and hold by agreement (but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole three acres which the

Company may 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 this Act.

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Gas not to be manufactured except on lands scheduled.

10. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions in each case apply the Company may sell either in fee or subject to a freehold ground rent lease let or otherwise dispose of any lands houses or other property belonging to the Company and which may not be required for the purposes of their undertaking.

Sale or lease of lands not required.

11. The Company may on any lands belonging to them erect fit up maintain and let houses cottages and dwellings for the officials and servants employed by the Company for the purposes of their gasworks and undertaking.

Power to erect cottages for servants of Company.

12.—(1) 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.

Restriction on taking houses of labouring class.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the provisions of this section 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.

(3) For the purposes of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling; and

The expression "labouring class" means 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.

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Repeal of sections of Acts of 1855 and 1861.

Limiting price of gas.

Quality of gas.

Pressure of gas.

Testing place.

Power to urban district council of Weston-super-Mare to provide testing place.

Burner.

**13.** Section 22 (As to the quality of gas) of the Act of 1855 and section 28 of that Act and section 11 of the Act of 1861 (Limiting the price of gas) are by this Act repealed.

**14.** 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 thousand cubic feet.

**15.** The prescribed number of candles shall be not less than fifteen.

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

**17.** The prescribed testing place for the purposes of section 28 of the Gasworks Clauses Act 1871 shall be the existing testing place at the works of the Company.

**18.** The urban district council of Weston-super-Mare may at their own cost provide and maintain a testing place at the Town Hall Weston-super-Mare with apparatus therein for testing the purity and illuminating power of the gas supplied by the Company in accordance with the provisions of the Gasworks Clauses Act 1871 and the said council shall afford to the Company their officers and servants free access to such testing place at all times and sections 31 32 and 33 of the Gasworks Clauses Act 1871 shall apply to the testing of gas at such testing place.

**19.** The prescribed burner shall be Sugg's London Argand burner No. 1 with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

**20.** The Company may upon the application of the owner or occupier of any premises within the limits of supply of the Company abutting on or being erected in any street laid out or made but not dedicated to the public use supply such premises with gas and may lay and repair take up alter relay and renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

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Power to lay pipes in streets not dedicated to public use.

**21.** In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

As to construction and placing of pipes &c. between mains and meters.

(1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer between the Company's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :

(2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :

(3) The specification shall be published twice in some newspaper circulating in the limits of supply of the Company and a copy thereof shall be kept exhibited in the office of the Company :

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building :

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes with their fittings and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the

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Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

- (6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Company to pay interest on money deposited as security.

**22.** 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 pounds 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.

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

**23.—(1)** The Company may sell let for hire or otherwise deal in fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Company and the persons to or for whom the fittings are sold let fixed up repaired or removed.

(2) Any fittings engines stoves ranges pipes and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such engines stoves ranges pipes fittings apparatus appliances articles and things respectively have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.



**24.** Twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent payable to the Company.

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Gas consumers to give notice before removing.

**25.** If a person requiring a supply of gas for any premises occupies or has occupied other premises at which gas was supplied to him by the Company and has not paid all gas or meter rent due from him to the Company they may refuse to furnish to him a supply of gas for such first-mentioned premises until he pays the same.

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

**26.** A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

Notice of discontinuance.

**27.** 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 then current quarter. The amount of the allowance to be made to or of the surcharge 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 in the like manner as gas rents are recoverable by the Company.

Period of error in defective meters.

**28.** No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or 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 neglect refusal insufficiency defect or excess was produced by an unavoidable cause or accident or was of so slight or unimportant a character as not materially to affect the value of the supply. Provided that the want of sufficient funds shall not be deemed to be an unavoidable cause or accident.

No penalty in case of unavoidable cause.

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Power to hold licences under letters patent.

**29.** The Company may take hold and use within their limits of supply patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and of any residual products arising in the manufacture of gas.

Anti-fluctuators for gas engines.

**30.** 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 order 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.

If profits exceed amount limited excess may be invested and form an insurance fund.

**31.** If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital if any and dividend on the ordinary capital of the Company at the standard rate the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident (including accident to any person in their employ) strikes or other circumstances which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen. Provided that when and so often as the said fund shall reach one twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

32.—(1) As from and after the thirty-first day of December one thousand nine hundred and one the existing ordinary share capital of the Company amounting to thirty-nine thousand four hundred pounds shall be by force of this Act only and without any other requisite consolidated and converted into fifty-nine thousand five hundred and sixty pounds ordinary stock (in this Act called “consolidated stock”) bearing a uniform maximum dividend of five pounds per centum per annum.

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Conversion  
and consoli-  
dation of  
existing  
ordinary  
capital.

(2) The consolidated stock shall belong to and be divided among the several persons who on the said thirty-first day of December one thousand nine hundred and one are registered in the books of the Company as holders of the existing ordinary shares of the Company in the following amounts (that is to say):—

To each such person in respect of every share of the nominal value of twenty pounds and entitled to a maximum dividend of ten per centum of which he shall be so registered as the holder forty pounds of the said stock;

To each such person in respect of every share of the nominal value of twenty pounds and entitled to a maximum dividend of seven and a half per centum of which he shall be so registered as the holder thirty pounds of the said stock;

To each such person in respect of every share of the nominal value of twenty pounds and entitled to a maximum dividend of seven per centum of which he shall be so registered as the holder twenty-eight pounds of the said stock.

(3) The Company shall subject to the provisions of this Act on the first day of January one thousand nine hundred and two register in the name of every person entitled to be the holder of any of the consolidated stock the amount of such stock to which he is under this Act entitled.

(4) Such consolidated stock to be allotted under the foregoing provisions of this Act shall be vested in the persons respectively entitled under the provisions of this Act to such stock and be held by them upon the like trusts and subject and liable to the like powers provisions declarations agreements charges liens and incumbrances upon or to which the shares in substitution for which such consolidated stock is so vested were on the said first day of January one thousand nine hundred and two 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 shares shall take effect with reference to the whole or a proportionate part as the case may be of the consolidated stock substituted therefor.

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(5) The Company shall call in and cancel the certificates of the existing shares and shall issue in lieu thereof to every holder of shares new certificates for and representing such amount of consolidated stock as he is entitled to under the provisions of this Act.

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

(7) No holder of shares shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the share certificate for which such certificate of 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 consolidated stock.

(9) The consolidated stock shall be deemed to have been created and issued pursuant to the Acts of 1855 1861 the Order of 1878 and this Act and the Acts incorporated with the said Acts and Order or any of them.

Power to  
raise addi-  
tional  
capital.

**33.** The Company may raise additional capital not exceeding in the whole thirty-six 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 additional capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of thirty-six 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 five thousand pounds or within any subsequent year five thousand pounds.

If authorised  
capital for  
any year  
not raised  
amount may

**34.** If in any year or years the Company have not created and issued capital to the full amount hereinbefore 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 five 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.

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be made up  
in subse-  
quent years.

**35.** Except as is by this Act otherwise provided 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 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.

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

**36.** 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.

Dividends  
on new  
shares or  
stock.

**37.** 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.

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

**38.** 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 consolidated stock the rate of five pounds in respect of every one hundred pounds of such stock 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 five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the consolidated stock and on the additional ordinary capital raised under this Act which shall have fallen short of the said sum of five pounds per centum per annum.

Profits of  
company  
limited.

**39.** Notwithstanding anything in this Act contained the Company shall when any new 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

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

A.D. 1901. 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.

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

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

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

41. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the urban district council of Weston-super-Mare and to the clerk of the council of every other district wholly or partly included within the limits of supply of the Company 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 any part of the limits of supply of the Company.

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

42. 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 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.

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**43.** 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. Provided that in any case where a power to raise money by borrowing or to create an insurance or reserve fund is made proportionate to the paid-up capital the premiums received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purpose be reckoned as part of the paid-up capital.

Application of premium arising on issue of shares or stock.

**44.** The Company may at any time after the passing of this Act borrow on mortgage of the undertaking in respect of the consolidated stock any sums not exceeding in the whole one-fourth part of the amount of the consolidated stock inclusive of the said sum of eleven thousand five hundred pounds debenture stock created and issued by the Company.

Power to borrow in respect of consolidated stock.

**45.** The Company may 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

Power to borrow in respect of additional capital.

A.D. 1901. — certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Priority of existing mortgages.

**46.** All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any 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 appointment of receiver.

**47.**—(1) Section 17 of the Order of 1878 (Appointment of a receiver) is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act.

(2) The mortgagees of the undertaking 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 five hundred pounds in the whole.

Debenture stock.

**48.** 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 Order confirmed by Parliament 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.

Priority of mortgages and debenture stock over other debts.

**49.** 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 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.

A.D. 1901.

50. 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*.

51. 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.

Application of money.

52. The Company may contract with any local authority company or person beyond the Company's limits of supply but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under Parliamentary powers in that district 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 Provided that the Company shall not supply gas within the parish of Worle except with the consent of the Worle Gas Company Limited.

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

53. So much of section 17 of the Act of 1855 as relates to the qualification of a director and section 19 (Quorum for general meetings of shareholders) of that Act and so much of section 6 of the Order of 1878 as relates to voting are hereby repealed.

Repeal of parts of Act of 1855 and Order of 1878.

54. The qualification of a director of the Company shall be the possession in his own right of not less than two hundred pounds of ordinary stock or shares in the capital of the Company.

Qualification of directors.

55. The quorum of a general meeting whether ordinary or extraordinary of the Company shall be stockholders or shareholders present in person or by proxy holding in the aggregate not less than four thousand pounds in the capital of the Company.

Quorum of general meetings.

A.D. 1901.

Voting.

**56.** At all general meetings of the Company every stockholder or shareholder shall have one vote for every ten pounds of the capital of the Company up to one hundred pounds and an additional vote for every fifty pounds of the capital of the Company beyond the first one hundred pounds held by him.

Provisions as  
to purchase of  
undertaking  
by Weston-  
super-Mare  
Urban  
District  
Council.

**57.—(1)** If at any time within five years from the passing of this Act the Weston-super-Mare Urban District Council (in this section called "the council") shall apply to Parliament for power to purchase the undertaking of the Company the Company shall not oppose such application except in so far as may be necessary in order to secure the insertion in any Bill introduced into Parliament to authorise such purchase of clauses to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit and if such powers of purchase be granted the Company shall within six months after the passing of the Act conferring such powers sell and transfer and the council shall purchase and acquire the undertaking of the Company subject to all the existing mortgages obligations and liabilities of the Company in respect of or affecting their undertaking.

(2) Any such sale and purchase shall be for such price and consideration and on such terms and conditions as may be agreed upon between the Company and the council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the council and the expression "lands" shall mean the undertaking of the Company.

(3) In addition to the sum to be paid by the council to the Company under the foregoing provisions of this section the council shall pay to the Company all the costs and expenses of and incident to the arbitration and the transfer of the undertaking of the Company and the winding up of the Company and also all the costs charges and expenses incurred by the Company preliminary to and of and incident to the preparing and applying for and obtaining and passing of this Act or otherwise in relation thereto.

(4) The council shall also pay compensation to any officers and servants in the regular employment of the Company who shall not be retained by the council in the same or similar office or employment and at the salary and on the terms and conditions in at and on which

they respectively were employed by the Company at the passing of the Act authorising the purchase of the undertaking of the Company in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertaking of the Company to the council the amount of such compensation in default of agreement to be determined by arbitration as aforesaid and no officer or servant who has been in the employment of the Company for ten years or upwards shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the council. A.D. 1901.

(5) For the purposes of this section—

The expression “the undertaking of the Company” includes all the gasworks engines mains pipes and machinery lands and buildings plant and other property and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking of the Company to the council save and except—

- (i) The cash balances (other than consumers' deposits in the Company's hands or in those of their bankers or agents on the day of the transfer) and all sums standing to the credit of their reserve fund and all undivided profits and all surplus stock in trade and stores not in use which may be purchased by the council at a valuation in the usual way ;
- (ii) All rents and profits of and all book and other debts due to the Company and all rates accrued due on the date of the transfer and the books and papers relating exclusively to the shareholders in and the constitution of the Company.

**58.** The Company shall within six months after the passing of this Act deposit with the clerk to the urban district council of Weston-super-Mare a map showing so far as the Company are able to show from their records and without opening or breaking up the soil of any streets within their limits of supply the course and situation of the gas mains belonging to them within the urban district of Weston-super-Mare and shall at the end of every six months after such period cause the said map to be from time to time corrected and such additions made thereto as may show the course and situation of such gas mains and in default the Company shall be liable to a penalty of five pounds which may be recovered by the said council and for the purpose of enabling the Company to prepare such map the said council shall allow them to inspect and

Map of gas mains to be deposited with clerk to urban district council of Weston-super-Mare.

A.D. 1901. have the reasonable use of and to take copies of or extracts from any maps of the said urban district belonging to the said council.

Costs of Act. 59. 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.

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The SCHEDULE referred to in the foregoing Act.

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

Firstly Lands belonging or reputed to belong to the Company on which their existing works are constructed situate in the parish and urban district of Weston-super-Mare in the county of Somerset and containing three acres two roods and eight poles or thereabouts.

Secondly Lands adjoining and on the east side of the lands on which the existing works of the Company are constructed and situate in the said parish and urban district of Weston-super-Mare and containing by admeasurement two acres two roods one pole or thereabouts and bounded on the north by lands belonging or reputed to belong to the Great Western Railway Company on the south by lands belonging or reputed to belong to Francis Blackmore on the west by the land and works of the Company and on the east by land belonging or reputed to belong to the trustees of the Pigott Settled Estates.

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