



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. xi.

An Act for lighting with Gas the Town of *Nottingham*, and certain Parishes and Places adjacent thereto. [9th May 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for granting more effectual Powers for lighting with Gas the Town of Nottingham, and several Parishes and Places adjacent thereto*: And whereas another Act was passed in the Twelfth Year of the Reign of Her present Majesty, intituled "*The Nottingham Gas Amendment Act, 1849*:" And whereas by the last-recited Act the Share Capital which the Company incorporated by the first-recited Act are authorized to raise is limited to Eighty-five thousand Pounds: And whereas the Population and Trade of the Town of *Nottingham*, and of the Parishes and Places within the Limits of the recited Acts, have of late Years greatly increased and are still increasing, and by reason of the Inclosure and Allotment of the Commonable Lands adjacent to the Town many new Streets have been opened and are in the Course of Formation, and numerous Houses, Manufactories, and Buildings have been and will be erected, and the Company have

[*Local.*] *H h* expended

5 & 6 Vict. c. 13.

12 & 13 Vict. c. 9.

The Nottingham Gas Act, 1853.

expended in the laying additional Mains and Pipes and Works, and will need for the Discharge of existing Liabilities and prospective Requirements, much more than the whole of the Share Capital which by the said Acts they are authorized to raise: And whereas on the Thirtieth Day of *June* One thousand eight hundred and fifty-two the Capital of the Company consisted of Two thousand one hundred Shares of Twenty-five Pounds each, and the Amount represented by such Shares, and also received from Loans, and the Premiums of such Shares as have been sold by Auction under the Provisions of the recited Acts, was Sixty-seven thousand two hundred and thirty-four Pounds Fifteen Shillings, and the Shareholders in the Company are entitled to Dividends upon the nominal Amount of such Shares after a Rate not exceeding Ten Pounds *per Centum per Annum*, but are not entitled to any Dividends upon Premiums paid in excess of the nominal Value of such Shares or any of them: And whereas, in order to meet the increased and increasing Demand for Gas, it is expedient that the Company should be empowered to raise further Sums of Money, and that further and other Provisions should be made with reference to the Regulation and Augmentation of the Capital of the Company: And whereas, in order to avoid Inconveniences arising from several Special Acts relating to the same Undertaking being in force at the same Time, it is expedient that the recited Acts be repealed, and that some of the Powers and Provisions thereof be amended, and re-enacted or continued in this Act; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commence-
ment of
Act.

I. That this Act shall commence and take effect on and from the First Day of *July* One thousand eight hundred and fifty-three.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression, "*The Nottingham Gas Act, 1853.*"

Recited Acts
repealed.

III. That on the Commencement of this Act the said recited Acts shall be and are hereby repealed.

Certain Pro-
visions of
8 & 9 Vict.
cc. 16. and 18.
and
10 & 11 Vict.
c. 15. incor-
porated with
this Act.

IV. That "*The Companies Clauses Consolidation Act, 1845,*" except the Seventy-third, Ninety-third and Ninety-fourth Sections thereof, with respect to the Chairman at General Meetings and the Chairman of the Directors, "*The Lands Clauses Consolidation Act, 1845,*" and "*The Gasworks Clauses Act, 1847,*" shall be incorporated with and form Part of this Act: Provided always, that the
Company

The Nottingham Gas Act, 1853.

Company shall not take any Lands for the Purposes of this Act otherwise than by Agreement.

V. That the several Words and Expressions to which by the Acts incorporated by this Act Meanings are respectively assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to, or inconsistent with, such Construction; and the Expression "the Undertaking" in "The Gasworks Clauses Act, 1847," shall mean for the Purposes of this Act the Gasworks, and the Works connected therewith, by this Act authorized to be maintained and constructed respectively; the Word "Company" in this Act shall mean "The *Nottingham* Gaslight and Coke Company;" and the Expression "the Directors" in "The Companies Clauses Consolidation Act, 1845," shall mean and apply to the Committee continued or authorized to be appointed by this Act.

Same Meaning to certain Words in this Act as in Acts incorporated herewith.

VI. That, notwithstanding the Repeal of the recited Acts, the Company shall for the Purposes of this Act remain as from the passing of the firstly-recited Act and continue incorporated by the Name of "The *Nottingham* Gaslight and Coke Company;" and by that Name shall continue to be and shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to construct and maintain Gasworks, and to supply Gas, and to purchase, take, hold, and dispose of Lands and other Property, for the Purposes and within the Restrictions in this and the incorporated Acts contained, and to carry on the Business usually carried on by Gas Companies.

Nottingham Gas Company to continue incorporated, although recited Acts repealed.

VII. That, notwithstanding the Repeal of the recited Acts, the Company shall remain and be seised and possessed of and entitled to all the Gasworks, Gasholders, Purifiers, Mains, Pipes, Apparatus, and other Works and Conveniences, Lands and Buildings, Estates and Monies, and all Rights, Claims, Easements, Interests, and Privileges, and all Goods, Chattels, and Effects, Bonds, Deeds, Books, Writings, and other Personal Estates, and all Claims and Demands whatever, of or to which the said Company at the Time of the Commencement of this Act, by virtue of the said recited Acts or either of them, or otherwise howsoever, were immediately before the Commencement of this Act seised or possessed of, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act had not passed, and may accordingly, subject to the Provisions of this Act, maintain and use the same.

Company to remain entitled to Property.

VIII. That, notwithstanding the Repeal of the recited Acts, all Purchases, Sales, Conveyances, Assurances, Demises, Grants, Leases, Mortgages,

Conveyances, &c. to remain in force.

The Nottingham Gas Act, 1853.

Mortgages, Bonds, Covenants, Agreements, Contracts, and Securities, and other Acts and Things, before the Commencement of this Act made, done, entered into, executed, or instituted under or by virtue of the said recited Acts respectively, or either of them, or with reference to the Purposes of the same respectively, shall be as good, valid, and effectual to all Intents and Purposes whatsoever, for, against, with reference to, or in favour of the Company, as if this Act had not passed, and may be proceeded on and enforced accordingly.

Actions, &c.
not to abate.

IX. That, notwithstanding the Repeal of the recited Acts, any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Company, in like Manner to all Intents as if this Act had not passed.

Sales and
Transfers of
Shares, &c.
to remain in
force.

X. That all Sales, Transfers, and Dispositions executed before the Commencement of this Act of any Share in the Joint Stock of the Company shall remain in full Force and be available in the same Manner as if the same had been made under the Powers of this Act.

Gas Rates
due at Com-
mencement
of Act to be
recovered by
the Com-
pany.

XI. That all Gas Rates, and other Rates, Rents, Remunerations, and Charges, which immediately before the Commencement of this Act shall be due and payable or accruing or becoming due and payable to the Company, shall be payable to and may be collected and recovered by the Company, in like Manner as Gas Rates, and other Rates, Rents, Remunerations, and Charges, are by this Act authorized to be recovered.

Debts due to
and by the
Company to
be paid to
and by them.

XII. That all Persons who immediately before the Commencement of this Act owed any Sum of Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due to or to accrue due for the same, to the Company; and all Debts and Money which immediately before the Commencement of this Act were due or owing by or recoverable from the Company, or for the Payment of which the Company was, or but for this Act would have been liable, shall be paid, with all Interest (if any) due or to become due thereon, by or be recoverable from the Company.

Books, &c. to
be Evidence.

XIII. That all Books and other Documents by the recited Acts or either of them directed or authorized to be kept, and which if this Act had not passed would have been admissible in Evidence, shall be admitted in Evidence in all Questions of Law and Equity and elsewhere accordingly.

XIV. That

The Nottingham Gas Act, 1853.

XIV. That any Treasurer, Clerk, Officer, and Person appointed by virtue of or acting under the Authority of the recited Acts shall hold and enjoy their respective Offices and Employments, with the Salaries and Emoluments thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed therefrom by the Company or their Committees; and all such Officers and Persons shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever, as if he had been appointed under this Act. Officers to continue.

XV. That the Company shall be and continue to be established for the Purpose of supplying and lighting with Gas produced from or by Coal or other Materials, or other Means or Appliances, the several Streets, Churches, Chapels, and Buildings, and also the several Shops, Taverns, private Houses, Manufactories, Warehouses, and other Buildings within the Limits of this Act; and the Company may sell, manufacture, and dispose of Coke, Coal, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters the Products of the Coal or other Materials, or which can or may be compounded or produced therefrom; which may be employed in the Manufacture of such Gas, and also manufacture and sell or deal in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks, or with the Supply of Gas to the Consumers thereof, in such Manner as the Company may think proper. Purpose of the Company.

XVI. That the Capital of the Company shall be Two hundred thousand Pounds, and shall consist of Four thousand Shares, and the nominal Value of each Share shall be Fifty Pounds. Capital.

XVII. That from and after the Commencement of this Act the Rate of Dividend payable by the Company shall not exceed the Sum of Two Pounds Ten Shillings *per Annum* upon each Share of Fifty Pounds, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate. Rate of Dividend.

XVIII. That every Person and Corporation who at the Time of the Commencement of this Act shall be the Proprietor of One or more Shares in the Capital of the Company incorporated by the firstly recited Act shall be entitled for each such Share to a Share in the Capital of the Company hereby incorporated, and the said last-mentioned Shares are from the Commencement of this Act vested in such Persons and Corporations accordingly. Proprietors of Shares under first-recited Act to be entitled to Shares under this Act.

[Local.]

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XIX. That

The Nottingham Gas Act, 1853.

Such Shares to be subject to same Trusts as former Shares.

XIX. That all Persons and Corporations in whom any of the said last-mentioned Shares shall be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations and Agreements, Charges and Incumbrances, as the Trusts, Powers, Provisions, Declarations and Agreements, Charges and Incumbrances, upon or to which the Shares in the Capital of the Company immediately previous to the Commencement of this Act in respect of which such last-mentioned Shares were so vested were liable and subject immediately before the Commencement of this Act; and so as to give effect to and not revoke any Will or other testamentary or other Instrument disposing of or affecting such Share or Shares.

Old Certificates to be cancelled.

XX. That the Company may call in and cancel the existing Certificates of Shares, and in lieu thereof it shall be lawful for the Company to grant Certificates of the Shares vested in the Proprietors thereof by this Act, in lieu of the Shares under the recited Acts hereby repealed, or either of them.

Residue of Capital to be raised by Creation of Shares.

XXI. That for the Purpose of enabling the Company to raise the Remainder of the said Four thousand Shares it shall be lawful for them, by Order of an Ordinary or Extraordinary Meeting, from Time to Time to create so many of such Shares as they may think proper, so that the total Number of Shares in the Undertaking do not exceed Four thousand.

New Shares to be sold by Auction.

XXII. That the Committee of the Company shall cause such new Shares remaining after the Distribution among the existing Shareholders, herein-before provided for, when and as the same shall from Time to Time be issued, to be sold by public Auction, in such Manner, and at such Times, and subject to such Conditions as the said Committee may from Time to Time determine.

Sales by Auction to be advertised, and Premiums on such Sales not to be entitled to Dividend.

XXIII. That the Intention to sell the said Shares by Auction shall be duly advertised for Two successive Weeks in Two or more Newspapers published in the Town of *Nottingham*; and any Sum of Money which shall arise upon such Sales by way of Premium shall be expended in paying the Expenses of this Act, or in extending or improving the Works of the Company, or in paying off Money borrowed or owing by the Company, and shall not be considered as Part of the Capital of the Company entitled to Dividend.

Power to borrow Money on Mortgage.

XXIV. That the Company may from Time to Time borrow or continue at Interest on Bond, or on Mortgage of their Undertaking, any Sums of Money not exceeding at any Time One Fifth of the Capital of the Company then paid up.

XXV. That

The Nottingham Gas Act, 1853.

XXV. That all Mortgages or Bonds which shall be in force at the Time of the Commencement of this Act shall have the same Effect and Validity against the Company as they had previously to the Commencement of this Act, and shall during the Continuance thereof have Priority over all Mortgages and Bonds to be created by virtue of this Act.

Former Mortgages and Bonds to have Priority.

XXVI. That the First Ordinary Meeting of the Shareholders of the Company shall be held on the Seventh Day of *July* One thousand eight hundred and fifty-three, or within Twenty-eight Days thereafter, and the subsequent Ordinary Meetings of the Company shall be held annually in every succeeding Year on the Seventh Day of *July*, or within Twenty-eight Days after such Day.

First General Meeting after Commencement of Act.

XXVII. That the Quorum of the General Meeting of the Company shall be Fourteen Shareholders thereof holding Shares to the aggregate nominal Amount of Four thousand Pounds.

Quorum for General Meetings.

XXVIII. That Ten Shareholders at the least holding Shares to the aggregate nominal Amount of Four thousand Pounds may at any Time require the Committee to call an Extraordinary Meeting of the Company.

Extraordinary Meetings.

XXIX. That at every Meeting of the Company One of the Committee, or in the Absence of all the Committee, One of the Shareholders then present, shall be elected to preside as Chairman.

Chairman of General Meetings.

XXX. That at all General Meetings of the Company every Shareholder, present in Person or by Proxy, shall have One Vote for every Share held by him.

Scale of voting.

XXXI. That the Number of the Committee shall be Nine, and the Qualification of a Member of the Committee hereafter elected shall be the Possession in his own Right of Ten Shares in the Undertaking.

Number and Qualification of Committee.

XXXII. That the several Persons who immediately before the Commencement of this Act constituted the Committee of Management of the Company shall be the First Members of the Committee of the Company hereby established, and shall remain in Office and shall retire from Office in the same Rotation and Manner as that in which they would have retired if this Act had not passed.

Committee to continue in Office.

XXXIII. That the Quorum for Meetings of the Committee shall be Five Members thereof.

Quorum for Meetings of Committee.

XXXIV. That

The Nottingham Gas Act, 1853.

Sub-Committees.

XXXIV. That Sub-Committees appointed by the Committee shall consist of not less than Three of its Members, and the Quorum for Meetings of any such Sub-Committee shall be Two.

Chairman of Committee.

XXXV. That at any Meeting of the Committee the Members present shall choose One of their Number to be Chairman of such Meeting.

Company to appoint Treasurer.

XXXVI. That in case any Vacancy arises in the Office of Treasurer, the Company, at some Ordinary or Extraordinary Meeting, shall elect a Treasurer, and may remove from Office any such Treasurer; and if any such Treasurer die, or resign, or be so removed, another Treasurer shall be elected in his Place; and from Time to Time the Company may fix the Salary or other Emoluments to be allowed to such Treasurer as they think proper.

Prescribed Sums for registering Transfers.

XXXVII. That for every Entry of the Transfer of each Share in the Register of Transfers, including the Endorsement of such Entry on the Deed of Transfer, or for Endorsement of such Transfer on the Certificate of such Share, instead of a new Certificate being granted, or for the Entry of the Transfer of any Mortgage or Bond, or for every new Certificate given or exchanged in lieu of a Certificate worn out or damaged, lost or destroyed, or any of them, the Clerk to the Company may demand and take any Sum not exceeding Two Shillings and Sixpence.

Receipts for Monies payable to Minors, &c.

XXXVIII. That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Newspapers.

XXXIX. That the Newspapers in which Notices shall be advertised shall be some Newspaper or Newspapers circulating within the County of the Town of *Nottingham*.

Books to be balanced.

XL. That the prescribed Period for balancing the Books of the Company shall be the Thirtieth Day of *June* in each Year.

Limits of Act.

XLI. That the Limits of this Act for the Supply of Gas by the Company shall comprise and include the Town and County of the Town of *Nottingham*, and the several Parishes of *Lenton*, *Radford*, *Basford*, and *Sneinton* in the County of *Nottingham*, and the several Extra-parochial Places within the Liberties of the Castle of *Nottingham*, and the Shire Hall, and the Premises belonging thereto,

XLII. That,

The Nottingham Gas Act, 1853.

XLII. That, after the Expiration of any existing Contract for the Supply of Gas to any public Lamps within the Limits of this Act, the Company shall afford such Supply from any Main situated within Twenty-five Yards of any such Lamp at a Price equal to the lowest Price charged for the Time being by the Company to any private Consumer; and the Company shall also at a like Rate supply Gas for public Clocks within the said Town.

Regulating
Supply of
Gas, and
Price for
public
Lamps.

XLIII. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to maintain, make, construct, lay down, alter, or discontinue such Retorts, Gasometers, Receivers, Pipes, Drains, Sewers, Machinery, and other Works and Apparatus whatsoever, and also such Houses and Buildings and Approaches, upon the Lands belonging to or held by the Company, and to do all such other Acts as they shall think proper, consistently with the Provisions of this Act, for supplying Gas within the Limits of this Act, and for other Purposes authorized by this Act.

Company
empowered
to lay down
Pipes, &c.

XLIV. That it shall not be lawful for the Company to purchase or hold for the Purposes of the Undertaking at any One Time more than Fifteen Statute Acres.

Power to
purchase
Lands
limited.

XLV. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company, with such Consent as is required by the "Gasworks Clauses Act, 1847," to lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipes, into, through, or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Company
empowered
to lay Pipes
for lighting
Buildings.

XLVI. That every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, or shall alter the Index to any Meter, shall forfeit to the Company a Sum not exceeding the Sum of Five Pounds; and the Company may, in addition thereto, recover the Amount of any Damages by them sustained, and the Company may also take off or discontinue the Supply of Gas to or for the Use of the Person so offending, notwithstanding any Contract which may have been previously entered into.

Penalty
for injuring
Meters.

XLVII. That the Recorder of the Borough of *Nottingham* shall appoint an Inspector of Meters, which he is hereby authorized to do; and such Inspector shall have at all Times, on the Application

Inspection of
Meters.

[*Local.*]

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and

The Nottingham Gas Act, 1853.

and at the Expense of any Consumer of Gas supplied by the Company, a Right to inspect the Meters erected by the said Company in the Premises of the Person making such Request, after giving Forty-eight Hours Notice of such intended Inspection to the said Company or their Clerk.

Consumer requiring Examination to deposit Amount due by him to the Company.

XLVIII. That before such Inspection the Person requiring such Examination shall deposit in the Hands of the Inspector all Money due or appearing to be due by such Person to the Company, and in case such Consumer shall have paid any Sum in excess such Excess shall be returned to such Consumer.

Not to interfere with Powers of Town Lighting Committee, acting under 5 & 6 Vict. c. 13.

XLIX. That nothing in this Act contained shall extend to affect, alter, diminish, or interfere with any of the Powers, Rights, Privileges, and Functions vested in the Town Lighting Committee by virtue of an Act passed in the Sixth Year of the Reign of Her present Majesty Queen *Victoria*, entitled *An Act for lighting the Streets and public Roads within the Town and County of the Town of Nottingham*, anything in this Act to the contrary notwithstanding.

Expenses of Act.

L. That all the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act shall be paid by the Company.

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