



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xlviii.

An Act to confer further Powers on the *Birmingham* Gaslight and Coke Company.

[15th June 1855.]

WHEREAS by the Local and Personal Act, Fifty-nine 59 G. 3. c. lxviii.
George III., Chapter 68, the *Birmingham* Gaslight
and Coke Company (herein-after called "the Com-
pany") was incorporated for the Purpose of lighting the Town
of *Birmingham* with Gas, with a Capital of Thirty-two thousand
Pounds, divided into Six hundred and forty Shares of Fifty Pounds
each, and with Power to raise any further Sum not exceeding Thirty
thousand Pounds by Subscription among themselves, in such Shares
and Proportions as to them should seem meet, or by the Admission of
new Subscribers, but no Power of borrowing Money was given by that
Act: And whereas the Company accordingly raised the further Sum
of Thirty thousand Pounds, by the Creation of Six thousand new
Shares in their Undertaking of the Amount of Five Pounds each, and
Five thousand six hundred of those Shares were subsequently con-
solidated into Five hundred and sixty Shares of Fifty Pounds each,
and all the before-mentioned Shares are fully paid up: And whereas,
in addition to the said Sums of Thirty-two thousand Pounds and
Thirty thousand Pounds, the Company have appropriated to and
[*Local.*] 7 L expended

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c. 45.

expended upon their permanent Works the Sum of Twenty-six thousand three hundred and fourteen Pounds Sixteen Shillings out of or from the Revenue or Income of the Company, and the Sum of Ten thousand eight hundred and eighty-five Pounds Four Shillings from Premiums received by the Company on new Shares, making together the Sum of Thirty-seven thousand two hundred Pounds, and which, if not so expended, would have been applicable to Dividends in the Proportion of Thirty Pounds to each Share of Fifty Pounds and Three Pounds to each Share of Five Pounds: And whereas the Company have also expended on their Undertaking the Sum of Seventy-seven thousand Pounds borrowed by them or on their Behalf, and the Repayment whereof (with Interest) is now secured partly by Bonds under the Common Seal of the Company, and partly by Promissory Notes and Bills of Exchange signed by the Chairman for the Time being of the Company, and other Persons on behalf of the Company: And whereas by the Act passed in the Second Year of the Reign of King *William* the Fourth, to amend the Representation of the People in *England* and *Wales*, the Parishes of *Birmingham* and *Ebgbaston*, and the Townships of *Bordesley*, *Deritend*, and *Duddeston with Nechells*, were formed into a Borough for the Purposes of that Act, and by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, dated the Thirty-first Day of *October* One thousand eight hundred and thirty-eight, the Inhabitants of that Borough were incorporated by the Name of the Mayor, Aldermen, and Burgesses of the Borough of *Birmingham*: And whereas since the passing of the firstly-recited Act the Population of the said Town, and the Number of Houses, Manufactories, and other Buildings therein, and the Demand for Gas therein, have greatly increased and are still increasing: And whereas it is expedient that the Company should be enabled to extend their Supply of Gas to the whole of the said Borough: And whereas it is expedient that the Company should be empowered to capitalize the said Sum of Thirty-seven thousand two hundred Pounds so appropriated out of Revenue and Premiums on new Shares as aforesaid, and that the said Sum of Seventy-seven thousand Pounds so borrowed as aforesaid should be charged upon the Undertaking of the Company, in exoneration of the several Persons who signed or gave the said Bills of Exchange and Promissory Notes, and that the Company should be empowered to raise further Money for the Purpose of extending and increasing their Supply of Gas: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the firstly-recited Act should be repealed, and some of the Powers and Provisions thereof re-enacted or amended and continued by this Act: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that
it

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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,)

I. This Act may be cited for any Purpose as "*The Birmingham Gas Act, 1855.*" Short Title.

II. ~~"The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847,"~~ shall be incorporated with this Act; and in construing those Acts respectively in connexion with this Act the Expression "the Special Act" shall mean this Act; the Expressions "the Company" and "the Undertakers" respectively shall mean the Company incorporated by the firstly-recited Act and continued by this Act; and the Expressions "the Undertaking" and "the Gasworks" respectively shall include all the Works of the Company executed and to be executed, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; and the Clause of "The Gasworks Clauses Act, 1847," numbered XXXVIII., with respect to the yearly Receipt and Expenditure of the Undertakers, shall be construed as if the Word "*March*" were substituted for the Word "*January*" therein: Provided always, that nothing in "The Lands Clauses Consolidation Act, 1845," contained shall authorize the Company to purchase, take, or use any Land otherwise than by Agreement with the Owners, Lessees, and Occupiers thereof.

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 15. incor-
porated.

III. Except as in this Act otherwise provided, the several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall in this Act have the same respective Meanings, unless there be in the Subject or Context something repugnant or inconsistent with such Construction:

Same Mean-
ing to Words,
&c. as in in-
corporated
Acts.

IV. The Limits of this Act shall comprise and include the whole of the Borough of *Birmingham*, and within such Limits the Company may supply Gas for public and private Purposes.

Limits of
Act.

V. This Act shall commence and take effect on and from the First Day of *August* next after the passing thereof, and on and from the Commencement but subject to the Provisions of this Act the said firstly-recited Act of the Fifty-ninth *George* the Third, Chapter Sixty-eight, shall be and is hereby repealed.

Recited Act
repealed.

VI. Notwithstanding the Repeal of the firstly-recited Act, the Company shall for the Purposes of this Act, and as from the passing of

Company
continued
incorporated.
of

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of the repealed Act, be and continue incorporated by the Name of "The *Birmingham* Gaslight and Coke Company," and by that Name shall be and continue One Body Corporate, with perpetual Succession and a Common Seal, and with Power to make and maintain Gasworks, and to supply Gas, and to carry on the Business of a Gas Company, and to purchase, hold, and dispose of Lands and other Property for those Purposes, but subject to the Restrictions of this Act.

Company to be liable in all respects as if Act not passed.

VII. Notwithstanding the Repeal of the firstly-recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the repealed Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened, and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Rights, Liabilities, Claims, and Demands the Company as by this Act continued shall represent the Company incorporated by the repealed Act.

Company to remain entitled to their Property.

VIII. Notwithstanding the Repeal of the firstly-recited Act, all the Gasworks, Retorts, Mains, Pipes, Meters, Apparatus, and other Works and Conveniences, Lands, Buildings, Monies, Securities, Property, Books, Deeds, Writings, Maps, Plans, Choses in Action, Effects, Claims, and Demands whatsoever, of or to which the Company or any Persons in trust for them was or were by virtue of the repealed Act or otherwise howsoever immediately before the Commencement of this Act seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, shall be and remain vested in the Company, to the same Extent and for the same Estate and Interest as the same were immediately before the Commencement of this Act vested in the Company or any Persons in trust for them; and the Company may, according to the Provisions of this Act, maintain and use, alter, discontinue, or remove such Gasworks, Retorts, Mains, Pipes, Meters, Apparatus, Works, and Conveniences.

Company to be entitled to Powers, &c. under other Acts.

IX. Notwithstanding the Repeal of the firstly-recited Act, the several Clauses and Provisions whatsoever in favour of, relating to, or affecting the *Birmingham* Gaslight and Coke Company, or the Committee, Officers, or Servants of the Company, contained in any other Act or Acts besides the repealed Act, and which were immediately before the Commencement of this Act in force, shall be and continue in full Force accordingly; and the Company, and their Directors, Officers, and Servants, may and shall accordingly, and for the Purposes
of

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of this Act, be entitled to, and have, exercise, and enjoy, under and by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as, if the firstly-recited Act were not repealed, the Company and their Committee, Officers, and Servants, under or by virtue of those Clauses and Provisions, might be entitled to, or might have, exercise, or enjoy; and so far as such Clauses and Provisions respectively before the Commencement of this Act applied to the Committee of Management, they shall thereafter apply to the Directors of the Company.

X. Notwithstanding the Repeal of the firstly-recited Act, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts, Deeds, and Things before the Commencement of this Act done, entered into, executed, or instituted under or by virtue or with reference to the Purposes of the repealed Act, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as if that Act had not been repealed, and may be proceeded on and enforced accordingly.

Conveyances, &c. to remain in force.

XI. Notwithstanding the Repeal of the firstly-recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the Commencement of this Act shall not abate or be discontinued or be 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 in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the repealed Act committed before the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if that Act had not been repealed.

Actions, &c. not to abate.

XII. Notwithstanding the Repeal of the firstly-recited Act, all Gas Rates and Rents which immediately before the Commencement of this Act were due and payable or accruing to the Company shall be payable to and may be collected and recovered by the Company, in like Manner as the Gas Rates and Rents under this Act.

Gas Rates due at Commencement of Act to be recoverable by the Company.

XIII. Notwithstanding the Repeal of the firstly-recited Act, all Persons who immediately before the Commencement of this Act owed any Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Company; and all Debts and Monies which immediately before the Commencement of this Act were due or owing or recoverable from the Company, or for the Payment of which the Company are or but for this Act would be liable, shall be paid,

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

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with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Company.

Byelaws, &c.
to remain in
force.

XIV. Notwithstanding the Repeal of the firstly-recited Act, all Byelaws, Resolutions, Orders, Notices, and Proceedings of the Company and the Committee thereof, made and taken before the Commencement of this Act, and all Books, Accounts, Documents, and Writings whatsoever of or relating to the Company, shall for the Purposes of this Act continue of full Force and Effect as if the said firstly-recited Act had not been repealed, and those Byelaws may be enforced, and all Penalties thereunder may be recovered accordingly: Provided always, that those Byelaws shall not be in force after the Expiration of Six Calendar Months after the passing of this Act.

Books to be
Evidence.

XV. Notwithstanding the Repeal of the firstly-recited Act, all Books, Certificates, Writings, and Documents by that Act directed or authorized to be kept or made, and which if this Act were not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Certificates,
&c. to
remain in
force.

XVI. Notwithstanding the Repeal of the firstly-recited Act, all Certificates, Sales, Transfers, and Dispositions heretofore made or executed under the repealed Act, of or with respect to any Shares in the Company, shall remain in full Force and continue and be available in all respects as if that Act had not been repealed.

Trustees,
&c. in-
demnified.

XVII. Every Trustee or other Person in whom or in whose Name any Lands, Works, Hereditaments, or Property were immediately before the Commencement of this Act vested in trust for or on behalf of the Company, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Works, Hereditaments, or Property, and every Person who before the Commencement of this Act shall *bonâ fide* have given, signed, or executed any Bond, Bill, or Note on behalf of the Company, and for which the Company have received Value, or who before the Commencement of this Act shall *bonâ fide* have entered into any other Contract on their Behalf for the Purposes of their Undertaking, and his Lands, Tenements, and Effects, shall be indemnified and saved harmless out of the Funds or Property of the Company from and against all Liability, Loss, Costs, Charges, and Expenses which he may have sustained, incurred, or be put unto, or may thereafter sustain, incur, or be put unto, by reason or in consequence of his having entered into, given, signed, or executed any such Bond, Covenant, Contract, Engagement, Bill, or Note.

XVIII. Not-

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XVIII. Notwithstanding the Repeal of the firstly-recited Act, every Officer and Servant appointed by virtue of or acting under the Authority of that Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment, and 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 were appointed under this Act.

Officers to
continue.

XIX. The Capital of the Company shall be Three hundred thousand Pounds, and Ninety-six thousand Pounds, Part of that Capital, shall be divided into One thousand two hundred Shares of Eighty Pounds each (in this Act called Class A Shares), and Three thousand two hundred Pounds, other Part of that Capital, shall be divided into Four hundred Shares of Eight Pounds each (in this Act called Class B Shares), and both the Class A Shares and the Class B Shares shall be deemed fully paid up.

Capital.

XX. The Class A Shares shall belong and be appropriated to the several Persons and Corporations who immediately before the Commencement of this Act were the Holders of the One thousand two hundred then existing Shares of Fifty Pounds each in the Capital of the Company, in the Proportion of One Class A Share for each such Share of Fifty Pounds held by them respectively immediately before the Commencement of this Act.

Appropriation of Class A Shares.

XXI. The Class B Shares shall belong and be appropriated to the several Persons and Corporations who immediately before the Commencement of this Act were the Holders of the Four hundred then existing Shares of Five Pounds in the Capital of the Company, in the Proportion of One Class B Share for each such Share of Five Pounds held by them respectively immediately before the Commencement of this Act.

Appropriation of Class B Shares.

XXII. Every Share so appropriated shall vest in the Person entitled thereto, subject to the same Trusts, Provisions, and Liabilities as those which immediately before the Commencement of this Act affected the then existing Share for which the same is substituted, and so as to give Effect to and not to revoke any Will or Testamentary Disposition of or affecting such then existing Share.

New Shares to be subject to same Trusts, &c. as old Shares.

XXIII. The Company shall not be bound to deliver to any Shareholder any Certificate of the Proprietorship of any Class A Share or any Class B Share, unless and until such Shareholder shall have delivered to the Company to be cancelled the Certificate of the Proprietorship

As to Certificates of new Shares.

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Proprietorship of the Share for which such Class A Share or Class B Share is substituted, or shall have proved to their reasonable Satisfaction the Loss or Destruction thereof.

Power to
raise Money
by Creation
of new
Shares.

XXIV. Subject to the Provisions of this Act, the Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Shareholders present, in Person or by Proxy, at any Special Meeting of the Company convened for that Purpose, raise by the Creation and Issue of new Shares the whole or such Part of the rest of the Capital of Three hundred thousand Pounds as for the Time being shall not be raised, and may from Time to Time (subject to the Provisions of this Act) fix as they think fit the Amounts and Times of Payment of the Calls on the new Shares.

Preference
may be at-
tached to
Part of new
Shares.

XXV. The Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Shareholders present, in Person or by Proxy, at the Meeting creating any such new Shares, attach to any Portion (not exceeding in aggregate Amount Sixty-six thousand Pounds) of such new Shares any perpetual or terminable, guaranteed or preferential Interest or Dividend, not exceeding the Rate of Five Pounds Ten Shillings *per Centum per Annum* on the Amount from Time to Time paid up on the Shares to which the same shall be so attached, as the Company from Time to Time think fit.

Names of
new Shares.

XXVI. All such new Shares to which any guaranteed or preferential Interest or Dividend shall be attached shall be distinguished and registered as "*Birmingham Gas Preference Shares*," and all other new Shares to be hereafter created by the Company shall be distinguished and registered as "*Birmingham Gas New Ordinary Shares*."

Certificates
to be marked.

XXVII. All Certificates of the Proprietorship of Shares hereafter to be issued by the Company shall be marked with the Name in this Act given to the Shares to which the same respectively refer; and on all Certificates of Proprietorship of *Birmingham Gas Preferential Shares* the Rate of the guaranteed or preferential Interest or Dividend payable thereon shall also be marked and stated.

Nothing to
affect Rights
of Preference
Shares.

XXVIII. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may from Time to Time be granted in respect of any new Shares, in pursuance of this Act, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares which may have been previously granted by the Company, by or in pursuance of the repealed Act or of this Act, or which may be otherwise lawfully subsisting.

XXIX. If

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XXIX. If at the Time of raising any Share Capital by new Shares the then existing Shares to which no Preference or Priority or other special Privilege shall be attached are at a Premium, the new Share Capital to be then raised shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Holders of such then existing Shares in proportion to the Number of such Shares held by them respectively at the Time of the Creation of such new Shares, and such new Shares shall be offered to them at Par in that Proportion; and such Offers shall be made by Letter under the Hand of the Secretary or Chief Clerk of the Company, given to or sent by Post, and addressed to each Shareholder according to his Address in the Books of the Company, or left for him at his usual or last known Place of Abode in *England* or *Wales*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the ordinary Course of Delivery ought to reach the Place to which it is addressed.

New Shares to be offered to Subscribers or Shareholders.

Mode of making Offer.

XXX. The new Shares so offered shall vest in and belong to the Shareholders who shall accept the same, and who shall pay to the Company the Calls thereon, at the Times and by the Instalments which shall be fixed by the Company.

New Shares to vest in Shareholders.

XXXI. Provided always, That if any Shareholder fail for One Month after such Offer of new Shares to accept the same, the Company may dispose of such Shares in accordance with the other Provisions of this Act.

As to Disposition of new Shares.

XXXII. Except as by this Act provided with reference to Shares to be offered to existing Shareholders, the Company may from Time to Time dispose of the new Shares in such Manner, to such Persons, and on such Terms as the Company may think fit.

General Power to dispose of new Shares.

XXXIII. If, after having created any new Shares, the Company determine not to issue the whole of such new Shares, they may cancel the unissued new Shares, and may from Time to Time thereafter create and issue in lieu thereof other new Shares of an aggregate Amount not exceeding that of the new Shares so cancelled,

Power to cancel unissued Shares.

XXXIV. Every Person or Corporation who becomes entitled to any new Shares shall in respect of the same be a Shareholder in the Company, and shall (unless the Rate of Dividend or Interest thereon be at the Time of the Creation thereof otherwise fixed by the Company) be entitled to a Dividend with the other Shareholders proportioned to the whole Amount for the Time being paid up on such Share, but subject to the Limitation of Dividends herein-after contained.

Dividend on new Shares.

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XXXV. With

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Limit of
Dividend.

XXXV. With reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profits to be received by the Undertakers when the Gasworks are carried on for their Benefit, the prescribed Rate of Profits to be divided among the Undertakers in any Year shall be Nine Pounds in the Hundred on the Class A and Class B Shares, and Seven Pounds Ten Shillings in the Hundred on the *Birmingham Gas New Ordinary Shares*, and Five Pounds Ten Shillings in the Hundred on the *Birmingham Gas Preference Shares*.

Receipts for
disqualified
Persons.

XXXVI. If any Money be payable to a Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Calls on new
Shares.

XXXVII. No One Call to be made upon or in respect of any new Share created under the Powers of this Act shall exceed One Fourth of the Amount or nominal Value of such Share, and the Interval between successive Calls shall be not less than Two Months, and not more than Three Fourths of the nominal Amount of a Share shall be called up in any One Year.

Confirming
existing
Bonds of the
Company.

XXXVIII. All Bonds already granted by the Company for Money borrowed by them, and unsatisfied at the Commencement of this Act, shall be as good, valid, and effectual, to all Intents and Purposes, as if the Company had been by the repealed Act authorized to make and grant the same, and the same had been made and granted in accordance with the Provisions of that Act, and that Act had not been repealed, and may be enforced against the Company, their Lands, Hereditaments, Property, Goods, Chattels, and Effects, and the lawful Holders thereof may sue for and recover the Principal and Interest Monies thereby secured accordingly.

Exchange of
Bills, &c. for
Bonds.

XXXIX. The Company shall, on Demand of the lawful Holder of any Bill of Exchange, Promissory Note, or other Security heretofore *bonâ fide* given, signed, or executed by any Person for the Purposes of the Company, and for which the Company shall have received Value, and on Delivery to them of such Bill, Note, or other Security to be cancelled, make and deliver to such Holder, his Executors, Administrators, or Assigns, within a reasonable Time, and at the Expense of the Company, a Mortgage or Bond under the Common Seal of the Company for securing the Payment of the Principal Sum due upon such Bill, Note, or other Security, at the Periods therein specified, with Interest thereon from the Delivery of such Mortgage or Bond, at the Rate payable under such Bill, Note, or other Security, and (subject to the Provision herein-after contained for the Cesser of Interest) shall pay

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pay up and discharge all Interest then due thereon, and thereupon the Debt secured by such Bill, Note, or other Security, and all Liabilities, Claims, and Demands in respect thereof, shall be extinguished.

XL. Within Two Calendar Months from the Commencement of this Act the Company shall, by public Advertisement in at least One Newspaper circulated in *Birmingham*, and by Letter under the Hand of their Secretary for the Time being, addressed and given or sent by Post to each Holder of any Bill, Note, or other Security, at his last known or usual Place of Abode, require the Holders of the said Bills, Notes, and other Securities to bring in and exchange the same for such Bonds or Mortgages as aforesaid within Six Calendar Months from the Publication of such Advertisement, and state therein that upon the Expiration of the last-mentioned Period all Interest due upon such Bills, Notes, or Securities as shall not have been brought into the Company for Exchange will cease and determine, and the same shall cease and determine accordingly.

Company to give Notice of such Exchange, and in default of Exchange Interest to cease after Six Calendar Months.

XLI. The Directors may from Time to Time, by Agreement with the Holder of or Person entitled under this Act to any Mortgage or Bond of the Company, allot to him any Shares in the Company, in satisfaction of all or such Part as may be mutually agreed upon of his Debt, and the Shares so allotted shall be deemed fully paid up, and on his Acceptance thereof so much of his Debt as shall be equal to the aggregate nominal Amount of the Shares so allotted shall be extinguished: Provided always, that the aggregate nominal Amount of the Shares so allotted to any Person shall not exceed the Principal Sum due to him.

Shares may be allotted in discharge of Debt.

XLII. And whereas the Company have already expended on their Undertaking the Sum of Seventy-seven thousand Pounds borrowed by them, or on their Behalf: Therefore, after the whole of the additional Capital of Two hundred thousand eight hundred Pounds by this Act authorized to be raised shall have been subscribed for, and One Half of the whole Capital of the Company shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, for the Purposes of their Undertaking, any further Sums of Money not exceeding in the whole, together with the Sums already borrowed by them, the Sum of Ninety thousand Pounds.

Power to borrow on Mortgage or Bond.

XLIII. All Mortgages or Bonds granted by the Company before the Commencement of this Act, and which shall remain unsatisfied at the Time of the Commencement of this Act, and all Mortgages or Bonds granted by the Company in lieu of such Bills, Notes, or Securities as aforesaid, shall during the Continuance thereof have

Former Mortgages to have Priority.

Priority

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Priority over all Mortgages and Bonds granted by the Company by virtue of this Act.

Arrears may be enforced by appointment of a Receiver.

XLIV. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Ten thousand Pounds in the whole.

Application of Money.

XLV. All Money to be raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing, or otherwise, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Notice of Meetings.

XLVI. In lieu of Fourteen Days public Notice of all Meetings, as required by "The Companies Clauses Consolidation Act, 1845," Seven Days public Notice at least of all Meetings of the Company shall be given by Advertisement, specifying the Particulars by that Act required.

Scale of Votes.

XLVII. At all General Meetings of the Company the Shareholders shall be entitled to vote according to the following Scale; (that is to say,)

Every Holder of Stock or paid-up Capital, or both, of the aggregate nominal Amount of One hundred Pounds and less than Two hundred and fifty Pounds, shall have One Vote:

Every Holder of Stock or paid-up Capital, or both, of the aggregate nominal Amount of Two hundred and fifty Pounds and less than Five hundred Pounds, shall have Two Votes:

Every Holder of Stock or paid-up Capital, or both, of the aggregate nominal Amount of Five hundred Pounds, and less than One thousand Pounds, shall have Three Votes:

Every Holder of Stock or paid-up Capital, or both, of the aggregate nominal Amount of One thousand Pounds, and less than Two thousand Pounds, shall have Four Votes:

Every Holder of Stock or paid-up Capital, or both, of the aggregate nominal Amount of Two thousand Pounds, and less than Three thousand Pounds, shall have Five Votes:

Every Holder of Stock or paid-up Capital, or both, of the aggregate nominal Amount of Three thousand Pounds and upwards, shall have Six Votes.

Number of Directors.

XLVIII. The Number of the Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Stock

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Stock or paid-up Capital of the aggregate nominal Amount of Four hundred Pounds.

XLIX. The Persons who at the Time of the Commencement of this Act are the Committee of Management of the Company shall be the First Directors of the Company. First Directors.

L. In all Proceedings against the Estate of any Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency, any Person appointed for that Purpose by the Company under their Common Seal may represent the Company, and act in their Behalf, in all respects as if the Claim or Demand of the Company against such Estate were the Claim or Demand of such Person, and not of the Company. Proofs of Debts in Bankruptcy, &c.

LI. The Company may by Agreement with the Owners thereof, but not otherwise, purchase, take, and hold the Reversion of and in the Lands specified in the Schedules to this Act, and all other Estates and Interests therein not now vested in the Company, and any other Lands, not exceeding in the whole Twenty-five Acres. Power to purchase Lands.

LII. The Company may from Time to Time maintain, alter, and discontinue their now existing Gasworks, and (subject to the Restrictions herein-after contained) may make, erect, lay down, provide, and maintain additional and other Gasworks, and also Retorts, Gasometers, Receivers, Drains, Sewers, Mains, Pipes, Machinery, and other Works and Apparatus, Houses, Buildings, and Approaches, and may do all such Acts as they think proper for making and storing Gas, and for supplying Gas within the Limits of this Act, and may make, store, and supply Gas accordingly, and may manufacture Coke and all other Products and Residuum of any Articles employed in or resulting from the Manufacture of Gas, and may sell the Gas and the Coke and other Products and Residuum of the Manufacture of Gas as they from Time to Time think fit. Power to make and maintain Works and supply Gas, &c.

LIII. Provided always, That (except as regards the Erection of other Works in substitution for and on the Site of existing Works) nothing in this Act contained shall authorize the Company to erect any Works for the Manufacture of Gas elsewhere than on the Lands specified in the Second Schedule to this Act. Restricting Erection of future Works.

LIV. The Company, with the Consent of the Owner or Occupier of any Building, may lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against such Building, for the Purpose of lighting it, and may provide and set up any Apparatus necessary for securing to such Building a Power to place Pipes to light Buildings.

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proper

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proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply, and may from Time to Time repair, replace, alter, or discontinue, and remove any such Pipe, Branch, or Apparatus.

Consumption
of Gas by
Meter.

LV. Every Consumer of Gas supplied by the Company shall, on Request in Writing by the Company, consume the Gas supplied to him by Meter, to be provided by the Company at the Expense of the Consumer, or (at the Option of the Consumer) by the Consumer and approved by the Company.

For prevent-
ing fraudu-
lent Con-
sumption.

LVI. Every Person who shall knowingly and wilfully prevent any Meter supplied or approved by the Company from duly registering the Quantity of Gas supplied shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds; and the Existence of artificial Means for causing such Prevention, where such Meter shall be under the Custody or Control of the Consumer, shall be *primâ facie* Evidence that the same has been knowingly and wilfully caused by the Consumer using such Meter.

Limit of
Price of Gas.

LVII. The maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed Four Shillings and Sixpence *per* Thousand Cubic Feet.

Recovery of
Money by
Distress.

LVIII. All Sums of Money due to the Company for the Supply of Gas, or for the Hire or fixing of Meters or Fittings, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount of which shall not be disputed, may be levied by Distress; and any Justice, on Application, shall issue his Warrant accordingly.

Several
Names, &c.
in One
Warrant.

LIX. Any One Warrant issued for any of the Purposes of this Act may contain in the Body thereof or in a Schedule thereto several Names and several Sums.

Costs of
Distress.

LX. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money; and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Small Sums
recoverable
in County
Courts.

LXI. Nothing in this Act or any Act incorporated herewith contained shall prevent the Company from recovering any Sum of Money not exceeding Fifty Pounds due to them for the Supply
of

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of Gas, or for the Sale, Hire, or fixing of Meters, or for Damages, Costs, or Expenses, by Action or Proceeding in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

LXII. Except the Powers by this Act and the incorporated Acts given with respect to Streets, Bridges, Sewers, Drains, and Tunnels, and for the Execution of the Works by this Act and the incorporated Acts authorized, nothing in this Act contained shall defeat, abridge, alter, obstruct, or in any Manner interfere with the Powers and Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Birmingham*, under the *Birmingham Improvement Act, 1851*.

Saving
Rights of
Corporation.

LXIII. Nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, Privileges, or Authorities of the *Birmingham and Staffordshire Gaslight Company*.

Saving
Rights of
the Birmingham
and
Staffordshire
Gas Com-
pany.

LXIV. Nothing in this Act contained shall authorize the Company to enter into or in any way whatever to touch or interfere with any Lands, Buildings, Hereditaments, Works, or other Things which now are or hereafter may be Part, Parcel, or Member of the *Birmingham Canal Navigations*, without the express Consent in Writing of the Company of Proprietors of the *Birmingham Canal Navigations* under their Common Seal.

Saving
Rights of
Birmingham
Canal Com-
pany.

LXV. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company,

Expenses of
Act.

The Birmingham Gas Act, 1855.

SCHEDULES referred to in this Act.FIRST SCHEDULE.

A Piece of Land in Fazeley Street in the Borough of Birmingham, adjoining on one Side to the River Rea, on the other Side to Land and Buildings of Samuel Walker, at the Back to the Birmingham and Warwick Canal, and containing Two Acres or thereabouts, now in the Occupation of the Company, and wholly covered by their Works.

SECOND SCHEDULE.

A Piece or Parcel of Land situate in or adjoining Upper Windsor Street and Richard Street in the Parish of Aston-juxta-Birmingham, now in the Occupation of the Company, and partly covered by their Works, bounded on the North by the Towing Path of the Birmingham Canal Navigations, on the East by Lands now or late of Ebenezer Robins, Robert Gillam the younger, and Anne Robins, on the South by Lord Street, and on the West partly by Upper Windsor Street aforesaid and partly by the Lion Works in Richard Street aforesaid; and which said Piece of Land contains in the whole Seven Acres and One Rood, or thereabouts.

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