



ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cviii.

An Act to empower the *Dundee* New Gaslight Company to raise a further Sum of Money; and for other Purposes. [20th June 1867.]

WHEREAS by "The *Dundee* New Gas Act, 1846," (hereinafter called "the recited Act,") the *Dundee* New Gaslight Company were incorporated, and were authorized for the Purposes of their Undertaking to raise Share Capital to the Extent of Forty thousand Pounds, and to borrow on Mortgage or Bond any Sums not exceeding in the whole Twelve thousand Pounds: And whereas under the Powers of the recited Act the Company have raised the said Share Capital of Forty thousand Pounds, and have also borrowed on Mortgage or Bond Twelve thousand Pounds, and have expended these several Amounts on their Undertaking: And whereas the Demand for Gas in *Dundee* and its Neighbourhood has greatly increased, and it is expedient that the Company should be authorized to raise an additional Sum of Money for the Purposes of their Undertaking: And whereas that Object 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

9 & 10 Vict.
c. 1.

[*Local.*]

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Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Short Title. 1. This Act may be cited for all Purposes as "The *Dundee New Gaslight Company (Additional Capital) Act, 1867.*"

8 & 9 Vict. c. 17. and 26 & 27 Vict. c. 118. incorporated. 2. The Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) 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 Nonpayment of Calls ;

The Remedies of Creditors of the Company against the Shareholders ;

The borrowing of Money by the Company on Mortgage or Bond ;

The Conversion of the borrowed Money into Capital ;

The Consolidation of the Shares into Stock ;

The General Meetings of the Company and the Exercise of the Right of voting by the Shareholders ;

The Provision to be made for affording Access to the Special Act by all Parties interested ;

Also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are (except where expressly varied by this Act) incorporated with and form Part of this Act ; and all the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," so incorporated with this Act, which relate to Stock into which Shares in the Capital of the Company have been converted or consolidated, shall apply to the Stock which the Company are by this Act authorized to issue, and to the Holders thereof.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction ; and in this Act and those Acts as applied to this Act the Expression "the Special Act" shall mean this Act, and the Expression "the Company" shall mean the *Dundee New Gaslight Company*.

Power to Company to raise new Capital by Shares or Stock.

4. The Company may from Time to Time, in addition to the Share Capital authorized by the recited Act, raise by the Creation and Issue of new Ordinary Shares or new Ordinary Stock, or of new Preference Shares or new Preference Stock, or, at the Option of the Company, by any One or more of those Modes, such additional Capital

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Capital as they may think fit, not exceeding in the whole Fifteen thousand Pounds.

5. The Company shall not in any Year make out of their Profits any larger Dividend on the additional Share Capital of Fifteen thousand Pounds to be raised under the Powers of this Act than Seven Pounds in respect of every Hundred Pounds actually paid of such Capital on Ordinary Shares or Stock, or Six Pounds in respect of every Hundred Pounds actually paid of such Capital on Preference Shares or Stock: Provided always, that each Year, out of the Profits of which the Preference Shares or Stock issued under the Authority of this Act shall be entitled to the preferential Dividend assigned thereto, shall end on the Day on which the Books of the Company for such Year are balanced.

Limit of Dividends on new Capital.

6. The Company shall not issue any Share created under the Authority of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth Part paid up.

7. All Shares or Stock which the Company may create under the Powers of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company, and each Holder of such new Shares or Stock shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount in Money of the Capital authorized by the recited Act would have conferred on him.

Votes in respect of new Shares or Stock.

8. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Three thousand seven hundred and fifty Pounds in addition to the Amount which they are by the recited Act authorized to borrow, but no Part of such Sum shall be borrowed until the whole additional Capital of Fifteen thousand Pounds by this Act authorized to be raised is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (Scotland) Act, 1845," before he so certifies, that the whole of the said additional Capital has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share so issued has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such additional Capital was issued *bonâ fide*, and is held by the Persons to whom the same was issued, or their Executors, Administrators, or Assignees, and that such Persons, or their Executors, Administrators,

Power to borrow on Mortgage.

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Administrators, or Assignees, are legally liable for the same; and upon Production to such Sheriff of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Judicial Factor.

9. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Judicial Factor; and in order to authorize the Appointment of a Judicial Factor in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Judicial Factor is made shall not be less than One thousand five hundred Pounds in the whole.

Existing Securities to have Priority.

10. All Mortgages and Bonds granted by the Company in pursuance of the recited Act, and which shall be subsisting at the Time of the passing of this Act, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be granted by virtue of this Act.

Debenture Stock.

11. The Company may create and issue Debenture Stock.

Application of Monies.

12. The Monies raised under this Act, whether by Shares, Debenture Stock, or borrowing, shall be applied for the Purposes of the recited Act and this Act only.

Annual Meeting.

13. From and after the passing of this Act the Annual Meeting of the Company shall be held at the Office of the Company in the Month of *June* in every Year instead of in the Month of *May* as is provided in the recited Act, and Ten Days Notice at least of such Annual Meeting shall be given in some Newspaper published in the Town of *Dundee*.

Regulating Quality of Gas supplied by the Company.

14. All the Gas supplied by the Company shall be not inferior in illuminating Power to the average illuminating Power of the Gas supplied to Consumers by the Gas Companies in the several Towns of *Edinburgh, Glasgow, Paisley, Perth, Arbroath, Montrose, and Aberdeen*, and all the Gas supplied by the Company shall at least be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *per Hour*, a Light equal in Intensity to the Light produced by Eighteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per Hour*.

Company to erect a Meter to test

15. The Company shall, within Six Months after the passing of this Act, provide in some convenient Part of their Works an experimental

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mental Meter furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus, for testing the illuminating Power of the Gas, and shall at all Times keep and maintain the experimental Meter and Apparatus in good Repair and working Order.

Quality of Gas.

16. It shall at any Time be lawful for the Provost, Magistrates, and Town Council of *Dundee* by Order in Writing to appoint some competent Person, not being a Member or Officer or Servant of such Council, to proceed to the Works of the Company, and the Person so appointed may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas by means of the experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of the Sheriff of the County of *Forfar*, or the Sheriff Substitute at *Dundee*, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as such Sheriff or Sheriff Substitute shall determine.

Power to Corporation to test the Quality of the Gas.

17. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same and the Costs of the Proceedings before the Sheriff or Sheriff Substitute, shall be ascertained by such Sheriff or Sheriff Substitute, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company, but in the event of no Penalty being imposed, such Costs shall be awarded to be paid by the said Provost, Magistrates, and Town Council to the Company, and shall be paid or levied accordingly.

Costs of Experiment to be paid according to the Event.

18. The Rate or Charge which the Company may demand for Gas shall not exceed the average Rate or Charge demanded for Gas at the Time by the Gas Companies in the several Towns of *Edinburgh*, *Glasgow*, *Paisley*, *Perth*, *Arbroath*, *Montrose*, and *Aberdeen*, but if any Person shall object that the Rate or Charge demanded is greater than such average Rate or Charge, the Burden of proving the Excess shall lie on the Party objecting, and the Judge before whom the Question is tried shall award against the Company the Expenses of

Price of Gas.

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such Proof and other Proceedings in case it be found that the Rate or Charge demanded by the Company is in excess of such Average, and he shall award the Expenses incurred by the Company against the Person objecting in case it be found that the Rate or Charge demanded by the Company is not in excess of such Average.

Expenses of
Act.

19. The Costs, Charges, and Expenses of applying for and obtaining this Act shall be paid by the Company.

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