



CHAPTER v.

An Act to extend the powers of the Gloucester Gaslight Company; and for other purposes. A.D. 1872.
[13th May 1872.]

WHEREAS by "The Gloucester Gaslight Company's Act, 1856," (in this Act called "the existing Act,") repealing the Local and Personal Acts 1 Geo. IV. cap. 10, and 4 and 5 Wm. IV. cap. 52, the Gloucester Gaslight Company (in this Act called "the Company") were (section 5) continued incorporated with (section 17) a capital of forty-six thousand four hundred pounds, of which twenty-five thousand pounds was divided into one thousand shares of twenty-five pounds each, distinguished as "the Gloucester Gaslight Company's Class A. shares," and the balance was (section 20) authorised to be raised by the creation and issue of new shares, and (section 30) the Company were authorised, when the whole capital was subscribed for and one half thereof paid up, to borrow on mortgage or bond any sums not exceeding one fourth of their capital:

And whereas the Company created and issued eight hundred and fifty-six shares of twenty-five pounds each, distinguished as "the Gloucester Gaslight Company's Class B. shares," representing the sum of twenty-one thousand four hundred pounds, the balance of their capital under the existing Act, upon which shares the sum of twenty-one pounds fifteen shillings per share has been called up and paid, and have borrowed and now owe on mortgage or bond ten thousand eight hundred pounds:

And whereas by the existing Act (section 4) it was enacted that the limits of that Act should comprise and include the whole of the city of Gloucester as it existed immediately before the passing of the Act 2 Wm. IV. cap. 45; to amend the representation of the people in England and Wales, and all places and parts of places within one mile from the boundary of the said city, and that within such limits the Company might supply gas for public and private purposes:

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And whereas since the passing of the existing Act the number of buildings and population within the limits of that Act and the demand for gas therein have increased and are increasing :

And whereas since the passing of the existing Act the buildings and population in the neighbourhood beyond the limits of that Act have increased and are increasing, and a demand for gas has arisen therein, and it is expedient that those limits be extended so as to include all places and parts of places within three miles from the said boundary of the said city :

And whereas it is expedient that the Company be authorised to construct additional works :

And whereas it is expedient that the Company be authorised to raise more money for the purposes of this Act and of the existing Act as amended by this Act :

And whereas it is expedient that the existing Act be in some respects amended :

And whereas the objects 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 :

Short title.

1. This Act may be cited for all purposes as "Gloucester Gaslight Company's Act, 1872."

Provisions of general Acts herein named incorporated.

2. "The Gasworks Clauses Act, 1847," and the "Gasworks Clauses Act, 1871," are (save where expressly varied or excepted by this Act) incorporated with and form part of this Act, and shall apply to the Company's undertaking, lands, works, buildings, and erections under the existing Act as well as to those under this Act.

Provisions of other general Acts herein named incorporated.

3. "The Lands Clauses Consolidation Acts, 1845," (except the clauses and provisions of that Act with respect to the purchase and taking of lands otherwise than by agreement,) "1860, and 1869," "The Companies Clauses Consolidation Act, 1845," and Part I., relating to the cancellation and surrender of shares, and Part II., relating to additional capital, of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," are (save where expressly varied or excepted by this Act) incorporated with and form part of this Act.

Interpretation of terms.

4. In this Act the expression "the Company" means the Gloucester Gaslight Company; the word "share" includes stock; the expression "the local board" means the mayor, aldermen, and citizens of the city of Gloucester, as and being the local board of

health for the said city; and the expression "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute; and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

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5. The section (4) of the existing Act defining its limits is hereby repealed, and henceforth the limits of the existing Act as amended by this Act shall comprise and include the old city of Gloucester as it existed immediately before the passing of the Act (2 Wm. IV. cap. 45) to amend the representation of the people in England and Wales, and all places and parts of places within three miles, measured (in a straight line on a horizontal plane) in every direction from the boundary of the old city as it so existed as aforesaid, and within and throughout the said limits the existing Act, as amended by this Act, and this Act shall henceforth be in force and have effect.

Extending limits of supply.

6. The Company may from time to time raise (in addition to their present capital) any further sums, not exceeding in the whole fifty-three thousand six hundred pounds, by the creation and issue of new ordinary or preference shares or stock in their capital, or at the option of the Company by any of those modes, but no such share shall be of less amount than ten pounds.

Power to Company to raise additional capital.

7. The Company shall not issue any share or portion of stock created under the authority of this Act, nor shall any share or portion of stock vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share or portion of stock shall have been paid in respect thereof.

Shares not to issue until one fifth paid up.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

9. All new shares and new stock created under the authority of this Act shall (whether at the time of the issue thereof the Company's ordinary shares or ordinary stock be or be not at a premium) be offered to the then holders of the Company's ordinary shares and ordinary stock according to the provisions of the Companies Clauses Act, 1863, and all such new shares and new stock, of which any such holder shall not, within twenty-one days after the offer thereof to him, signify his acceptance, shall at the expiration of that period

Shares not taken by shareholders to be offered to the public.

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be offered to others of such holders as the directors think fit, but (so far as the circumstances will allow) according to the said provisions or as near thereto as may be, and so on toties quoties, until the whole of such new shares or new stock shall have been accepted or declined by such holders, or six months shall have elapsed from the issue of the new shares or new stock, and all such new shares and new stock of which no such holder shall before the expiration of that period of six months have signified his acceptance, shall at the expiration of that period be offered for sale by public auction or otherwise, within the city of Gloucester, in lots of not more than five shares each, and in such manner, at such times, and subject to such terms and conditions of sale not inconsistent with the provisions of this Act as the directors of the Company think fit: Provided that at any such sale the reserved price shall not be more than the nominal value of the shares offered for sale.

Sales to be advertised.

10. Every such sale by auction shall be advertised once in each of two successive weeks before the sale in some one and the same newspaper published in the city of Gloucester.

Application of premia.

11. All moneys received upon such sales by way of premium shall be applied as part of the capital of the Company but shall not be entitled to dividend.

Limit of dividends on new capital.

12. The Company shall not in any year pay out of their profits any larger dividend on the additional share capital of fifty-three thousand six hundred pounds, to be raised under the powers of this Act, than seven pounds in respect of every one hundred pounds actually paid on ordinary shares, or six pounds in respect of every hundred pounds actually paid on preference shares.

Power to borrow on mortgage.

13. The Company may from time to time, in addition to the sums authorised by the existing Act to be borrowed, borrow on mortgage in respect of each ten thousand pounds of the additional capital by this Act authorised, any sums not exceeding two thousand five hundred pounds.

Restriction on borrowing.

14. Provided that no part of any one of the said sums of two thousand five hundred pounds, by this Act authorised to be borrowed, shall be so borrowed until the whole of the respective portion of additional capital, in respect of which it is to be borrowed, is subscribed for, issued, and accepted, and one half of that portion of additional capital is 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 the whole of such portion of 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 or portion of stock in such portion of additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such portion of additional capital was issued bona fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same, and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

15. All mortgages and bonds granted by the Company in pursuance of the existing Act, and subsisting at the time of the passing of this Act, shall, during the continuance thereof, have priority over all mortgages granted in pursuance of this Act.

Existing mortgages to have priority.

16. Notwithstanding anything in the existing Act contained the exercise of the Company's powers of borrowing or reborrowing, whether under that Act or under this Act, may be authorised by the order of any general meeting of the Company, whether ordinary or extraordinary.

Amendment of sec. 30. of existing Act.

17. The amount owing to the mortgagees, by whom the application for a receiver is made, shall not be less than two thousand four hundred pounds in the whole.

Appointment of a receiver for mortgagees.

18. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock at any time to be created and issued by the Company shall rank pari passu with the interest of all mortgages to be at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Interest on mortgages and debenture stock to rank equally.

19. All moneys raised on mortgage by the Company under this Act, and the interest due thereon, and the interest due on debenture stock created and issued by the Company after the passing 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 debts incurred or engagements entered into by the Company after the passing of this Act; but this priority shall not affect any claim against the Company in respect of any rentcharge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by, or payable under any lease granted or made to the Company by any person in pursuance of any Act relating to the Company, which is entitled to rank in priority to, or pari passu with, the interest or dividends on the mortgages, bonds, and debenture stock; nor shall

Priority of mortgages and debenture stock over other debts, &c.

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Application of moneys.

20. All moneys raised under this Act, whether by shares or borrowing shall be applied only for the purposes of this Act and of the existing Act, as amended by this Act, and the Company may apply, for the purposes of this Act, any moneys raised or to be raised under the existing Act, and which they do not require for the purposes of that Act.

Price of gas.

21. For gas supplied by meter at distances of more than one mile from the said boundary of the said city the Company may demand and take any sums not exceeding the rate of six shillings for every thousand cubic feet, and with respect to gas supplied within the limits of the existing Acts, the section numbered fifty-six of that Act shall henceforth be read and have effect as if the words five shillings were therein substituted for the words five shillings and sixpence.

Power to purchase lands and maintain and erect gas-works.

22. The Company may purchase by agreement, and may hold the lands described in the schedule to this Act, or any part thereof, and may on those lands, or any part thereof, erect, construct, and maintain, and from time to time alter or enlarge retorts, gas-holders, receivers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and all proper approaches and conveniences for the purposes of such works.

Prohibiting certain works except on lands described in schedule.

23. The Company shall not manufacture gas, or convert or manufacture any residual products, except upon the lands described in the schedule to this Act, or upon the lands upon which they are by the existing Act authorised to effect those objects; nor shall they, except upon the lands mentioned or referred to in this section, store gas without the previous consent, in writing, of the owner, lessee, and occupier of every dwelling-house situate within three hundred yards of the limits of the site where gas is intended to be stored.

Contingent further prohibition.

24. Provided that, after the expiration of eight years from the passing of this Act, the Company shall not manufacture gas upon the lands on which they are by the existing Act authorised to manufacture it, unless on or at any time before the expiration of those eight years, the local board consent, in writing, under their common seal to the continuance of the manufacture on those lands,

and such consent may be either absolute and unqualified, or it may be for such period (renewable or otherwise) and on such (if any) conditions as the local board think fit. A.D. 1872.

25. Subject to the provisions of this Act and the incorporated Acts the Company may manufacture, purchase, supply, hire, sell, let, lay down, place and maintain gas-fittings, meters, pipes, pillars, lamp-posts, lamps, burners, and other articles and things connected with gasworks or with the supply of gas for public or private consumption in such manner as they think proper. Power to supply gas fittings, &c.

26. Subject to the provisions of this Act and the incorporated Acts, the Company may convert, manufacture, sell, and dispose of coke, coal, tar, pitch, asphaltum, ammoniacal liquor, sulphate of ammonia, muriate of ammonia, chemicals, oil, and all other products, refuse or residuum arising, remaining, produced by, or obtained from the manufacture of gas by them, or the materials used therein, and may (but only for the purposes of the Company within the limits of the existing Act and of this Act, and not so as to acquire any exclusive right therein) contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture or distribution of gas, or the conversion, manufacture, or utilization of the said products, refuse, or residuum, or otherwise, in relation thereto. Power to convert residual products and take licenses.

27. On the expiration of six months from the passing of this Act the sections of the existing Act relating to the quality of the Company's gas (numbered 57) relating to the erection of a meter (numbered 58), relating to the testing and imposing a penalty for inadequate illuminating power (number 59), and relating to the costs of experiments (numbered 60) are by this Act repealed, but until the expiration of that period the number of candles, the testing place, and the apparatus required by those sections shall be deemed the prescribed number of candles, testing place, and apparatus within the meaning of the "Gasworks Clauses Act, 1871." Repeal of certain provisions of existing Act.

28. On and from the expiration of six months from the passing of this Act the prescribed pressure in the mains shall be such as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water 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, the prescribed number of sperm candles of six in the pound shall be fifteen, the prescribed place for the testing place Future pressure, quality of gas, testing place, &c.

A.D. 1872. shall be any place within the Company's works for the time being, and 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 the gas flame tails over the top of that glass a six inch by two inch chimney shall be used.

Power to purchase other lands.

29. In addition to the lands described in the schedules to this Act and the existing Act, the Company may, by agreement, but not otherwise, purchase any other lands not exceeding in the whole five acres.

Contracts with corporations.

30. Any contract made by the Company with any board, corporation, or public body, or with any justice, shall not disqualify any member of such board, corporation, or body for the office of director of the Company, or disqualify any such justice for acting in the execution of this Act, or of the existing Act.

Powers to local authorities as to lighting.

31. Any highway board, local board of health, or other local authority having jurisdiction over any parish, hamlet, or place which, or any part of which, is within the extended limits of the existing Act as amended by this Act, but beyond the limits of the existing Act as it stood before the passing of this Act, and any trustees of any turnpike road wholly or partly within the said extended limits may enter into and carry into effect contracts and arrangements with the Company for the lighting for public purposes of all or any parts of the said parishes, hamlets, or places within the said extended limits, and may apply for the purposes of such contracts and arrangements any funds belonging to them or under their control, and the proceeds of any poor rates, highway rates, or other rates which they are authorised to levy in the said parishes or places, and the purposes of the said contracts or arrangements shall be deemed to be purposes for which such rates may be levied and the amount required for the same may be included in the assessments for such rates, and either prospectively or retrospectively.

Expenses of Act.

32. All the costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

The SCHEDULE to the foregoing Act.

A piece or parcel of land, being the northern portion of a pasture field called "Oakleys," situate in the parish of Hempstead in Gloucestershire, belonging or reputed to belong to and occupied by the Rev. Samuel Lysons, clerk, which said piece or parcel of land is bounded on the northward by a pasture field called Podesmead meadow, otherwise the Plocks, and new land, part of the Podesmead estate, on the eastward by Little Canfield, other part of the said Podesmead estate, on the southward by the remainder of the said field called Oakleys, and on the westward by the Gloucester and Bristol turnpike road, and measures on the northward side adjoining Podesmead meadow, otherwise the Plocks and new land, two hundred and forty-three yards or thereabouts, on the eastward side adjoining Little Canfield one hundred and ninety-three yards or thereabouts, on the southward side adjoining the remainder of Oakleys three hundred and forty-seven yards or thereabouts, and on the westward side adjoining the said turnpike road one hundred and eighty-three yards or thereabouts.

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