



### CHAPTER xviii.

An Act for conferring further powers on the Wolverhampton Gas Company. [29th April 1893.]

A.D. 1893.

**W**HEREAS by the Wolverhampton Gas Act 1852 (herein-after called "the Act of 1852") the Wolverhampton Gas Company (herein-after called "the Company") was dissolved and reincorporated for the purpose of (amongst other things in the said Act mentioned) supplying gas in the townships of Wolverhampton and Wednesfield and the parish of Tettenhall in the county of Stafford which townships and parish constitute the limits of the Act of 1852 :

And whereas it is expedient to extend the Company's existing limits of supply so as to include within such limits the parishes of Bushbury Penn and Codsall all in the county of Stafford :

And whereas it is expedient that the Company be authorised to acquire additional lands and to erect additional works for the manufacture and storage of gas and to construct the other works by this Act authorised :

And whereas plans showing the lands which may be taken for the purposes or under the powers of and plans and sections showing the lines and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Stafford and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas by the Act of 1852 the capital of the Company was fixed at eighty-eight thousand nine hundred and sixty pounds divided into eight thousand eight hundred and ninety-six shares of ten pounds each which have since been consolidated into ordinary stock with a maximum dividend at the rate of ten per centum per annum and the Company have also converted into like stock the sum of ten thousand pounds which prior to the

A.D. 1893. — passing of the Act of 1852 had been borrowed by them on mortgage or bond :

And whereas under the authority of the Wolverhampton Gas Order 1875 (herein-after called "the Order of 1875") the Company have raised further capital to the amount of forty-nine thousand four hundred and eighty pounds divided into preference shares of five pounds each with a maximum dividend at the rate of six per centum per annum and have also borrowed and now owe on mortgage or bond the sum of twelve thousand three hundred and seventy pounds :

And whereas the whole of the said sums has been expended and it is expedient that the Company should have power to raise further capital and that their powers of borrowing should be enlarged and that the said preference shares should be converted into preference stock of the same nominal value and bearing the same rate of dividend :

And whereas it is expedient that the Company should be empowered to dispose of their Horseley Fields Works :

And whereas it is expedient that the Company should have power to reduce the number of directors :

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 (that is to say) :—

Short title.

1. This Act may be cited as the *Wolverhampton Gas Act 1893.*

Incorporation of Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) The Lands Clauses Acts the Gasworks Clauses Act 1847 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) the distribution of the capital of the Company into shares the transfer or transmission of shares the payment of subscriptions and the means of enforcing the payment of calls the forfeiture of shares for non-payment of calls the remedies of creditors of the Company against the shareholders the borrowing of money the conversion of the borrowed money into capital the consolidation of shares into stock and the provision to be made for affording access to the special Act by all parties interested and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 and the Gasworks Clauses Act 1871 except where expressly varied by or

inconsistent with this Act shall apply to the undertaking of the Company as if the same had been authorised by this Act. A.D. 1893.

**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 : Interpretation.

The expression "the corporation" means the mayor aldermen and burgesses of the borough of Wolverhampton :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.

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

**5.** The limits within which the Company may supply gas are hereby extended so as to include in addition to their existing limits of supply as defined by the Act of 1852 the parishes of Bushbury Penn and Codsall all in the county of Stafford and the Company may for the purposes of such supply exercise within such extended limits the same powers as they are by the Act of 1852 and by this Act authorised to exercise within their said existing limits. Limits of supply.

**6.** Subject to the provisions of this Act the Company may enter upon take and use the lands shown on the deposited plans and Power to take lands.

A.D. 1893. — described in the deposited book of reference and hold and use the same for the purposes of their undertaking.

Limit of time for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the date of the passing of this Act.

Power to construct new gas-works.

8. Subject to the provisions of this Act the Company may on the lands described in the schedule to this Act erect lay down and maintain gasworks retort-houses retorts gas-holders reservoirs purifiers stores sewers drains mains pipes meters machinery and other apparatus works and conveniences for the manufacture conversion utilization storage and supply of gas coke tar pitch and other residual products obtained in the manufacture of gas and matters producible therefrom and on the said lands may make store and convert gas and all other residual products and manufacture purchase hire sell supply and deal in coal coke tar pitch lime ammoniacal liquor sulphate of ammonia oil and other residual products arising or resulting therefrom or used in the manufacture of gas and also meters tubes pipes burners fittings apparatus and other articles and things in any way connected with the supply of gas and may erect fit up maintain and let offices and houses and dwellings for their officers and servants :

Provided always that the Company shall not without the consent in writing of the Electric Construction Corporation Limited owners of land and works at Gorsbrook in the parish of Bushbury their successors or assigns manufacture or produce at their present works or on the lands shown on the deposited plans and described in the deposited book of reference chlorine or any compounds or products of chlorine nor any sulphuric acid except to such extent (if any) as is produced by or in the manufacture of gas according to the ordinary methods in use in such manufacture.

Power to purchase lands by agreement. Gas not to be manufactured except on lands scheduled.

9. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands shown on the deposited plans any lands and hereditaments not exceeding in the whole ten acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands on which their present works are situate and the lands described in the schedule to this Act.

For the protection of the London

10. The following provisions for the protection of the London and North Western Railway Company (herein-after called "the

railway company") shall unless otherwise agreed be in force and have effect and be binding on the Company :—

A.D. 1893.  
and North  
Western  
Railway  
Company.

(1.) The Company shall not without the previous consent in writing of the railway company under their common seal take use enter upon or in any way interfere with either temporarily or permanently any lands or property belonging to the railway company and shown on the deposited plans nor shall the Company without the like consent erect on the lands described in the schedule to this Act any gasometer gasholder or other building within a distance of eleven yards measured in a westerly direction from the west boundary of the existing railway of the railway company :

(2.) In laying down and executing or (except in case of urgent necessity) in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge or level crossing the Company shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable.

11.—(1.) Any mains or pipes which the Company may lay down in or along any road crossing either over under or on the level of

For the pro-  
tection of  
the Great

A.D. 1893.  
Western  
Railway  
Company.

the railway of the Great Western Railway Company (herein-after referred to as "the Great Western Company") shall so far as they may affect such railway be laid down by the Company at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Company and in accordance with plans and sections (when required by such engineer) previously submitted to and approved of by him in writing within fourteen days after the submission to him of such plans and any of such mains or pipes from time to time renewed or repaired by the Company shall (except in case of emergency of which the Company's engineer shall be sole judge) be renewed and repaired in the same manner and under the like conditions. Provided that where any mains or pipes require to be laid under or over any level crossing of the said railway the Great Western Company may if they elect so to do themselves lay the said mains or pipes at the costs charges and expenses of the Company :

(2.) The said mains or pipes shall be so laid down maintained repaired and used by the Company as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works :

(3.) The Company shall at all times keep the Great Western Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes as aforesaid :

(4.) If the Great Western Company at any time hereafter require to construct any additional or other works upon their lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the Great Western Company may on giving to the Company seven days' notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and to the reasonable satisfaction of the Company's engineer without being liable to pay compensation to the Company in respect of the exercise by the Great Western Company of the powers of this subsection but in case of any damage being done to the Company's works by the Great Western Company the same shall be made good by that Company.

**12.** In the case of lands acquired by the Company by compulsion the prescribed period within the meaning of section 127 of the Lands Clauses Consolidation Act 1845 shall be ten years from the passing of this Act. A.D. 1893.  
Prescribed  
period for  
sale of lands.

**13.** The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied : Restriction  
on taking  
houses of  
labouring  
class.

For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

**14.** Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described :— Power to  
construct  
basin and  
other works.

A canal basin with a cut or entrance to the Birmingham Canal and a bridge for carrying the towing-path of the canal over such cut or entrance such cut or entrance joining the canal at a point under or near to the existing bridge of the Company over the canal ;

The widening to an extent of not exceeding three feet of the said existing bridge and of the approaches thereto ;

The diversion and straightening of the portion of the Gorsbrook running through the lands shown on the deposited plans and the arching over all or part of such portion of the Gorsbrook with an arch of not less than six feet span :

Provided always that if the Company under the powers of this Act divert any part of the Gorsbrook the centre line of which now forms the boundary of the borough of Wolverhampton they shall set up and maintain to the reasonable satisfaction of the corporation sufficient permanent landmarks to indicate the present boundary line.

**15.** The Company may from time to time take and use water from the Birmingham Canal for the purpose of supplying the basin authorised by this Act with water. Power to  
take water  
from Bir-  
mingham  
Canal.

A.D. 1893.

Power to  
Company to  
sell lands.

**16.** The Company may notwithstanding anything contained in the Act of 1852 from time to time sell and dispose of or let on lease the site of their existing Horseley Fields Works or any part thereof with the buildings works holders reservoirs and other machinery plant apparatus and conveniences thereon or any part thereof and any other works or property acquired by them and not for the time being required for the purpose of their undertaking.

Conversion  
of preference  
shares into  
stock.

**17.** The existing fully paid-up preference shares of the Company to the amount of forty-nine thousand four hundred and eighty pounds with a maximum dividend of six per centum per annum shall be and are hereby converted into preference stock of the like amount and with the same maximum rate of dividend.

New  
certificates.

**18.** The Company shall call in and cancel all the certificates of existing preference shares and shall issue in lieu thereof to every holder of such shares a new certificate for an equivalent amount of preference stock.

Vesting  
preference  
stock in  
present  
holders of  
preference  
shares.

**19.**—(1.) The said preference stock shall be vested in the several persons who immediately before the passing of this Act were the registered proprietors of the preference shares for which the same is substituted and all the stock so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the shares for which the same is substituted and every deed or other instrument or any testamentary disposition of or affecting the existing shares shall take effect with reference to the whole or a proportionate part as the case may be of the substituted preference stock :

(2.) Every such new certificate shall be issued free of charge :

(3.) No preference shareholder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the share certificate for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the Company the loss thereof.

Power to  
Company to  
raise  
additional  
capital.

**20.** The Company may from time to time raise additional capital not exceeding in the whole eighty thousand pounds by the creation and issue of new ordinary shares and stock or new preference shares and stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock (if such share or stock shall be issued at or above par) together with any



premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce (including any premiums which may be obtained on the sale thereof) the sum of eighty thousand pounds.

A.D. 1893.

**21.** In case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividends on different classes of ordinary stock or shares to be paid proportionately.

**22.** Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

**23.** It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

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

**24.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Wolverhampton and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

As to notice to be given as to sale &c. of shares or stock.

**25.** When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the

Shares or stock not sold by

A.D. 1893.  
 —  
 auction or  
 by tender  
 to be offered  
 to share- or  
 stock  
 holders.

same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Application  
 of premium  
 arising on  
 issue of  
 shares or  
 stock.

**26.** Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that in any case where a power to raise money by borrowing or to create an insurance fund is made proportionate to the paid-up capital the premiums received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

Limitation  
 of profits of  
 Company.

**27.** From and after the thirty-first day of December one thousand eight hundred and ninety-three except as by this Act provided the profits of the Company to be divided amongst the shareholders in any year shall not exceed the following rates (in this Act referred to as "the standard rates of dividend") (that is to say):—

On the original capital of ninety-eight thousand nine hundred and sixty pounds the rate of ten pounds in respect of every one hundred pounds of such capital:

On the additional capital of forty-nine thousand four hundred and eighty pounds authorised by the Order of 1875 the rate of six pounds in respect of every one hundred pounds of such capital:

On the additional capital to be raised under the powers of this Act the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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

A.D. 1893.

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

**29.** If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and dividends at the authorised rates on the ordinary capital of the Company the excess or such portion of it as is not carried to the insurance or reserve fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Application of excess of profits over standard rates of dividend.

**30.** Section thirty-five of the Act of 1852 prescribing the amount of the reserved or contingent fund of the Company is hereby repealed.

Repeal of section thirty-five of Act of 1852.

**31.** Where in any year the dividend of the Company on the ordinary capital of the Company shall exceed the standard rates by reason of the price charged by the Company for gas in such year or any part thereof being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act may be invested in Government or other

Power to create a reserve fund out of dividends in excess of the standard rates of dividend and application thereof.

A.D. 1893. securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rate on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow in respect of existing capital.

**32.** The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking any sums not exceeding in the whole inclusive of the sum of ten thousand pounds which has been already converted into stock and of the sum of twelve thousand three hundred and seventy pounds now owing by the Company on mortgage under the Order of 1875 one-fourth part of the aggregate amount of the existing capital of the Company under the Act of 1852 and the Order of 1875.

Power to borrow in respect of additional capital.

**33.** The Company may from time to time subject to the provisions of this Act and in addition to the other sums by this Act authorised to be borrowed borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof Provided that no higher rate of interest than four per centum per annum shall be paid by the Company in respect of any moneys borrowed by them under this Act.

Power to create debenture stock.

**34.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages created and issued or granted by the Company at any time after the passing of this Act under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates

of the securities or of the Acts of Parliament or resolutions by which such stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages:

A.D. 1893.

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock:

No higher rate of interest shall be paid upon debenture stock issued under this Act than that payable upon moneys borrowed under this Act.

**35.** The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

**36.** All money to be borrowed by the Company on mortgage or debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by the Company after the passing of this Act:

Mortgages to have priority over other debts.

Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

**37.** All mortgages granted by the Company under the Order of 1875 and subsisting at the passing of this Act shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act.

Existing mortgages to have priority.

**38.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

A.D. 1893.  
Application  
of moneys.

**39.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and of the Act of 1852 and to the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Dividend  
dependent  
on price  
charged.

**40.** The standard price to be charged by the Company for gas supplied by them shall be two shillings and ninepence per one thousand cubic feet. Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary share capital or stock as follows:—

In respect of any year during which the price charged by the Company shall have been one penny or more above the standard price the dividend payable by the Company shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

And in respect of any year during which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Pressure of  
gas.

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

42. For the purposes of the Gasworks Clauses Act 1871 the prescribed number of candles shall be fifteen and in addition to the provisions of that Act with regard to purity the gas supplied by the Company shall not contain more than twenty-five grains of sulphur in any form in one hundred cubic feet of gas. The testing with regard to purity shall be on an average of three consecutive days.

A.D. 1893.

Quality of gas.

43. Within six months from the passing of this Act a testing place shall be provided by the Company at such place or places as may be agreed upon between the Company and the corporation or failing agreement determined by an arbitrator appointed by the Board of Trade on the application of either party. The Company shall at their cost provide and maintain one such place and testing apparatus in accordance with the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing the gas shall be Sugg's London Argand Number 1 with a six-inch by two-inch glass chimney and the corporation shall bear the cost of providing and maintaining the place and apparatus at any testing place or places except the first place agreed upon or determined as aforesaid.

Testing place.

44. The Company may if they think fit allow discounts or rebates not exceeding in any case ten per centum to consumers of gas in consideration of prompt payment of gas rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Company and such consumers. Provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Discounts.

45. Section 46 (Power to sell works to Corporation of Wolverhampton) of the Wolverhampton Gas Act 1852 shall extend and apply to the undertaking of the Company as by this Act extended and enlarged.

Extension of section forty-six of Act of 1852.

46. The Company may enter into and carry into effect agreements with any sanitary authority or company for the supply of gas for resale and distribution within or beyond their own authorised limits of supply.

Supply of gas in bulk.

47. The Company may supply and fix gas meters and fittings including stoves engines or any other machinery and apparatus that may be incidental to or applicable for or required to facilitate the use of gas for lighting domestic trading or any other purposes to which gas can be applied and may sell and let the same on hire.

Supply of gas fittings apparatus &amp;c.

A.D. 1893. **48.** The Company may take hold and use patent rights or licenses or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilization or distribution of gas and such materials and residual products as herein-before mentioned.

Power to hold licenses under patent rights.

**49.** The Company may from time to time reduce the number of directors provided that the number be not less than seven and section twenty-five of the Act of 1852 is hereby repealed.

Power to reduce number of directors.

**50.** The Company on the one hand and the Company of Proprietors of the Birmingham Canal Navigations on the other hand may from time to time enter into and carry into effect agreements with reference to the works by this Act authorised so far as the same affect the canal or property of the said company of proprietors and with reference to the existing or any future bridge of the Company over the said canal and any such agreements may be by way of alteration extension or modification of the existing agreement between the said companies dated the seventeenth day of June one thousand eight hundred and eighty-one.

Power to make agreements with Birmingham Canal Company.

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

Costs of Act.



**SCHEDULE** referred to in the foregoing Act.A.D. 1893.  

---

**LANDS ON WHICH THE COMPANY MAY MANUFACTURE GAS AND RESIDUAL PRODUCTS.**

Certain lands in the townships and parishes of Wolverhampton and Bushbury in the county of Stafford containing six acres one rood and seventeen perches or thereabouts now in the occupation of the Company and the Great Western Railway Company or their tenants and bounded on the north-west by a railway siding belonging to the Company and connecting the Company's existing works with the London and North Western Railway on the east by the embankment and viaduct of the London and North Western Railway on the south-east partly by the Gorsbrook and partly by land belonging or reputed to belong to the Great Western Railway Company and on the south-west by the towing path and property or reputed property of the Company of Proprietors of the Birmingham Canal Navigations.

---

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET, GLASGOW; or  
HODGES FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

